

## **Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Ministry of Justice, Finland**

### **Maternity Act**

(253/2018)

By decision of Parliament, the following is enacted:

#### **Chapter 1**

##### **General provisions**

##### **Section 1**

###### **Scope of application**

This Act applies to the determination and establishment of maternity and to the annulment of maternity.

##### **Section 2**

###### **Determination of maternity based on giving birth**

The person who has given birth to a child is the mother of the child.

##### **Section 3**

###### **Establishment of maternity based on consent to assisted fertility treatment**

If the person who has given birth to a child (*the birth mother*) has received assisted fertility treatment referred to in section 1 of the Act on Assisted Fertility Treatments (1237/2006) and the child was born as a result of the treatment, a woman who consented to the treatment, in agreement with the birth mother, can be established as the second mother of the child in addition to the birth mother.

Maternity cannot, however, be established, if a father has been determined or established for the child or a father could be determined or established for the child in accordance with the Paternity Act (11/2015).

Maternity as referred to in subsection 1 above is established by decision of a local register office or a court in compliance with the provisions of chapters 4 and 5 below.

## **Chapter 2**

### **Investigation of maternity**

#### **Section 4**

##### **Investigation of maternity**

The purpose of investigating maternity is to obtain information based on which it may be established that a child has a second mother as referred to in section 3, subsection 1.

A child supervisor shall conduct an investigation of maternity concerning a child under 18 years of age if:

- 1) it turns out in connection with an investigation of paternity that a father cannot be established for the child but there is reason to assume that a second mother can be established for the child;
- 2) the person who considers herself the child's second mother as referred to in section 3, subsection 1 so requests;
- 3) the birth mother of the child so requests;
- 4) the birth mother of the child and the man whose paternity has been determined under section 2 of the Paternity Act agree to the investigation of maternity after another woman has acknowledged maternity or states that she intends to acknowledge maternity under section 13, subsection 3.

#### **Section 5**

##### **Responsibility for investigation of maternity**

If the need for investigating maternity is discovered in connection with an investigation of paternity, maternity is investigated by a child supervisor of the municipality in which the investigation of paternity was conducted.

If maternity is investigated in some other context, the investigation is conducted by a child supervisor of the municipality of residence of the birth mother. However, if the child has reached the age of 15 years or if the birth mother of the child has died or does not have a municipality of

residence in Finland, maternity is investigated by a child supervisor of the child's municipality of residence or, if the child does not have a municipality of residence in Finland, by a child supervisor of the municipality in which the child currently resides.

If a woman wishes to acknowledge maternity and investigation of maternity is not the responsibility of a child supervisor of any of the municipalities referred to in subsection 1 or 2, maternity is investigated by a child supervisor of the woman's municipality of residence.

If the responsible municipal child supervisor cannot be determined under subsections 1–3, a child supervisor of the City of Helsinki is responsible for investigating maternity.

## **Section 6**

### **Discussion for the purposes of investigating maternity**

Having been informed of a circumstance on the basis of which maternity shall be investigated, a child supervisor shall conduct a discussion with the birth mother, the child, provided that he or she has reached the age of 15, and, where possible, the woman who may be the second mother of the child. If maternity is investigated pursuant to section 4, subsection 2, paragraph 4, the man whose paternity has been determined under section 2 of the Paternity Act shall also be invited to the discussion.

However, if maternity has been acknowledged in accordance with section 14 before the birth of the child, the discussion shall be conducted only if the birth mother, the person who has acknowledged maternity, or a person who considers himself or herself the child's parent instead of the person who has acknowledged maternity informs the child supervisor, on the 30<sup>th</sup> day after the birth of the child at the latest, of his or her view that the person who has acknowledged maternity is not a mother of the child.

## **Section 7**

### **Conduct of discussion and obligation to tell the truth**

The purpose of the discussion is to obtain information based on which maternity can be investigated. In the beginning of the discussion, the child supervisor shall explain the measures related to the investigation of maternity and the significance and legal effects of the establishment of maternity.

When providing information, the birth mother of the child, the person who may be the second mother of the child, and the man referred to in section 6, subsection 1 are obliged to tell the truth. The same obligation also applies to the giving of a statement of acknowledgement, the acceptance of acknowledgement, and the hearing conducted in connection with the acknowledgement.

