

NB: Unofficial translation

- Ministry of Justice, Finland

Paternity Act

(700/1975; amendments up to 379/2005 included)

Chapter 1— **General provisions**

Section 1—*Scope of application of the Act*

The provisions of this Act shall apply to the presumption of paternity, the establishment of the relationship between a child and his father as well as to the annulment of this relationship.

Section 2—*Presumption of paternity on the basis of marriage* (351/1980)

The husband is the father of a child born during marriage. If the marriage is dissolved before the birth of a child due to the death of the husband, he is the father of the child if the date of birth of the child after the dissolution is such that the child could have been conceived during the marriage. However, if the mother has entered into a new marriage before the birth of the child, the latter husband is the father of the child.

Section 3—*Establishment of paternity by acknowledgement and decision of the court*

- (1) When a man who was not married to the mother of the child at the time of the birth of the child wants to acknowledge his paternity, the provisions of chapter 3 on the acknowledgement of paternity shall apply to such acknowledgement. (351/1980)
- (2) The court shall establish that the man is the father of the child if it is shown that he had intercourse with the mother at the time of conception, and if, in view of the statements of the mother of the child and the man as well as all the other circumstances, it is deemed proven that the man has conceived the child. The provisions of chapter 4 shall apply to the court proceedings for the establishment of paternity.

Section 4—*Annulment of paternity* (351/1980)

The paternity of the husband may be annulled through acknowledgement. The court may upon an action establish that the husband or a man who has acknowledged his paternity is not the father. The provisions of chapter 5 shall apply to the annulment of paternity.

Section 5—*The purpose of the investigation of paternity*

- (1) The purpose of the investigation of paternity shall be to obtain information on the basis of which paternity may be established. (351/1980)
- (2) The investigation of paternity shall be carried out in accordance with the provisions of this chapter if the child has not reached fifteen years of age. The provisions of section 43 shall apply to the investigation of paternity if the child has reached fifteen years of age.

Section 6—*Authority responsible for the investigation of paternity*

- (1) The child welfare supervisor shall attend to the investigation of paternity. The Social Welfare Act (34/1950) shall govern the child welfare supervisor and his functions.¹
- (2) The investigation of paternity shall be the responsibility of the child welfare supervisor of the municipality in which the mother has her habitual residence. If the mother has died or has no habitual residence in Finland, the investigation of paternity shall be the responsibility of the child welfare supervisor of the municipality of the habitual residence of the child.

Section 7—*Discussion on the investigation of paternity*

- (1) Before the investigation of paternity is initiated, the child welfare supervisor shall reserve the mother an opportunity to take part in a discussion on the investigation of paternity. In this discussion, the child welfare supervisor shall explain to the mother the consequences of the establishment of paternity in respect to the legal and economic status of the child. In addition, the mother shall be informed of the measures which the child welfare supervisor shall undertake in order to obtain information related to the paternity.
- (2) At the conclusion of the discussion the child welfare supervisor shall ask the mother whether or not she wants the child welfare supervisor to attend to the investigation of paternity.
- (3) The discussion on the investigation of paternity shall be initiated without delay after the child welfare supervisor is informed of the birth of the child either by the mother, by a man who wants to acknowledge his paternity, by or the population registrar.

¹

Translator's note: this Act has been replaced by the Social Welfare Act (710/1982). In Finland the child welfare supervisor is a special child welfare officer who is responsible for the establishment of paternity and the recovery of maintenance in favour of children.

Section 8—*Initiation of the investigation of paternity*

- (1) After the conclusion of the discussion the child welfare supervisor shall initiate the investigation of paternity and complete it without undue delay. If it has not been possible to arrange a discussion, the child welfare supervisor shall initiate the investigation of paternity without delay after he is informed of the birth of the child in the manner referred to in section 7(3).
- (2) The child welfare supervisor may not initiate or continue the investigation of paternity against the will of the mother if she informs the child welfare supervisor in writing that she objects to the investigation of paternity and if the child is in her custody or care.
- (3) However, the investigation of paternity shall be carried out in spite of the objections of the mother if a man who considers himself to be the father of the child acknowledges his paternity.
- (4) The investigation of paternity may be initiated even before the birth of the child upon the request of an unmarried pregnant woman. However, the investigation may not be concluded nor an opportunity provided for the man to acknowledge his paternity until after the child is born.

Section 9—*Obtaining information for the investigation of paternity*

In the investigation of paternity, the child welfare supervisor shall obtain the information necessary for the establishment of paternity from the mother and from other persons who can provide information on matters pertaining to the paternity.

