

Paternity Act

(11/2015; amendments up to 1596/2015 included)

Chapter 1 – General provisions

Section 1 - Scope of application of the Act

This Act applies to the determination and establishment of paternity as well as to the annulment of paternity.

Section 2 – Paternity on the basis of marriage

- (1) When a child is born in marriage, the husband is the father of the child.
- (2) If the marriage is dissolved before the birth of the child due to the death of the husband, he is the father of the child if the child was born within a time that the child could have been conceived before the death of the husband. However, if the mother had entered into a new marriage before the birth of the child, the latter husband is the father of the child.

Section 3 – Paternity in other cases

- (1) If paternity is not determined on the basis of section 2, paternity is established by a decision of the local register office or the court.
- (2) In such a case the father is the person:
 - (1) who had conceived the child;
 - (2) whose sperm had been used in the fertilization of the mother in another manner, resulting in the birth of the child.
- (3) If the mother of the child had received assisted reproductive treatment as referred to in section 1 of the Assisted Reproductive Treatment Act (1237/2006) and the child had been born as a result of the treatment, the father of the child is the man who, in agreement with the mother, had consented to the treatment. If the treatment had been given to the mother alone, the father of the child is the man whose sperm has been used in the treatment if, before the treatment had been given, or in agreement with the mother after the treatment had been given, consents to the establishment of paternity in accordance with section 16, subsection 2 of said Act.

Chapter 2 – Investigation of paternity

Section 4 – The purpose and scope of the investigation of paternity

- (1) The purpose of the investigation of paternity is to obtain information on the basis of which paternity can be established or determined.

(2) The child supervisor shall investigate paternity when:

- (1) the child supervisor has been informed of a child below the age of eighteen years whose paternity has not been determined on the basis of section 2;
- (2) a man wants to acknowledge paternity, and paternity has not been determined on the basis of section 2;
- (3) the mother of the child and the man whose paternity has been determined on the basis of section 2, together request that the child supervisor investigate paternity before six months have elapsed from the birth of the child;
- (4) the mother of the child and the man whose paternity has been determined on the basis of section 2 agree to the investigation of paternity after another man has acknowledged paternity or states that he intends to acknowledge paternity of the child in the manner referred to in section 15, subsection 2.

(3) The investigation of paternity may be initiated already before the birth of the child if the obtaining of evidence of paternity would otherwise be endangered or if there is another special reason for this. A sample from the child necessary for a forensic genetic paternity test, however, may not be taken until after the birth of the child.

(4) If the child dies before the investigation of paternity has been conducted, the consideration of the case lapses. However, the investigation of paternity shall be resumed if a man wants to acknowledge paternity and, according to section 15, section 3, the statement of acknowledgement may still be given.

Section 5 – Initiation of the investigation of paternity

(1) The child supervisor of the municipality of residence of the mother investigates the paternity. However, if the child has reached the age of fifteen years, the mother of the child has died, or the mother does not have a municipality of residence in Finland, paternity is investigated by the child supervisor of the municipality of residence of the child or, if the child does not have a municipality of residence in Finland, the child supervisor of the municipality in which the child is present.

(2) If a man wants to acknowledge paternity, and the investigation of paternity is not the responsibility of the child supervisor of any municipality referred to in subsection 1, the paternity is investigated by the child supervisor of the man's municipality of residence.

(3) If the investigation of paternity is not the responsibility of the child supervisor of any municipality on the basis of subsections 1 and 2, paternity is investigated by the child supervisor of the city of Helsinki.

Section 6 – Discussion for the investigation of paternity

(1) Having been informed of a circumstance on the basis of which paternity is to be investigated, the child supervisor shall conduct a discussion with the mother, the child who has reached the age of fifteen years and, if possible, the man who may be the father of the child. If the paternity is investigated on the basis of section 4, subsection 2, paragraph 3 or 4, also the man whose paternity has been determined on the basis of section 2 shall be invited to the discussion.

(2) However, if paternity has been acknowledged on the basis of section 16 before the birth of the child, the discussion shall be conducted only if the mother, the man who has acknowledged paternity or the man who considers that he is the father of the child, inform the child supervisor at the latest on the 30th day after the birth of the child of their view that the man who acknowledged paternity is not the father of the child.

Section 7 – Conduct of the discussion and obligation to speak the truth

(1) The purpose of the discussion is to obtain information on the basis of which paternity may be investigated. At the beginning of the discussion the child supervisor shall explain the measures connected with the investigation of paternity, and the significance and legal effects of the establishment of paternity.

(2) In providing information the mother and the man are obliged to speak the truth. The same obligation extends also to the giving of a statement of acknowledgement, acceptance of acknowledgement and a hearing conducted on the basis of acknowledgement.

Section 8 – The right of the child supervisor to obtain information

The provisions of the Act on the Status and Rights of Clients of Social Welfare (812/2000) apply to the right of the child supervisor to obtain information for the investigation of paternity. The child supervisor has the right to obtain information necessary for the investigation of the identity and place of residence of the man, notwithstanding the provisions on confidentiality, also from the man's employer as identified by the mother and from an entrepreneur in the accommodations industry, as referred to in the Act on the Accommodations and Catering Business (308/2006).