## **Section 8**

### **Right of a child supervisor to obtain information**

The provisions of the Act on the Status and Rights of Social Welfare Clients (812/2000) apply to the right of a child supervisor to obtain information for the purposes of investigating maternity.

## **Section 9**

### **Interruption of investigation of maternity**

An investigation of maternity shall be interrupted if the child, provided that he or she has reached the age of 15 years, so requests.

The child supervisor may decide that the investigation of maternity shall be interrupted if:

- 1) it is apparent that insufficient information is available for the establishment of maternity;
- 2) the woman has not acknowledged maternity and there are special reasons to assume that the investigation of maternity would not be in the best interests of the child, and the child who has reached the age of 15 years does not request that maternity be investigated.

An investigation of maternity that has been interrupted shall be resumed:

- 1) on the request of the birth mother, the child, provided that he or she has reached the age of 15 years, or the person who considers herself a mother of the child, if the reason for the interruption referred to in subsection 2, paragraph 1 no longer exists;
- 2) on the request of the birth mother, the child, provided that he or she has reached the age of 15 years, or the person who has acknowledged maternity, if the investigation has been interrupted under subsection 2, paragraph 2.

## **Section 10**

### **Record of investigation of maternity**

The child supervisor shall draw up a record of the investigation of maternity. All of the information that is of significance for the establishment of maternity shall be entered into the record.

If no discussion had to be conducted pursuant to section 6, subsection 2 to investigate maternity, the record to be drawn up of the investigation of maternity contains only:

- 1) a statement that none of the persons mentioned in section 6, subsection 2 had, within the set time limit, informed the child supervisor of their view that the woman who has acknowledged maternity is not a mother of the child;
- 2) a statement from the child supervisor that there is no reason to suspect, on the basis of the information available to him or her, that a person other than the one who has acknowledged maternity is the second parent of the child.

The birth mother, the child, provided that he or she has reached the age of 15 years, and the person who has the right of action under section 25, subsection 2 have the right, upon request, to be informed of the record drawn up on the investigation of maternity in its entirety, notwithstanding the provisions of section 11, subsection 2, paragraph 1 of the Act on the Openness of Government Activities (621/1999).

## **Section 11**

### **Giving an opportunity for acknowledgement and bringing of an action**

A child supervisor shall give a woman an opportunity to acknowledge maternity, if the child supervisor is of the view that it can, in the light of the evidence obtained, be considered proven that the woman is a mother of the child.

If the woman does not acknowledge maternity and the child has not reached the age of 18 years, the child supervisor may bring an action for the establishment of maternity on behalf of the child as provided in chapter 5.

## **Section 12**

### **Appeal**

The birth mother, the child, provided that he or she reached the age of 15 years, and the woman who considers herself a mother of the child have the right to appeal against a decision of the child supervisor on interruption of the investigation of maternity or the resumption of the investigation at an administrative court as provided in the Administrative Judicial Procedure Act (586/1996). The persons mentioned above and the child supervisor may appeal against the decision of the administrative court if the Supreme Administrative Court grants leave to appeal.

Provisions on the bringing of an action concerning the establishment of maternity are laid down in section 25. Information on the right of action and the relevant time limit shall be appended to the decision issued by the child supervisor under section 9.

## **Chapter 3**

### **Acknowledgement of maternity**

## **Section 13**

### **Prerequisites for acknowledgement**

A person who considers herself a mother of a child under section 3, subsection 1 may acknowledge maternity as provided below.

Unless otherwise provided in subsection 3, acknowledgement of maternity may not concern a child who already has a father or a mother referred to in section 3, subsection 1, or a child for whom a father may be established. Furthermore, it is not possible to acknowledge maternity of a child who has been adopted.

However, maternity of a child for whom a father has been determined under section 2 of the Paternity Act can be acknowledged, if the persons whose acceptance is required under section 19 of the Paternity Act accept the acknowledgement. When such an acknowledgement is confirmed at the local register office, paternity determined under section 2 of the Paternity Act is annulled.

The provisions of section 15, subsection 3 of the Paternity Act on the acknowledgement of paternity after the death of a child also apply to the acknowledgement of maternity.