Section 10— *The obligation of the mother to provide information for the investigation of paternity*

A mother who wants the child welfare supervisor to attend to the investigation of paternity shall provide the child welfare supervisor with truthful information on all matters necessary for this investigation. In particular, the mother shall name the men with whom she had sexual intercourse at the time the child was conceived.

Section 11— *Obtaining medical statements*

- (1) The child welfare supervisor shall obtain the report of a medical expert on the time of conception unless, in the light of other information received, this can be deemed unnecessary.
- (2) **The child welfare supervisor shall order genetic tests, referred to in section 1 of the act on genetic testing to establish paternity, to be performed on the child, the mother and a man who may be the father of the child, if the man requests the tests or if the child welfare supervisor otherwise deems it necessary. If the tests by virtue of the mentioned act may be ordered to be performed on another person than those referred to above, the child welfare supervisor may, if he or she deems this necessary, order the tests to be performed.**
(379/2005)

- (3) **Genetic testing to establish paternity may be performed in connection to investigation of paternity only with the consent of the person being tested. If the tests intend to be performed on a deceased person, who did not consent to the testing when he or she was alive, the consent must be obtained from the surviving spouse and the heirs. (379/2005)**
- (4) **If the genetic tests intend to be ordered to be performed on both parents or one of the parents of the man or the mother, or on another relative of the man or the mother, the provisions in sections 6, 7, 9 and 11 (1) of the act on genetic testing to establish paternity apply, as appropriate, to the tests and consenting to them. (379/2005)**

Section 12— *Reserving the man an opportunity to acknowledge the child*

If the child welfare supervisor deems that the paternity of the child has been proved, he shall reserve the man an opportunity to acknowledge his paternity.

Section 13— *Discontinuation of the investigation of paternity*

- (1) If it is evident that the information available for the establishment of paternity is insufficient, the social welfare board may, on the motion of the child welfare supervisor, decide that the investigation of paternity shall be discontinued.
- (2) The child welfare supervisor shall make the motion referred to in paragraph (1) when he comes to the conclusion that it is evidently futile to continue the investigation. Notwithstanding an earlier decision, the social welfare board may order that the investigation of paternity shall be continued if the circumstances have changed so that sufficient information for the establishment of paternity is likely to be available.

Section 14— *Record of the investigation of paternity*

The child welfare supervisor shall prepare a record of the investigation of paternity. The record shall show all the information that is relevant for the establishment of paternity. When necessary, the record shall also show information on matters that are relevant for a decision on maintenance.

Chapter 3— **Acknowledgement of paternity**

Section 15— *Issuing a statement of acknowledgement*

- (1) A man who wants to acknowledge his paternity shall notify a child welfare supervisor, a population registrar or a notary public in person that he is the father of the child. The provisions of the Foreign Service Act (651/1963) shall govern the notary public in the foreign service of Finland. A man who, upon the conclusion of marriage, wants to acknowledge that he is the father of the child of his fiancée may give his statement of acknowledgement also to the person officiating at the wedding.²
- (2) Before the acknowledgement is made, the official receiving the acknowledgement shall inform the man of its significance and legal effects.
- (3) The statement of acknowledgement may be made also in a foreign State in accordance with the form and proceedings stipulated by the law of said State. (367/1983)
- (4) Paternity may not be acknowledged before the birth nor after the death of the child. (367/1983)

Section 16— *Approval by the child*

If the child is legally competent, the acknowledgement shall be subject to his approval. The acknowledgement shall be subject to the approval of a minor child if, under chapter 12, section 1(2) of the Code of Judicial Procedure, the child has the right to file and to carry out a lawsuit in matters pertaining to his person.

Section 16a— *Approval by the mother and husband* (351/1980)

If the acknowledgement concerns a child referred to in section 2, the acknowledgement shall be subject to the approval of the mother and the husband.

Section 17— *Hearing of guardians and the mother of the child*

- (1) When a minor has acknowledged his paternity, his guardian shall also be reserved an opportunity to be heard in the matter. However, the guardian need not be heard if, under chapter 12, section 1(2) of the Code of Judicial Procedure, the minor has the right to file and carry on a lawsuit in matters pertaining to his person.
- (2) If the child being acknowledged is a minor, the mother and the guardian of the child shall be reserved an opportunity to be heard on the acknowledgement.

Section 18— *Hearing and approval proceedings*

- (1) A child welfare supervisor who, under section 6(2), shall attend to the investigation of paternity, shall ensure that the guardians and the mother of the child are reserved an opportunity to be heard on the acknowledgement. If the acknowledgement is subject to the approval of the child, mother or husband, the child welfare supervisor shall reserve them an opportunity to give their consent to the acknowledgement. (351/1980)
- (2) The hearing may also be arranged and the consent received by an authority who, under section 15(1), may receive the statement of acknowledgement. (351/1980)
- (3) The provisions of section 15 on acknowledgement shall otherwise apply to the hearing and the receipt of approval.