Section 9 – Obtaining of genetic and medical evidence

(1) In connection with the investigation of paternity, the child supervisor shall order the forensic genetic paternity test referred to in section 1 of the Act on Forensic Genetic Paternity Tests (378/2005) in respect of the child, the mother and a man who may be the father of the child, if the man requests the test or if the child supervisor otherwise considers it necessary. If, in accordance with said Act, the test may be ordered in respect of a person other than one mentioned above, the child supervisor may do so if he or she considers this appropriate.

(2) A forensic genetic paternity test ordered by the child supervisor may be conducted only with the consent of the person from whom a sample is to be taken. If

a test is to be done on a sample taken from a deceased person before or after death and the decedent had not consented to the test, the consent of the legal successors is needed for the test.

(3) If the test is to be ordered in respect of both parents of the man or the mother, of one of the parents alone or of another relative, the provisions of sections 6, 7, 9 and 11, subsection 1 of the Act on Forensic Genetic Paternity Tests on tests ordered by the court apply to a test ordered by the child supervisor and to the consent required for such a test.

(4) The child supervisor may obtain an expert medical opinion regarding when the child was conceived, if obtaining such an opinion may be deemed necessary with consideration to the other evidence.

Section 10 – *Information and notices to be given to the person being tested*

(1) Before taking a sample for the forensic genetic paternity test and before ordering the test, the child supervisor shall explain to the person from whom the sample is to be taken the measures connected with the test and the significance of the test in respect of the investigation of paternity as well as the prerequisites referred to in section 9, subsections 1–3 for ordering the test.

(2) The child supervisor, on receipt of the report on the basis of the forensic genetic paternity test, shall inform the person being tested of the results without delay.

Section 11 – *Interruption of the investigation of paternity*

(1) The investigation of paternity shall be interrupted if the child who has reached the age of 15 years requests this.

(2) The child supervisor may decide that the investigation of paternity shall be interrupted if:

- (1) it is apparent that insufficient information is available for the establishment of paternity;
- (2) the child has been born as the result of treatment provided on the basis of section 1 of the Assisted Reproductive Treatment Act to a woman who has received the treatment alone and it has been shown that the donor of the sperm has not consented in the manner referred to in section 16, subsection 2 of said Act to the possibility of being established to be the father of a child born as the result of the treatment;
- (3) the man has not acknowledged paternity of the child and there is a special reason to assume that the investigation of paternity would not be in the interests of the child, and the child who has reached the age of 15 years does not request that his or her paternity be investigated.

(3) Investigation of paternity that has been interrupted shall be resumed:

- (1) on the request of the mother, the child who has reached the age of 15 years or a man who considers himself the father of the child, if the pre-

requisites for the interruption referred to in subsection 2, paragraphs 1 or 2 are no longer fulfilled;

- (2) on the request of the mother, the child who has reached the age of 15 years or a man who has acknowledged paternity, if the interruption of the investigation had been based on subsection 2, paragraph 3.

Section 12 – *Record to be prepared of the investigation of paternity*

(1) The child supervisor shall prepare a record of the investigation of paternity. All the information that is of significance in the establishment of paternity shall be entered into the record.

(2) If no discussion is to be conducted on the basis of section 6, subsection 2 for the investigation of paternity, the record to be prepared of the investigation of paternity contains only:

- (1) a statement that none of the persons referred to in section 6, subsection 2 had, within the prescribed period, reported their view that the man who has acknowledged paternity is not the father of the child;
- (2) the statement of the child supervisor that, on the basis of the information available to him or her, there is no reason to consider that a man other than the one who has acknowledged paternity is the father of the child.

(3) The mother, the child who has reached the age of 15 years and a man who, on the basis of section 29, subsection 2, has the right of action, have the right on request to be informed of the full report prepared on the investigation of paternity notwithstanding what is provided in section 11, subsection 2, paragraph 1 of the Act on the Openness of Government Activities (621/1999).

Section 13 – *Reserving an opportunity for acknowledgement and the bringing of an action*

(1) The child supervisor shall reserve a man an opportunity to acknowledge paternity if the child supervisor is of the view that in the light of the forensic genetic paternity test or of other evidence it can be deemed shown that the man is the father of the child.

(2) If the man does not acknowledge paternity and the child has not reached the age of 18 years, the child supervisor may bring an action for the establishment of paternity on behalf of the child as provided in Chapter 6.

Section 14 – *Appeal*

(1) The mother of the child, the child who has reached the age of 15 years and a man who considers that he is the father of the child have the right to appeal the decision of the child supervisor on interruption of the investigation of paternity or the resumption of the investigation, to the Administrative Court as provided in the Administrative Judicial Procedure Act (586/1996). The persons mentioned

above and the child supervisor may appeal the decision of the Administrative Court, if the Supreme Administrative Court grants leave to appeal.

(2) Section 29 contains provisions on the bringing of an action on the establishment of paternity. Information on the right of action and the relevant time period shall be appended to the decision made by the child supervisor on the basis of section 11.

Chapter 3 – Acknowledgement of paternity

Section 15 – Scope for the exercise of acknowledgement

(1) Unless otherwise provided in subsection 2, paternity may not be acknowledged of a child who already has a father. In addition, paternity may not be acknowledged of a child who has been adopted.