## **Section 14**

### **Acknowledgement of maternity before the birth of a child**

A woman may acknowledge maternity before the birth of a child by stating, in the manner provided below, that she is a mother referred to in section 3, subsection 1 of the child to be born.

The statement shall be given personally and in the presence of the pregnant person to a public health nurse or a midwife at a maternity clinic or a private healthcare unit providing maternity clinic services in the municipality where the family has received maternity clinic services during the pregnancy. Before the statement is given, the parties shall be informed of the significance and legal effects of the acknowledgement.

The statement of acknowledgement referred to in subsection 2 may also be given to a child supervisor of the pregnant person's municipality of residence after she has presented a certificate regarding her pregnancy. In this case, the provisions of subsection 2 apply.

The public health nurse, the midwife and the child supervisor referred to in subsections 2 and 3 shall refuse to receive the acknowledgement if:

- 1) the pregnant person opposes the acknowledgement;
- 2) the identity of the person acknowledging maternity or the pregnant person has not been verified in a reliable manner;
- 3) there is reason to suspect that the person acknowledging maternity cannot be established as a mother of the child; or
- 4) there is reason to suspect that the pregnant person or the person acknowledging maternity is not able to understand the significance of the acknowledgement due to her mental condition or linguistic difficulties or for some other reason.

Provisions on the document to be drawn up on the acknowledgement are laid down in section 20. After the pregnant person has accepted the acknowledgement in writing, the document shall, without delay, be submitted to a child supervisor of the municipality that is responsible for investigating maternity under section 5.

The provisions on criminal liability for acts in office apply to public health nurses and midwives when they perform duties referred to in subsection 2 even if they are not employed by a municipality or a joint municipal authority.

## **Section 15**

### **Revocation, denial and nullity of acknowledgement**

A person who has acknowledged maternity under section 14 may revoke her acknowledgement by giving a written notice of this to the child supervisor responsible for investigating maternity on the 30th day after the birth of the child at the latest.

The birth mother or a person who considers that he or she is a parent of the child instead of the person who has acknowledged maternity may, in the manner provided in subsection 1, give notice of his or her view that the person who has acknowledged maternity is not a mother of the child.

An acknowledgement referred to in section 14 is null if the Finnish authorities are not, under section 42, competent in matters of maternity when the investigation of maternity is initiated after the birth of the child.

## **Section 16**

### **Acknowledgement of maternity after the birth of a child**

A woman may acknowledge maternity referred to in section 3, subsection 1 after the birth of the child by personally stating to the recipient of the acknowledgement referred to in subsection 2 that she is a mother of the child. Before the statement is given, the recipient shall inform the woman of the significance and legal effects of the acknowledgement.

A statement of acknowledgement is given to an authority that under section 18, subsection 2 of the Paternity Act may receive an acknowledgement of paternity. A person who, upon the conclusion of marriage, wishes to acknowledge that she is a mother of the child of her fiancée may also give her statement of acknowledgement to the marriage officiant. Provisions on the document to be drawn up on the acknowledgement of maternity are laid down in section 20.

The provisions of section 18, subsection 3 of the Paternity Act on the submission of the document drawn up on the acknowledgement and the provisions of section 18, subsection 4 of that Act on

the giving of a statement of acknowledgement in a foreign state also apply to the acknowledgement of maternity.

## **Section 17**

### **Acceptance of acknowledgement**

The provisions of section 19 of the Paternity Act on the acceptance of an acknowledgement of paternity also apply to the acceptance of an acknowledgement of maternity.

## **Section 18**

### **Hearing**

The child supervisor shall give the following persons an opportunity to be heard concerning the acknowledgement:

- 1) the birth mother of the child, unless she has accepted the acknowledgement in accordance with section 19, subsection 1 of the Paternity Act, which is applicable under section 14 or 17 of this Act;
- 2) the person who has custody of the child, if this can be arranged without difficulty;
- 3) the person who has custody of the person acknowledging maternity or another legal representative of the person, if she is a minor.

The child supervisor may also hear persons other than those referred to in subsection 1, if this is necessary for resolving the matter. The hearing may be conducted orally or in writing. The hearing may also be conducted by a person who may receive the acknowledgement under section 16, subsection 2.