Section 19— *Form of acknowledgement and approval of acknowledgement*

A dated and duly signed document shall be drafted on the acknowledgement and consent thereto. The document shall be signed by the man acknowledging his paternity and by the official receiving the acknowledgement. If the acknowledgement is subject to the consent of the child, mother or husband, the document shall be signed also by them and the recipient of the consent.

Section 20— *Enforcement of acknowledgement (927/2002)*

- (1) After a man has acknowledged his paternity, the child welfare supervisor responsible for the investigation of paternity under section 6 (2), shall without delay send the documents on the acknowledgement and the record of the investigation of paternity for approval to the local register office of the district in which the child welfare supervisor is operating.
- (2) The decision on the approval of the acknowledgement is made by the local register office. The acknowledgement shall be approved, if
 - (1) the acknowledgement has been made in the manner provided in sections 15–19; and
 - (2) there is no reason to assume that the man who has acknowledged his paternity is not the father of the child.
- (3) Paternity shall be deemed established by acknowledgement when the man has acknowledged his paternity in the manner provided in section 15 (1) and (3), and the local register office has approved the acknowledgement.

Section 21— *Remedying deficiencies (927/2002)*

If the acknowledgement has not been made in the manner provided in sections 15–19 or if the reports regarding paternity are deficient, the local register office shall, if necessary, urge the child welfare supervisor to remedy the errors or deficiencies, to supplement the record of the investigation of paternity or to obtain further information.

Chapter 4— **Court proceedings for the establishment of paternity**

Section 22— *Right of action (927/2002)*

- (1) The child has the right of action for the establishment of paternity.
- (2) The man has the right of action for the establishment of paternity, if the local register office has not approved the acknowledgement on the grounds referred to in section 20 (2)(2). The action shall be brought within one year from the date on which the man was informed of the decision of the local register office. However, the man shall not have the right of action if the acknowledgement concerns a child referred to in section 2.

Section 23— *Termination of the right of action through death*

An action for the establishment of paternity may not be brought or continued after the death of the child.

Section 24— *Exercise of the right of the child to file and carry on a lawsuit*

- (1) At a trial for the establishment of paternity, the right of a minor child shall be exercised by the child welfare supervisor referred to in section 6(2). If the child is in the care of his mother, she has the right to represent the child even if she is not yet of age. The provisions of chapter 12 of the Code of Judicial Procedure and of section 25 of this Act shall otherwise apply to the exercise of the right to file and carry on a lawsuit.
- (2) A minor who, under chapter 12, section 1(2) of the Code of Judicial Procedure, has the right to file and carry on a lawsuit in matters pertaining to his person as well as a person who, under paragraph (1), has the right to represent the child, shall be reserved an opportunity to be heard.

Section 25— *Restrictions on the right of the representative of a minor child to file and carry on a lawsuit*

- (1) An action for the establishment of paternity may not be brought on behalf of a child if the child objects to the action and the child himself has the right to file and carry on a lawsuit.
- (2) An action for the establishment of paternity may not be brought on behalf of a child under the

age of fifteen years against the will of the mother if the mother objects to the trial and the child is in her custody or care.

Section 26— *Summoning the defendant*

- (1) The child welfare supervisor shall bring action against a man for the establishment of paternity if, on the basis of the investigation of paternity, there is reason to assume that the man is the father of the child. If an action is to be brought against more than one man, they shall be summoned as defendants to the same trial.
- (2) If a man who, in the manner provided in section 15, has given notice that he is the father of the child wants to bring action for the establishment of paternity under section 22(2), the action shall be brought against the child and every man referred to in paragraph (1).
- (3) The court shall order the plaintiff to summon as defendants each man who, on the basis of the circumstances that have become evident at the trial, can justifiably be assumed to be the father of the child.
- (4) If a man to be summoned as defendant has died, his legal successors shall be summoned as defendants to the trial.
- (5) Service of the summons may not be effected through publication in the *Official Gazette* unless, upon application, the district court judge or the chairman of the city court grants permission thereto. The permission may be granted if it is shown that a man evidently tries to avoid the trial for the establishment of paternity by hiding or if such evidence of his paternity has been obtained that it shall be deemed to be in the interests of the child that the action is brought.