(2) Notwithstanding the above, paternity may be acknowledged of a child regarding whom paternity has been established on the basis of section 2 if those persons whose acceptance is needed on the basis of section 19 accept the acknowledgement. When the acknowledgement is confirmed in the local register office, paternity established on the basis of section 2 is nullified.

(3) Paternity may not be acknowledged after the death of the child. Paternity may nonetheless be acknowledged if the child has died so soon after birth that, in view of the circumstances, no statement of acknowledgement could have been given while the child was alive. In such a case the statement of acknowledgement shall be given within a year of the death of the child. If paternity is acknowledged after the death of the child, paternity is investigated as provided in Chapter 2.

Section 16 – Acknowledgement of paternity before the birth of the child (1596/2015)

(1) A man may acknowledge paternity before the birth of the child by stating that he is the father of the child to be born, as provided below.

(2) The statement shall be made personally and in the presence of the expectant mother to the public health nurse or midwife at the maternity clinic of the municipality or the private health care unit providing maternity clinic services for the municipality where the expectant mother and the man have received maternity clinic services during the pregnancy. Before the statement is accepted, the parties shall be informed of the significance and legal effects of the acknowledgement.

(3) The statement of acknowledgement referred to in subsection 2 may also be made to the child supervisor of the mother's municipality of residence, after the mother has presented a certificate regarding her pregnancy. The provisions of subsection 2 apply to the making of such a statement.

(4) The public health nurse, the midwife and the child supervisor referred to in subsection 2 and 3 shall refuse to accept the acknowledgement if:

- (1) the mother opposes the acknowledgement;
- (2) the identity of the man or the expectant mother has not been ascertained in a reliable manner;

- (3) there is reason to suspect that the man acknowledging paternity is not the father of the child; or
 - (4) there is reason to suspect that, due to his mental state, linguistic difficulties or other reason, the mother or the man acknowledging paternity is not able to understand the significance of the acknowledgement.
- (5) Section 22 contains provisions on the record to be prepared on the acknowledgement. After the mother has accepted the acknowledgement in writing, the record shall be submitted without delay to the child supervisor of the municipality to which, according to section 5, the investigation of paternity belongs.
- (6) The provisions on criminal liability for acts in office apply to public health nurses and midwives when they carry out the duties referred to in subsection 2 also when they are not employed by a municipality or joint municipal authority.

Section 17 – Revocation, denial and nullity of the acknowledgement

- (1) A man who has acknowledged paternity on the basis of section 16 may revoke his acknowledgement by notifying in writing the child supervisor who is attending to the investigation of paternity, at the latest on the 30th day after the birth of the child.
- (2) The mother of the child or a man who considers that he is the father of the child may, in the manner provided in subsection 1, give notice of his or her view that the man who has acknowledged paternity is not the father of the child.
- (3) The acknowledgement referred to in section 16 is null if at the time that the investigation of paternity begins after the birth of the child, the authorities of Finland are not, in accordance with section 49, competent in the question of paternity.

Section 18 – Acknowledgement of paternity after the birth of the child

- (1) A man may acknowledge paternity after the birth of the child by stating personally, to the recipient of an acknowledgement referred to in subsection 2, that he is the father of the child. Before the acknowledgement, the recipient shall inform the man of the significance and legal effects of acknowledgement.
- (2) Acknowledgement of paternity may be made to the child supervisor, the chief judge of the local register office, the district registrar or notary public. A man who, when entering into a marriage, wants to acknowledge paternity of the child of his fiancé, may acknowledge paternity also to the person officiating over the marriage. Abroad, acknowledgement may be made to an official of a Finnish mission who, in accordance with section 33 of the Consular Services Act (498/1999), exercises the functions of a notary public. Section 22 of this Act contains provisions on the record to be made of the acknowledgement.
- (3) If the statement of acknowledgement has been received by an authority other than the child supervisor who has attended to the investigation of the paternity, the record to be made of the acknowledgement shall be submitted without delay to said child supervisor.

(4) Abroad, the statement of acknowledgement may be made in accordance with the form and procedure that, in accordance with the law of the state in question, is to be followed.

Section 19 – *Acceptance of acknowledgement*

(1) Paternity may not be established on the basis of acknowledgement if the acknowledgement concerns a child referred to in section 2, and the mother and husband have not accepted the acknowledgement.

(2) Paternity may also not be established on the basis of acknowledgement if the child had reached the age of 15 years and does not accept the acknowledgement.

(3) If the acknowledgement has been made before the child was born, paternity may not be established on the basis of acknowledgement if the mother of the child to be born has not accepted the acknowledgement.

(4) The acceptance referred to in subsections 1 and 2 is to be submitted to the child supervisor of the municipality that is investigating paternity. The acceptance may also be submitted to an authority which, in accordance with section 18, subsection 2, may accept acknowledgement. Acceptance shall be submitted to its recipient in person.

Section 20 – *Hearing* (1596/2015)

(1) The child supervisor shall reserve the following an opportunity to be heard on the basis of the acknowledgement:

(1) the mother, unless she has accepted the acknowledgement in accordance with section 16 or section 19, subsection 1;

(2) the person having the care and custody of the child, if this can be arranged without inconvenience;

(3) the person having the care and custody or other legal representative of the person who has acknowledged the child, if said person is a minor.