## **Section 19**

### **Verification of identity**

The person who receives a statement of acknowledgement referred to in section 14 or 16 above or acceptance referred to in section 17, or conducts an oral hearing referred to in section 18, shall verify the identity of the person who gives the statement of acknowledgement or acceptance or the person who is being heard, on the basis of an identity card or in another corresponding and reliable manner.

## **Section 20**

### **Document to be drawn up on acknowledgement and its acceptance**

A document shall be drawn up on the acknowledgement and its acceptance. The document shall be dated and the identification data of the child, the birth mother and the person acknowledging maternity shall be indicated in the document. The person acknowledging maternity and the recipient of the acknowledgement shall sign the document. If someone is to accept the acknowledgement, this person and the person to whom the acceptance is given shall also sign the document.

If the child, the birth mother or the husband who shall accept the acknowledgement have not been informed of the statement of acknowledgement in a verifiable manner and their whereabouts are known, the child supervisor shall inform them of the acknowledgement by post against an acknowledgement of receipt.

## **Section 21**

### **Submission of documents to a local register office**

When an investigation of maternity has been concluded and maternity has been acknowledged, the child supervisor who investigated the maternity shall submit the record of the investigation and the documents concerning the acknowledgement to the local register office referred to in section 23.

## **Chapter 4**

### **Establishment of maternity at local register office**

## **Section 22**

### **Competence of a local register office**

Maternity referred to in section 3, subsection 1 is established by a local register office, if a woman has acknowledged maternity in the manner provided in chapter 3 and her maternity can be deemed thoroughly investigated based on the record drawn up concerning the investigation of maternity.

If a woman has acknowledged maternity in the manner provided in section 14, maternity can be established even if the woman has died before the child is born.

## **Section 23**

### **Local register office with regional competence**

Maternity is established by the local register office that is competent in the child supervisor's area of operation.

The provisions of section 27, subsection 2 of the Paternity Act on the competence of local register offices in matters concerning the establishment of paternity also apply to matters concerning the establishment of maternity.

## **Section 24**

### **Consideration of maternity matters at local register offices and appeal**

The Administrative Procedure Act (434/2003) applies to the consideration of maternity matters at local register offices. If the procedure provided in chapter 3 of this Act has not been followed, the documents are incomplete or the question of maternity has been insufficiently investigated, the local register office may request that the child supervisor supplement the documents or obtain the necessary additional evidence that is available.

The decision of the local register office is not subject to appeal. Information on the right of action referred to in section 25 and on the time limit referred to in section 26, subsection 2 shall be appended to the decision. In addition to what is provided in section 54 of the Administrative Procedure Act on the duty of service, the local register office shall also serve the decision on the relevant child supervisor.

## **Chapter 5**

### **Court proceedings for establishment of maternity**

#### **Section 25**

##### **Conditions for the right of action and parties**

A child concerning whom paternity has not been determined based on the marriage of the birth mother nor established by decision of a local register office or a court may request that maternity referred to in section 3, subsection 1 be established by bringing an action against the person that he or she assumes to be the mother. If the person against whom the action would have been brought has died, the action is brought against her legal successors.

A person who considers that she is a mother of a child under section 3, subsection 1 has the right to bring an action against the child for the establishment of maternity, if a local register office has not established maternity and there is some other reason for this than the fact that an acceptance referred to in section 17 has not been received.

If the person whose maternity is to be established dies while the action is pending, her legal successors shall replace her.

#### **Section 26**

##### **Restrictions on the right of action**

An action for the establishment of maternity may not be brought if the child has reached the age of 15 years and opposes the establishment of maternity. An action may not be brought nor may the consideration of a case be continued if the child has died.

A person who considers that she is a mother of a child shall bring an action within one year of the day on which she was informed of the decision of the local register office referred to in section 25, subsection 2.

## **Section 27**

### **Exercise of the child's right of action**

In court proceedings for the establishment of maternity, a minor child's right of action is exercised by the child supervisor who has investigated maternity under section 5. The child supervisor does not have the right of action if the international competence of the Finnish authorities is based on a circumstance other than one referred to in section 42, subsection 1, paragraph 1 or 2.