Section 27— *Service of the record of the investigation of paternity*

- (1) In requesting that a summons be issued in a matter concerning the establishment of paternity, the child welfare supervisor shall give the judge the record prepared on the investigation of paternity.
- (2) If someone other than the child welfare supervisor has requested the summons, the judge shall order the child welfare supervisor to deliver the record referred to in paragraph (1) to the office of the court by a specified date. The judge shall at the same time state the trial date. If the investigation of paternity has not yet been carried out, the child welfare supervisor shall attend to this without delay as provided in chapter 2 and section 43.
- (3) In issuing a summons in a matter concerning the establishment of paternity the judge shall at the same time note on the summons that a man summoned as defendant has the right to acquaint himself with the record of the investigation of paternity in the office of the court and, upon request, to receive a copy of the record.

Section 28— *Venue*

- (1) An action for the establishment of paternity shall be filed with the court with jurisdiction over the municipality in which the child welfare supervisor has attended to the investigation of paternity. The action may also be filed with the court with jurisdiction over the locality where the mother, child or guardian of the child has his or her habitual residence or where the sexual intercourse took place.
- (2) The court may transfer the case to another court referred to in paragraph (1) if this shall be deemed proper from the point of view of the clarification of the matter or for other special reason.
- (3) The issue of paternity may not be considered by another court if a case concerning the establishment of paternity is pending in a court referred to in paragraphs (1) or (2).

Section 29— *Withdrawal of action and discounting the possibility of paternity*

- (1) If an action for the establishment of paternity is brought against more than one man, the plaintiff may withdraw his action against one of them if the man does not object to the withdrawal and if the court, having heard the other defendants, consents to this.
- (2) **If an action for the establishment of paternity has been brought against more than one man, the court may, before reaching a final decision on the issue of paternity, dismiss the case against one or more of the men if, on the basis of the genetic testing to establish paternity, it may be deemed proven that the defendant cannot be the father of the child. (379/2005)**
- (3) The decision of the court referred to in paragraphs (1) and (2) shall not be subject to appeal.

Section 30— *Obtaining evidence*

- (1) The court shall on its own motion order that all the evidence deemed by the court to be necessary for a decision on the matter shall be obtained. For this purpose the court may also order the child welfare supervisor to supplement the record prepared on the investigation of paternity.
- (2) The parties or their representatives may not be heard under oath.

Section 31— *Finality of a judgment on paternity*

- (1) A decision of a lower court of general jurisdiction establishing paternity shall become final in respect of the question of paternity on the date when the period of time provided for giving notice of intent to appeal ends if, as to this decision, no such notice has been given in respect of the establishment of paternity.
- (2) If the plaintiff or defendant gives notice of his intent to appeal the decision of the lower court

establishing paternity, he shall be asked whether he intends to appeal the decision also in respect of paternity.

Section 32— *Compensation for the costs of the proceeding*

- (1) In a matter concerning the establishment of paternity the parties shall themselves be responsible for their costs.
- (2) However, a party may be ordered to compensate another party for the costs of his proceedings if there are very weighty reasons for this and if the compensation of costs can be considered reasonable in the light of the economic circumstances of the parties.
- (3) The provisions in paragraph (2) regarding the parties shall correspondingly be applied to the representatives of a party and to a person who has served as trial counsel to a party.

Section 33— *Consideration of an appeal*

- (1) If the plaintiff or defendant appeals a decision given on paternity, the appellate court shall consider the issue of paternity to its full extent in respect of all parties.
- (2) If there is reason to assume that a man who is not a party may come into question as the father of the child, this man shall be reserved an opportunity to be heard in the matter. If an investigation of the paternity of the man is deemed justified in view of section 26(3), the appellate court shall return the case in full to the lower court and order at the same time that the man shall be summoned as defendant.
- (3) If the appeal or application for leave of appeal is not immediately dismissed with or without considering the merits, if the case is not returned to the lower court, or if the court of appeal does not order an oral hearing in the matter, the appellate court shall order the respondent and all defendants before the lower court of appeal in respect of whom the action has not been withdrawn with the consent of the court or dismissed under section 29, to respond in the manner provided in chapter 30, section 1 of the Code of Judicial Procedure. At the same time the appellate court shall state that the issue of paternity shall be considered by it to its full extent in respect of all parties. (351/1980)³
- (4) The response referred to above in paragraph (3), however, shall not be required of a defendant from whom such a response is to be deemed obviously groundless. The appellate court may refrain from requiring a response or from reserving an opportunity to be heard if notice of the matter cannot be served to the party.