(2) The child supervisor may hear also persons other than those referred to in subsection 1 if this is necessary for the investigation of the matter. The hearing may be done orally or in writing. Also a person who, in accordance with section 18, subsection 2 may receive the acknowledgement, may conduct the hearing.

Section 21 – *Verification of identity*

The recipient of the statement of acknowledgement referred to in section 16 or 18, of the acceptance referred to in section 19, or the oral hearing referred to in section 20 shall verify the identity of the person making the statement of acknowledgement or giving the acceptance or being heard, on the basis of an identification document or in another corresponding and reliable manner.

Section 22 – *Record to be made on the basis of the acknowledgement and its acceptance*

(1) A record shall be made of the acknowledgement and its acceptance. The record shall be dated and the information necessary to identify the child, the mother of the child and the man acknowledging paternity shall be noted in the record. The record shall be signed by the man acknowledging paternity and the person to whom the acknowledgement has been given. If someone should accept the acknowledgement, this person and the person to whom the acceptance was given shall sign the record.

(2) If the child, the mother or the husband who should accept the acknowledgement have not certifiably been informed of the statement of acknowledgement and their place of residence is known, the child supervisor shall inform them of the acknowledgement by post, with advice of receipt.

Section 23 – Submission of documents to the local register office

When the investigation of paternity has been concluded and the man has acknowledged paternity, the child supervisor who has investigated the paternity shall submit the record of the investigation of paternity as well as the documents related to the acknowledgement to the local register office referred to in section 27.

Chapter 4 – Consent of the legal successors of a man to the establishment of paternity

Section 24 – Consent to establishment of paternity without court proceedings

If the child has been born outside of marriage and the investigation of paternity as well as the forensic genetic paternity test demonstrate that a deceased person is the father of the child, the legal successors of the man may, after the child has been born, give their consent to the establishment of paternity by a decision of the local register office, without court proceedings, on the condition that paternity of the child has not been acknowledged and no action for the establishment of paternity is pending.

Section 25 – Record to be prepared on the consent

A record shall be prepared regarding the consent of the legal successors of a man referred to in section 24. The provisions in this Act on the acknowledgement of paternity after the birth of the child, on the hearing in connection with acknowledgement, on acceptance of acknowledgement and on the submission of documents to the local register office apply to consent and the record. However, the acceptance of the legal successors need not be given in the presence of the recipient.

Chapter 5 – Establishment of paternity in the local register office

Section 26 – The competence of the local register office

(1) Paternity is established in the local register office if:

- (1) the man has acknowledged paternity in the manner provided in sections 15–22 and there is no cause to doubt that he is the father of the child;
- (2) the legal successors of the deceased man have, in the manner provided in sections 24 and 25, consented to establishment of paternity on the basis of the decision of the local register office, and on the basis of the investigation referred to in section 24, the man may be deemed the father of the child.

(2) Paternity may be established even if the documents regarding the identity of the man or the mother and the family ties are incomplete, if additional evidence cannot reasonably be obtained and the investigation of paternity as well as the forensic genetic paternity test demonstrate that the man is the father of the child.

(3) If a man has acknowledged paternity in the manner provided in section 16, paternity may be established on the basis referred to in subsection 1(1) even if the man has died before the birth of the child.

Section 27 – The local register office with territorial competence

(1) Paternity is established in the cases referred to in section 26 by the local register office that is competent in the jurisdiction of the child supervisor.

(2) If, in order to improve the efficiency of local register offices or in order to improve balanced geographical development it is necessary to transfer the establishment of paternity from one local register office to another, a Decree of the Ministry of Finance may provide from which and to which local register office competence is transferred, and the grounds for the allocation of competence among the local register offices to which the cases are transferred.

Section 28 – Consideration of the question of paternity in the local register office and appeal

(1) The Administrative Procedure Act (434/2003) applies to the consideration of the question of paternity in the local register office. If the procedure provided in Chapters 3 and 4 of this Act have not been followed, the documents are incomplete or the question of paternity 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.

(2) The decision of the local register office is not subject to appeal. Sections 29 and 30 contain provisions on the right of a party to bring an action for the establishment of paternity and on the time limits provided for the bringing of an action. Information regarding the right of action referred to in section 29 and the time limit referred to in section 30, subsection 2 shall be appended to the decision. In addition to what is provided in section 54 of the Administrative Procedure Act on the obligation to give service, the local register office shall give service of the decision to the child supervisor.

Chapter 6 – Court proceedings for the establishment of paternity

Section 29 – *Conditions for the right of action and the parties*

(1) A child in respect of whom paternity has not been determined on the basis of his or her mother's marriage nor established on the basis of decision of the local register office or the court, may request that paternity be established by bringing an action against the man that he or she assumes to be the father. If the man has deceased, the action is brought against the legal successors of the man.

(2) A man who considers that he is the father of a child has the right to bring an action against the child for establishment of paternity:

- (1) if the child supervisor has interrupted the investigation of paternity on the grounds that no sample could be obtained from the child or the mother of the child for the making of a forensic genetic paternity test; or
- (2) if the local register office has not established paternity and the reason is other than that the acceptance referred to in section 19 has not been obtained.