The provisions of section 31, subsections 2–4 of the Paternity Act on the exercise of the child's right of action, giving an opportunity to be heard and the granting of legal aid in court proceedings for the establishment of paternity also apply to matters concerning the establishment of maternity.

## **Section 28**

### **Summoning as a defendant and service of a summons**

If a child requests the establishment of maternity, the person who can be assumed to be the child's mother as referred to in section 3, subsection 1 shall be summoned as a defendant.

If there are several potential mothers as referred to in subsection 1, they shall be summoned as defendants to the same court proceedings.

If an action is brought against a child under section 25, subsection 2, the persons who, in addition to the plaintiff, are potential mothers of the child may also be summoned as defendants.

The provisions on the service of a summons in paternity matters laid down in section 33 of the Paternity Act also apply in maternity matters.

## **Section 29**

### **Service of record on the investigation of maternity**

The plaintiff shall append the record drawn up of the investigation of maternity to the application for a summons, if the investigation of maternity was required under the law. If the record has not been appended to the application for a summons, the court shall request the record from the child supervisor.

## **Section 30**

### **Forum**

Provisions on the competent court in matters related to the establishment of maternity are laid down in chapter 10 of the Code of Judicial Procedure.

When an action for the establishment of maternity is pending in a competent court, the question of maternity of the same child may not be considered in another court. In such a case, the court shall transfer the case to the court where the action is already pending.

## **Section 31**

### **Withdrawal of action**

When an action for the establishment of maternity is brought against more than one potential mother, the plaintiff may withdraw the action in respect of a certain defendant, if this defendant does not oppose the withdrawal of the action. However, the action may be withdrawn only if the court, having heard the other defendants, allows this. In such a case, the court shall dismiss the case in respect of the defendant in question without considering the merits.

## **Section 32**

### **Obtaining evidence**

The court shall, on its own initiative, order that all the evidence it deems necessary for resolving the matter be obtained. If, on the basis of circumstances that have been revealed in the court proceedings, there are grounds to assume that a person who is not a party to the proceedings is a parent of the child, the court shall give this person an opportunity to be heard. The court may also request that the child supervisor supplement the investigation of maternity.

## **Section 33**

### **Consideration of appeal**

If the plaintiff or the defendant appeals against a court decision on maternity, the appellate court may consider the case also in respect of a party who is not involved in the appeal.

## **Chapter 6**

### **Annulment of maternity**

#### **Section 34**

##### **Grounds for annulment of maternity**

Maternity that has been established by decision of a local register office shall be annulled by decision of a court, if it has been shown that there is no relationship referred to in section 3, subsection 1 between the person established as a mother and the child.

#### **Section 35**

##### **Parties to a case concerning the annulment of maternity**

An action for annulment of maternity may be brought by the child, the birth mother, or the person whose maternity has been established by decision of a local register office.

The action shall be brought against those persons mentioned in subsection 1 who have the right to bring an action in addition to the plaintiff.

If a party dies during the court proceedings, he or she shall be replaced by his or her legal successors.

#### **Section 36**

##### **Restrictions on the right of action**

The provisions of section 42, subsection 1 of the Paternity Act on the exercise of the child's right of action in cases concerning the annulment of paternity also apply in cases concerning the annulment of maternity.

A person who has acknowledged maternity does not have the right to bring an action, if she has, after having been informed of circumstances giving reason to suspect that the child has not been conceived in the manner and under the circumstances referred to in section 3, subsection 1, stated in writing, after the birth of the child, that the child is hers. The birth mother does not have the right to bring an action if she has accepted, in writing, the statement referred to above.

## **Section 37**

### **Effect of death on the right of action and on the exercise of the defendant's right of action**

An action for annulment of maternity may not be brought if the child has died.

An action for annulment of maternity may not be brought on behalf of such a party referred to in section 35 who has died. However, after the person whose maternity has been established has died, her spouse and heirs may bring an action in the manner provided in section 38, subsection 3.

If a person whose maternity has been established by decision of a local register office has died, her legal successors shall be summoned as defendants. If the birth mother of the child has died, her legal successors shall not be summoned as defendants.