Chapter 5— **Annulment of paternity**

Section 34— *Grounds for annulment of paternity*

- (1) On the basis of an action the court shall establish that the husband is not the father of the child referred to in section 2 if it is shown that someone other than the husband had sexual intercourse with the mother and, in view of all the circumstances, it may be deemed proven that the child was conceived at that time or if, on the basis of the hereditary characteristics of the child or of other special circumstances, it can otherwise be deemed proven that the man is not the father of the child.
- (2) If the child was conceived before marriage or when the spouses were separated due to a breakdown of the relations between the spouses, the court shall establish that the husband is not the father of the child unless it can be proven to be probable that the spouses had sexual intercourse with one another at the time the child was conceived.
- (3) The paternity of the husband is annulled when a man other than the husband has acknowledged his paternity in the manner provided in section 15 (1), and the local register office has approved the acknowledgement. (927/2002)

Section 35— *Right of action*

- (1) An action to annul paternity may be brought by the husband, mother or child.
- (2) **The husband and mother shall bring an action within two years from the birth of the child. (379/2005).**
- (3) If the husband or mother has had a lawful excuse or he or she shows another weighty reason why the action was not brought earlier, action may be brought even after the period provided in paragraph (2) has elapsed.
- (4) The husband shall not have the right to bring an action if, after having been informed that another man had had sexual intercourse with the mother at the time the child was conceived, he has in writing after the birth of the child stated that the child is his.

Section 36— *The right of action of the legal successors of the husband*

If the husband has died without losing his right to bring action, his surviving spouse and anyone who is the nearest heir of the husband in addition to or after the child shall have the right to bring action within one year from the death of the husband or within such longer period that the husband would have had for bringing the action. If the husband did not live permanently with the child, his spouse or heir will, however, not have lost their right to bring action until one year has elapsed from the date on which a claim is lodged against them on the grounds that the husband was the father of the child.

Section 37— *Termination of the right of action on the basis of death*

An action to annul paternity may not be brought if the child has died or if both the husband and the mother have died.

Section 38— *Parties*

An action shall be brought against everyone who, in addition to the plaintiff, has the right to bring action under section 35(1) and section 36.

Section 39— *Hearing of third parties*

If, on the basis of circumstances revealed in the trial on the annulment of paternity, there is cause to assume that a certain man who is not a party is the father of the child and the summons can be served on him, the court shall reserve him an opportunity to be heard.

Section 40— *Venue*

An action to annul paternity shall be heard by the court of the locality where the child has his habitual residence. If the child has no habitual residence in Finland, the action shall be heard by the court of the locality where the husband or mother is habitually resident.

Section 41— *Court proceedings*

The provisions of section 26(5) and section 30 shall otherwise apply to the trial on the annulment of paternity.

Section 42— *Annulment of acknowledged paternity* (351/1980)

- (1) **An action to annul acknowledged paternity may be brought by the man who has acknowledged his paternity, by the mother or by the child. The man and the mother shall bring action within two years from the date on which the paternity established on the basis of acknowledgement. (379/2005)**
- (2) The provisions of sections 34(1), 35(3)—(4) and 36—41 shall, where appropriate, apply to an action for the annulment of an acknowledged paternity.

Chapter 6— **Miscellaneous provisions**

Section 43— *Investigation of paternity after the child has reached the age of fifteen years*

- (1) If a man has acknowledged his paternity in the manner provided in section 15 and the child has reached the age of fifteen years, the child welfare supervisor shall attend to the investigation of paternity in the manner provided in sections 6(2), 8(1), 9, 11, 13 and 14.
- (2) Before the initiation of the investigation of paternity, the child welfare supervisor shall reserve the child an opportunity to take part in the discussion on the investigation on paternity, in accordance with the provisions of section 7, where appropriate.
- (3) The investigation of paternity shall not be carried out if, under section 16, the acknowledgement is subject to the consent of the child and the child objects to the establishment of paternity.

Section 44— *Giving a false statement in the investigation of paternity*

If a mother has deliberately given a false statement to the child welfare supervisor in the investigation of paternity or in a situation referred to in section 10, a mother has without lawful excuse concealed something that to her knowledge would have been of benefit for the investigation, and the statement or concealment has been conducive to a false establishment of paternity, she shall be sentenced for *giving a false statement for the investigation of paternity*, to a fine, unless a more severe penalty for the act has been provided elsewhere in the law.

Section 45— *Restrictions on appeal* (927/2002)

The decision of the local register office in a matter concerning the approval of acknowledgement is not subject to appeal.

Section 46— *Urgency of proceedings in court* (927/2002)

Matters related to the establishment or annulment of paternity shall be dealt with as urgent in all court instances. The same applies to the matters regarding the approval of

acknowledgement of paternity being dealt with by the local register office.