(3) If the man dies while the action is pending, the legal successors of the man replace him.

Section 30 – *Restrictions on the right of action*

(1) An action may not be brought for the establishment of paternity if the child has reached the age of fifteen years and opposes the establishment of paternity. The action may not be brought nor may the consideration of the case be continued if the child has died.

(2) A man who considers that he is the father of a child shall bring an action within one year of the day on which he was informed of the decision of the child supervisor or the local register office referred to in section 29, subsection 2.

Section 31 – *Exercise of the child's right of action*

(1) In court proceedings for the establishment of paternity, the right of action of a minor child is exercised by the child supervisor who has investigated paternity on the basis of section 5. However, the child supervisor does not have the right to exercise the child's right of action if the international competence of Finnish authorities is based on a circumstance other than section 49, subsection 1, paragraph 1 or 2.

(2) In court proceedings for the establishment of paternity, a minor child's right of action is exercised, in addition to the child supervisor, by the person having the care and custody of the child or other legal representative of the child, and if the child has reached the age of 15 years, by the child himself or herself, through application of what is provided in Chapter 12 of the Code of Judicial Procedure. Should the child supervisor and other representative of the child disagree in the exercise of the child's right of action, the opinion of the child supervisor shall be followed.

(3) The court shall reserve an opportunity to be heard to everyone who, in accordance with subsection 1 or 2, may exercise the child's right of action. Also the

mother of the child shall be reserved an opportunity to be heard even if she does not have the care and custody of the child, if the hearing can be arranged without inconvenience.

(4) A child, who on the basis of subsection 1 is represented by the child supervisor in a case involving the establishment of paternity, is granted legal aid without cost in accordance with the Legal Aid Act (257/2002), notwithstanding what is otherwise provided regarding the conditions for legal aid.

Section 32 – *Summoning as respondent*

(1) The child shall summon as respondent the man who can be assumed to be the father of the child.

(2) If several men can be assumed to be the father, they may be summoned as respondents in the same court proceedings. The men shall be summoned as respondents in the same court proceedings if it is apparent that this is required in order for paternity to be investigated.

(3) If a man brings an action against the child on the basis of section 29, he may summon as respondents also those men who, in addition to the plaintiff, can be taken into account as a potential father of the child.

(4) A man who, according to a forensic genetic paternity test, cannot be the father of the child may not, without a special reason, be summoned as respondent.

Section 33 – *Service of the summons*

Chapter 11 of the Code of Judicial Procedure contains provisions on service of the summons. If no information can be obtained on the whereabouts of the recipient of the service or of the person authorized to receive service on his or her behalf, service of the summons may nonetheless be made by public announcement only if so much evidence of paternity is available that the bringing of an action against the man can be deemed to be in the interests of the child.

Section 34 – *Service of the record on the investigation of paternity*

The plaintiff shall append the record of the investigation of paternity to the application for a summons, if according to law paternity had to be investigated. If the record had not been appended to the application for a summons, the court shall request the record from the child supervisor.

Section 35 – *Forum*

(1) Chapter 10 of the Code of Judicial Procedure contains provisions on the court that is competent in the establishment of paternity.

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

Section 36 – *Withdrawal of action and exclusion of paternity*

(1) When an action for the establishment of paternity is brought against more than one man, the plaintiff may withdraw the action in respect of a man, if said man does not oppose the withdrawal of the action. Nonetheless, the action may be withdrawn only if the court, having heard the other respondents, allows this. In so doing the court shall dismiss the case in respect of the man without considering the merits.

(2) If an action for establishment of paternity is brought against more than one man, the court may, before the final decision in the case on the question of paternity, dismiss the case on the merits against one or more men, if on the basis of the forensic genetic paternity test it shall be deemed proven that said man cannot be the father of the child.

Section 37 – *Obtaining evidence*

The court shall on its own initiative order that all the evidence be obtained that it deems necessary for the rendering of a decision in the case. If on the basis of the circumstances that have been revealed in the court proceedings there are grounds to assume that a man who is not a party is the father of the child, the court shall reserve him an opportunity to be heard. The court may also request that the child supervisor supplement the investigation of paternity.

Section 38 – *Consideration of an appeal*

If the plaintiff or the respondent appeals the court decision given on paternity, the appellate court may consider the case also in respect of a party who is not involved in the appeal. Nonetheless, the case may not, without a special reason, be taken up for consideration in respect of a man who is not involved in the appeal if the claim referring to him has been rejected on the grounds that on the basis of a forensic genetic paternity test that has been performed, his paternity is not possible.

Chapter 7 – Annulment of paternity

Section 39 – *Grounds for annulment of paternity*

Paternity in respect of a man shall be annulled if on the basis of the forensic genetic paternity test or otherwise it has been shown that the relationship between the man and the child is not that referred to in section 3, subsection 2 or 3.

Section 40 – *Annulment of paternity by decision of the local register office*

(1) Paternity in respect of the husband is annulled if another man has acknowledged paternity in the manner referred to in section 18 and the local register office has established paternity on the basis of acknowledgement.