## **Section 38**

### **Time limit for bringing an action**

The birth mother of the child and a person whose maternity has been established by decision of a local register office can bring an action for annulment of maternity within two years of the establishment of maternity.

An action may be considered even if it has been brought after the expiry of the time limit, if the plaintiff referred to in subsection 1 has had a valid excuse, or if the plaintiff shows that there has been some other weighty reason for not bringing the action earlier. The action shall, however, be dismissed without considering the merits if it has not been brought without delay once the reason for not bringing the action ceased to exist.

If the person whose maternity has been established by decision of a local register office has died without losing her right of action, her surviving spouse and anyone who is the nearest heir of the deceased in addition to or after the child has the right to bring an action within one year of the death or, if the deceased would have had a longer period of time for bringing the action, within that period.

## **Section 39**

### **Forum**

Provisions on the competent court in a case concerning annulment of maternity are laid down in chapter 10 of the Code of Judicial Procedure.

## **Section 40**

### **Court procedure**

The provisions of section 28, subsection 4 and section 32 apply to court proceedings for the annulment of maternity.

## **Chapter 7**

### **Rules of private international law**

## **Section 41**

### **Determination of maternity by operation of law**

Maternity is determined by operation of law under the law of Finland, if the person whose maternity is to be determined:

- 1) is habitually resident in Finland at the time of the birth of the child or was habitually resident in Finland during the year preceding the birth; or
- 2) is not habitually resident in any state at the time of the birth of the child and is residing in Finland or is in Finland as an asylum seeker at the time of the birth.

In cases other than those referred to in subsection 1, maternity is determined by operation of law under the law that is applicable in the state where:

- 1) the person whose maternity is to be determined is habitually resident; or
- 3) the person whose maternity is to be determined is currently residing or is an asylum seeker, if she is not habitually resident in any state.

## **Section 42**

### **International competence of Finnish authorities**

The Finnish authorities are competent in matters concerning maternity, if:

- 1) the child is habitually resident in Finland;
- 2) the child is not habitually resident in any state but is currently residing in Finland or is in Finland as an asylum seeker;
- 3) the defendant or at least one of the defendants is or was, immediately before his or her death, habitually resident in Finland;
- 4) the defendant is not habitually resident in any state but is or was, immediately before his or her death, residing in Finland or is in Finland as an asylum seeker; or
- 5) the matter cannot be decided in that foreign state where the child or the person whose maternity is to be determined is habitually resident or was habitually resident immediately before his or her death, and there are special reasons for resolving the case in Finland.

In addition to what is provided in subsection 1, the Finnish authorities are competent in a matter concerning the investigation and acknowledgement of maternity if the person who wishes to acknowledge maternity:

- 1) is habitually resident in Finland; or
- 2) is not habitually resident in any state but is currently residing in Finland or is in Finland as an asylum seeker.

However, an investigation of maternity in the manner referred to in chapter 2 is not conducted, if the competence of the Finnish authorities is based solely on subsection 1, paragraph 3 or 4.

## **Section 43**

### **Effect of a case pending in a foreign state**

If a case concerning maternity is pending before an authority of a foreign state and it is evident that the decision to be issued in the case will be recognised in Finland, the Finnish authority shall suspend the consideration of the same case, initiated here later than in the foreign state, until it has been established whether the decision issued in the foreign state will be recognised here.

The Finnish authority may, however, choose not to suspend the consideration of a case or to continue the consideration of a suspended case, if it is shown that a decision in the case would otherwise be unreasonably delayed.

## **Section 44**

### **Applicable law**

Finnish law applies in cases concerning maternity unless otherwise provided in section 41.

## **Section 45**

### **Recognition of a decision issued in a foreign state**

A decision on maternity issued in a foreign state that is in force in that state is recognised in Finland without separate confirmation.

However, a decision issued in a foreign state is not recognised if:

- 1) the competence of the foreign authority that issued the decision was not based on the habitual residence or domicile, citizenship or some other connection of any of the parties that could be deemed a justified reason for the authority to take up the matter for consideration;
- 2) the decision has been issued against a party who was absent and the application for a summons or another corresponding document has not been served on the absent party in sufficiently good time and in a manner that would have enabled him or her to prepare for a response in the matter;
- 3) the decision is incompatible with a decision on maternity issued in Finland in such court proceedings that had been initiated before the court proceedings leading to the decision in the foreign state were initiated;
- 4) the decision is incompatible with such a decision on maternity issued earlier in a foreign state that is recognised in Finland; or
- 5) the decision is incompatible with the public policy of Finland.

A decision by which someone is established as the mother of a child instead of the person who has given birth to the child may be recognised only if:

- 1) it has been issued in the state in which the person established as the mother is habitually resident at the time of the child's birth and in which she has resided without interruption for at least one year before the birth of the child; or
- 2) it is recognised in the state in which the person established as the mother is habitually resident at the time of the child's birth and in which she has resided without interruption for at least one year before the birth of the child.

A decision of a court or another authority and the establishment or registration of a legal act is deemed a decision as referred to in subsections 1–3, if the relationship between a child and a woman is considered a maternal relationship as a result of such a measure, or if the maternal relationship is considered to have been terminated as a result of such a measure in the state where the registration or other measure was carried out.

## **Section 46**

### **Confirmation of a decision issued in a foreign state**

Upon application, the Helsinki District Court may confirm whether a decision on maternity issued in a foreign state is to be recognised in Finland.

When considering a case, the District Court shall give the child, the father, the mother or some other relevant person an opportunity to be heard, if this is necessary to resolve the case and the whereabouts of the person to be heard can be determined without difficulty.

## **Section 47**

### **Incompatibility with the public policy of Finland**

A provision of the law of a foreign state shall be disregarded if its application would lead to an outcome that is incompatible with the public policy of Finland.

## **Chapter 8**

### **Miscellaneous provisions**

## **Section 48**

### **Restriction of the child's right to self-determination**

What is provided on the significance of the opinion of a child who has reached the age of 15 years in section 9 and section 26, subsection 1 of this Act and in section 19, subsection 2 of the Paternity Act, which is applicable under section 17 of this Act, does not apply if the child is not able, due to a mental health disorder, intellectual disability or some other corresponding reason, to understand the significance of the matter.

## **Section 49**

### **Perjury in a maternity case**

If a person deliberately gives false information to the authorities during an investigation of maternity, when acknowledging maternity, in a hearing conducted in connection with an acknowledgement, or when accepting an acknowledgement, and the information contributes to an erroneous establishment of maternity, the person shall be sentenced for *perjury in a maternity case* to a fine, unless a more severe punishment is provided for the act elsewhere in the law.

## **Section 50**

### **Urgency of consideration**

Matters concerning the investigation, establishment and annulment of maternity shall be considered urgently.

## **Section 51**

### **Executive assistance**

A child supervisor shall, upon request, provide executive assistance to a child supervisor of another municipality in duties within the competence of a child supervisor in the investigation and establishment of maternity. In such cases, the child supervisor shall also represent the other child supervisor in a court or before another authority within his or her area of operation when matters within the competence of the other child supervisor are considered there.

## **Section 52**

### **Application of law in certain cases**

If a child has two mothers under this Act:

- 1) when applying sections 2 and 6a of the Municipality of Residence Act (201/1994), the provisions concerning the mother apply to the birth mother of the child, and the provisions concerning the father apply to the second mother referred to in section 3, subsection 1 of this Act;
- 2) the provisions of section 28, subsection 2, paragraph 4 of the Act on Forenames and Surnames (946/2017) also apply in cases where maternity is annulled under this Act.

## **Section 53**

### **Further provisions**

If necessary, further provisions on the following are issued by government decree:

- 1) the procedure to be followed by a local register office when maternity has been established by decision of the local register office;
- 2) documents accepted as proof of identity.

Provisions on those documents related to the investigation, acknowledgement and establishment of maternity that are to be provided on forms approved for the purpose in question are issued by decree of the Ministry of Justice. The National Institute for Health and Welfare approves the templates for the forms.

## **Section 54**

### **Entry into force**

This Act enters into force on 1 April 2019.

The provisions of section 2 and chapter 7 of this Act also apply in cases where the child was born before the entry into force of this Act.

The other provisions of this Act apply if consent to assisted fertility treatment referred to in section 3, subsection 1 has been given after the entry into force of this Act.