(2) If the mother of the child and her husband have together requested that the child supervisor conduct an investigation of paternity as referred to in section 4, subsection 2, paragraph 3, and on the basis of the forensic genetic paternity test

it can be concluded that the husband is not the father of the child, the local register office may on the joint application of the parents establish that the husband is not the father of the child. The local register office may not, however, decide on the issue if the mother has received fertility treatment at the time during which the child may have been conceived. The case may be decided without hearing the child. The application to the local register office shall be made before one year has elapsed from the birth of the child.

(3) The decision of the local register office referred to in subsections 1 and 2 is not subject to appeal.

Section 41 – *Annulment of paternity on the basis of action*

(1) An action for annulment of paternity may be brought in the district court by the child, the mother or a man in respect of whom paternity has been determined on the basis of marriage or established on the basis of a decision of the local register office.

(2) In the cases mentioned in section 42, subsection 2, an action for the annulment of paternity may also be brought by a man who considers that he, and not the man referred to in subsection 1, is the father of the child.

(3) The action shall be brought against those persons referred to in subsection 1 who, in addition to the plaintiff, have the right to bring an action.

(4) If a party dies during the court proceedings, he or she is replaced by his legal successors.

Section 42 – *Restrictions on the right of action*

(1) If the child has reached the age of 15 years, only he or she may exercise his or her right of action. Nonetheless, a guardian may be appointed to exercise the right of action of a child below the age of 15 years or of a child who has reached the age of fifteen years who, due to a mental health reason, mental disability or other corresponding reason, is not able to understand the significance of the matter, if there is a very weighty reason for this in respect of the interests of the child.

(2) A man who considers that he is the father of a child born during the marriage of the mother has the right to bring an action for annulment of the paternity of the husband only if:

- (1) the mother and the husband have been living apart at the time the child was born;
- (2) the plaintiff has lived together with the mother of the child at the time the child was born and has participated in the care of the child, or if otherwise a relationship comparable to a family bond has formed between the plaintiff and the child; and
- (3) the court deems that the bringing of the action is in the interests of the child.

(3) The husband or a man who has acknowledged paternity does not have the right to bring an action if, after having been informed that another person had

had sexual intercourse with the mother or that the sperm of another man had been used in the fertilization of the mother at the time that the child was conceived, has stated in writing after the birth of the child that the child is his. The mother does not have the right to bring an action if she had accepted in writing the statement referred to above.

Section 43 – The effect of death on the right of action and the exercise of the respondent's right of action

(1) An action for annulment of paternity may not be brought if the child has died.

(2) An action for annulment of paternity may not be brought on behalf of a party referred to in section 41 who has died. Nonetheless, after a man in respect of whom paternity has been determined or established has died, his spouse and heirs may bring an action for annulment of paternity as provided in section 44, subsection 3.

(3) If a man who, in accordance with section 41, subsection 3, should be a respondent in the case, has died, his legal successors shall be summoned as respondents. If the mother has died, her legal successors shall not be summoned as respondents.

Section 44 – Period of time for bringing an action

(1) The mother, a man referred to in section 42, subsection 2, and a man in respect of whom paternity has been determined on the basis of marriage, shall bring an action within two years of the birth of the child. If paternity has been established on the basis of acknowledgement, the man who has acknowledged paternity and the mother shall bring an action within two years of the time when the paternity was established.

(2) An action may be considered even if it has been brought beyond the time period if the plaintiff referred to in subsection 1 had a lawful excuse or demonstrates another very weighty reason why the action had not been brought earlier. The action shall, however, be dismissed without considering the merits if it has not been brought without delay after the reason for not bringing the action no longer existed.

(3) If the husband or the man who has acknowledged paternity has died without losing his right of action, the surviving spouse and everyone who in addition to the child or after the child are the closest heirs of the man has the right to bring an action within one year of the death of the man or, if the man would still have had a longer period available, within that period.

Section 45 – Hearing of a man who is not a party to the proceedings

If on the basis of the circumstance that have been revealed in the proceedings there are grounds to assume that a certain man who is not a party is the father of the child, the court may reserve him an opportunity to be heard.

Section 46 – *Forum*

Chapter 10 of the Code of Judicial Procedure contains provisions on which court is competent in a case concerning the annulment of paternity.

Section 47 – *Court proceedings*

The provisions of sections 33 and 37 apply to court proceedings for the annulment of paternity.

Chapter 8 – *Rules of private international law*

Section 48 – *Determination of paternity by operation of law*

(1) Paternity is determined by operation of the law of Finland if:

- (1) the mother of the child is habitually resident in Finland at the time of the birth; or
- (2) the mother of the child is not habitually resident in any state at the time of the birth and she is present at the time in Finland or is here as an applicant for asylum.

(2) If in accordance with subsection 1 the law of Finland does not apply, paternity is determined by operation of law in accordance with the law of that state which applies in the state where:

- (1) the mother of the child is habitually resident at the time of birth; or
- (2) the mother of the child is present or is an applicant for asylum at the time of birth, if the mother is not habitually resident in any state at that time.

(3) If, however, taking into consideration all the relevant circumstances, the child at the time of birth has a closer connection with a state other than the one the law of which should apply in accordance with subsections 1 or 2, the law applied in such state shall apply to the determination of paternity by operation of law.

(4) If, after the birth of the child, a paternity relationship has become established in accordance with the law of a state other than one referred to in subsections 1 through 3, and the child has a close connection with said state, the law applied in such state shall, notwithstanding subsections 1 through 3, apply to the determination of paternity by operation of law.

Section 49 – *International competence of the authorities of Finland*

(1) The authorities of Finland are competent in matters concerning paternity if:

- (1) the child is habitually resident in Finland;
- (2) the child is not habitually resident in any state but is present in Finland or is here as an applicant for asylum;
- (3) the respondent or at least one of the respondents is or immediately before his or her death was habitually resident in Finland;
- (4) the respondent is not habitually resident in any state but is present or immediately before his or her death was present in Finland or is here as an applicant for asylum; or

- (5) the child or the man is or immediately before his or her death was a citizen of Finland and the case cannot be decided in the foreign state where the child or the man is habitually resident and there is a special reason for deciding the case in Finland.
- (2) In addition to what is provided in subsection 1, the authorities of Finland are competent in a matter concerning the investigation and acknowledgement of paternity, if the man wishes to acknowledge paternity and:
 - (1) the man is habitually resident in Finland; or
 - (2) the man is not habitually resident in any state but he is present in Finland or is here as an applicant for asylum.
- (3) However, the investigation of paternity referred to in Chapter 2 shall not be conducted if the competence of the authorities of Finland is based solely on subsection 1, paragraph 3 or 4.

Section 50 – *Effect of a case pending in a foreign state*

- (1) If a case concerning paternity is pending before an authority of a foreign state and it is apparent that the decision to be given in the case would be recognized in Finland, the authorities of Finland shall interrupt consideration of the same case that has been initiated here subsequently, until it has been clarified whether the decision to be given in the foreign state would be recognized here.
- (2) The authorities of Finland may, however, refrain from interrupting consideration of the case or may continue consideration of an interrupted case if it is shown that the reaching of a decision would otherwise be unreasonably delayed.

Section 51 – *Applicable law*

The law of Finland applies in a case concerning paternity unless provided otherwise in section 48.

Section 52 – *Recognition of a decision issued in a foreign state*

- (1) A decision on paternity given in a foreign state that is in force in said state, is recognized in Finland without separate confirmation.
- (2) However, a decision given in a foreign state shall not be recognized, if:
 - (1) the competence of the authority of a foreign state is not based on the place of residence or domicile, nationality or citizenship of any of the parties or on any other connecting factor which, when taken into consideration, would have established for the authority a justified reason to take the case up for consideration;
 - (2) the decision has been given against a party who was absent and service of the application for a summons had not been given to the absent party in sufficient time and in such a manner that he or she could have prepared for being a respondent in the case;

- (3) the decision is contrary to a decision that had been given in Finland in court proceedings that had been initiated before the court proceedings leading to the decision in the foreign state had been initiated;
- (4) the decision is contrary to a decision on paternity given earlier in a foreign state that is recognized in Finland; or
- (5) the decision is contrary to public policy of Finland (*ordre public*).

(3) A decision of a court or another authority as well as the establishment or registration of a legal act is deemed a decision as referred to in subsection 1 and 2, if as a result of such a measure, the relationship between a child and a man is deemed a paternal relationship or as a result of such a measure the paternal relationship is terminated in the state where the registration or other measure was done.

Section 53 – *Confirmation of a decision issued in a foreign state* (664/2015)

- (1) The district court of Helsinki may on application confirm whether a decision given in a foreign state on paternity is to be recognized in Finland.
- (2) In the consideration of the case the district court shall reserve the child, the father, the mother or anyone else the opportunity to be heard, if the hearing is necessary in order to investigate the case and the whereabouts of the person to be heard can be determined without difficulty.

Section 54 – *Secondary nature of provisions*

The provisions of this Chapter apply only if not otherwise provided by the Act on the Recognition of Nordic Decisions on Paternity (352/1980).

Section 55 – *Conflict with the public policy of Finland*

A provision in the law of a foreign state shall be disregarded, if its application would have an outcome contrary to Finnish public policy (*ordre public*).

Chapter 9 – *Miscellaneous provisions*

Section 56 – *Restriction of the child's right of self-determination*

What is provided in section 11 and section 19, subsection 2 and section 30, subsection 1 on the significance of the opinion of a child who has reached the age of 15 years does not apply if the child, due to a mental health reason, mental disability or other corresponding reason, is not able to understand the significance of the matter.

Section 57 – *Perjury in a paternity case*

- (1) If the mother, in connection with the investigation of paternity, in a hearing in regard to acknowledgement or in accepting acknowledgement deliberately gives false information to the authorities, which contributes to the erroneous estab-

lishment of paternity, she shall be sentenced, unless a more severe punishment is decreed elsewhere in law for the act, for *perjury in a paternity case* to a fine.

(2) What is provided in subsection 1 applies correspondingly to a man who, in connection with the investigation of paternity, in his acknowledgement of paternity or in his acceptance of acknowledgement deliberately gives false information to the authorities, which contributes to the erroneous establishment of paternity.

Section 58 – *Urgency of consideration*

Cases concerning the investigation, establishment and annulment of paternity shall be considered as urgent cases.

Section 59 – *Executive assistance*

A child supervisor is required on request to provide executive assistance to the child supervisor of other municipality in the investigation and establishment of paternity in functions that are within the competence of the child supervisor. In so doing, the child supervisor is required also to represent another child supervisor when a case incumbent on the latter child supervisor is considered in a court or other authority within the jurisdiction of the former.

Section 60 – *More detailed provisions*

(1) More detailed provisions are provided as necessary by government Decree on:

- (1) notices to be given regarding the birth of a child;
- (2) the conduct of a medical investigation and the fee to be paid for such an investigation;
- (3) the procedure in the local register office when paternity has been established or annulled by decision of the local register office;
- (4) documents accepted as proof of identity.

(2) Ministry of Justice shall provide a Decree on those documents connected with the investigation of paternity, acknowledgement of paternity, consent of legal successors and with the establishment of paternity that are to be provided on forms approved for the purpose in question. The National Institute for Health and Welfare approves the template of the forms to be used.

Chapter 10 – Entry into force

Section 61 – *Entry into force*

(1) This Act enters into force on 1 January 2016.

(2) This Act repeals the Paternity Act (700/1975), referred to in the following as the Act being repealed, as well as the Act on the Implementation of the Paternity Act (701/1975).

Section 62 – *Application of the Act*

This Act applies also when the child had been born before this Act enters into force, unless provided otherwise.

Section 63 – *Investigation of paternity*

(1) If a child was born and the discussion on the investigation of paternity had been held before this Act enters into force, the provisions that were in force when this Act enters into force apply to the investigation of paternity. However, what is provided in section 11, subsection 2, paragraphs 1 and 2 apply to interruption of the investigation of paternity.

(2) If in the case referred to in subsection 1 the mother opposes the investigation of paternity, said investigation may be continued on the request of the man even if he has not acknowledged paternity.

Section 64 – *Acknowledgement of paternity*

If a man has acknowledged paternity before the present Act enters into force, the provisions that had been in force when this Act enters into force apply to the acceptance and establishment of acknowledgement.

Section 65 – *Action for establishment of paternity*

(1) If an action for the establishment of paternity is pending in court at the time that this Act or subsection enters into force, the provisions that were in force when this subsection enter into force apply. Nonetheless the action may not be dismissed on the grounds referred to in section 7, subsection 2 of the Act on the Implementation of the Paternity Act.

(2) An action for the establishment of paternity that is pending at the time that this subsection enters into force or that is brought after this subsection has entered into force, may be considered notwithstanding that the court had previously decided not to establish paternity on the basis of section 7, subsection 2 of the Act on the Implementation of the Paternity Act.

(3) If, on the basis of section 63, the provisions that were in force at the time that this Act enters into force apply to the investigation of paternity, the child supervisor may not bring an action on behalf of a child for the establishment of paternity if the mother, in the manner provided in section 8, subsection 2 of the Act being repealed, has objected to the investigation of paternity and the child has not reached the age of 15 years.

Section 66 – *Annulment of paternity*

(1) The mother may not bring an action for the annulment of paternity if the child was born before 1 October 1976.

(2) Section 41, subsection 2 and section 42, subsection 2 above do not apply if the child was born before this Act enters into force.

(3) The provisions that would have applied at the time that this Act enters into force apply to an action for annulment of paternity that was pending in court at the time this Act enters into force. Nonetheless, the action may not be dismissed

without considering the merits on the grounds that the mother and the husband are both deceased.

Section 67 – *Right of the child to inherit in certain cases* (1596/2015)

(1) A child born out of marriage before 1 October 1976 does not, on the basis of paternity established in court, inherit after a paternal decedent if the decedent had died before 31 January 2012. However, notwithstanding the first sentence of this subsection, a child has the right of inheritance if the property of the decedent reverts to the state on the basis of Chapter 5, section 1 of the Code of Inheritance (40/1965) or if the loss of the right of inheritance is to be deemed unreasonable in view of the equal treatment of siblings born out of wedlock or a comparable very important reason that is independent of the plaintiff. Such a right of inheritance shall be enforced at the latest within the period provided in Chapter 16, section 1 of the Code of Inheritance.

(2) What is provided in the first and second sentence of subsection 1, however, does not apply if paternity has been established within the period provided in section 7, subsection 2 of the Act on the Implementation of the Paternity Act or if the child had a father on 30 September 1976, but paternity had subsequently been annulled or the court decision on paternity had been annulled, and paternity in respect of another man had been established after this.

(3) A person who under subsection 1 has right of inheritance may request rectification of an estate distribution also when the decedent has died before 1 January 2016. The provisions in Chapter 23 a of the Code of Inheritance apply to rectification of an estate distribution and the duty to return property to the estate.

Section 68 – *References to earlier legislation*

If an Act or Decree refers to a provision which has been replaced by a provision in the present Act, the corresponding provision in the present Act shall apply when this Act has entered into force.

Entry into force and application (664/2015):

This Act enters into force on 1 January 2016.

The provisions that were in force at the time this Act enters into force shall apply to a case that has become pending before this Act enters into force.

Entry into force and application (1596/2015):

This Act enters into force on 1 January 2016.