

## **Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Ministry of Justice, Finland**

### **Parenthood Act**

(775/2022)

By decision of Parliament, the following is enacted:

#### **Chapter 1**

##### **General provisions**

##### **Section 1**

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

This Act applies to the determination, establishment and annulment of paternity and maternity (*parenthood*). Provisions on the granting of adoption are laid down in the Adoption Act (22/2012).

##### **Section 2**

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

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

##### **Section 3**

###### **Determination of paternity based on marriage**

The husband is the father of a child if the child is born during the marriage of the mother who gives birth to the child.

If the marriage has been dissolved before the birth of the child due to the death of the husband, the husband is the father of the child if the child was born at such a time that the child could have been conceived before the husband's death. However, if the mother has entered into a new marriage before the birth of the child, the latter husband is the father of the child.

## **Section 4**

### **Establishment of paternity in other cases**

If paternity is not determined under section 3, paternity is established by decision of the Digital and Population Data Services Agency or a court.

In such a case, the father is the person:

- 1) who conceived the child;
- 2) whose sperm was used to impregnate the mother in some other manner than that referred to in paragraph 1, resulting in the birth of the child.

If the mother who gave birth to the child (*birth mother*) had 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, the father of the child is the person who, in agreement with the birth mother, had consented to the treatment. If treatment was provided to a female couple or to the birth mother alone, the father of the child is the person whose sperm was used in the treatment if, prior to the provision of the treatment, the person had consented to establishment of paternity in accordance with section 16, subsection 2 of the said Act. If treatment was provided to the birth mother alone, consent may also be given after the provision of the treatment in agreement with the birth mother.

## **Section 5**

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

If the birth mother had received assisted fertility treatment referred to in section 1 of the Act on Assisted Fertility Treatments and the child was born as a result of the treatment, the woman who, in agreement with the birth mother, had consented to the treatment can be established as the second mother of the child in addition to the birth mother.

Maternity cannot, however, be established if the child already has two legal parents or if a father can be determined or established for the child under this Act.

In a case referred to in subsection 1, maternity is established by decision of the Digital and Population Data Services Agency or a court. Provisions on the establishment of parenthood are laid down in chapters 5 and 6.

## **Chapter 2**

### **Investigation of parenthood**

#### **Section 6**

##### **Purpose and scope of investigating parenthood**

The purpose of investigating parenthood is to obtain information that enables the establishment or verification of a father or a second mother for a child.

A child supervisor shall conduct an investigation of parenthood when the child supervisor is informed of a child under 18 years of age or when someone wishes to acknowledge parenthood, and the paternity of the child has not been established under section 3 or parenthood has not been established based on acknowledgement referred to in section 19.

A child supervisor shall also investigate parenthood in cases where the paternity of a child has been determined under section 3 or parenthood has been established based on acknowledgement referred to in section 19, and the birth mother and the other parent of the child:

- 1) jointly request, within six months of the birth of the child, that the child supervisor investigate parenthood; or
- 2) jointly approve that parenthood will be investigated as someone else has acknowledged the child or announced that they intend to acknowledge the child in the manner referred to in section 18, subsection 2.

Maternity shall not be investigated if a father can be established for a child and the child supervisor is not aware of any circumstances based on which someone other than the assumed father would be the child's other parent. Paternity shall not be investigated if the maternity of the child has been acknowledged based on consent to assisted fertility treatment referred to in section 5, subsection 1 and the child supervisor is not aware of any circumstances giving reason to suspect that someone other than the person who has acknowledged maternity is the child's other parent.

## **Section 7**

### **Initiating and terminating an investigation of parenthood**

An investigation of parenthood may be initiated before the birth of a child if obtaining evidence of parenthood would otherwise be endangered or if there is another special reason for this. However, the sample needed for a forensic genetic paternity test may not be taken from a child until after the birth of the child.

If a child dies before an investigation of parenthood has been conducted, the consideration of the case shall lapse. However, the investigation of parenthood shall be resumed if someone wishes to acknowledge the child and a statement of acknowledgement may still be given under section 18, subsection 3.

## **Section 8**

### **Responsibility for investigating parenthood**

Parenthood is investigated by a child supervisor in the wellbeing services county where the birth mother has their municipality of residence referred to in the Municipality of Residence Act (201/1994). However, if the child has reached the age of 15 years or if the birth mother has died or does not have a municipality of residence in Finland, parenthood is investigated by a child supervisor in the wellbeing services county where the child has their municipality of residence or, if the child does not have a municipality of residence in Finland, in the wellbeing services county where the child currently resides.

If someone wishes to acknowledge parenthood and the investigation of parenthood is not the responsibility of a child supervisor of any wellbeing services county referred to in subsection 1, parenthood shall be investigated by a child supervisor in the wellbeing services county where the person acknowledging parenthood has their municipality of residence.

If the investigation of parenthood is not the responsibility of a child supervisor of any wellbeing services county under subsection 1 or 2, parenthood shall be investigated by a child supervisor of the City of Helsinki.

What is provided in this section and sections 19, 22 and 66 concerning wellbeing services counties applies to the municipalities of Åland.

## **Section 9**

### **Discussion for the purpose of investigating parenthood**

Having been informed of a circumstance on the basis of which parenthood shall be investigated, a child supervisor shall conduct a discussion with the birth mother, the child, provided that they have reached the age of 15, and, where possible, the person who may be the other parent of the child. If parenthood is investigated under section 6, subsection 3, the other parent of the child shall also be invited to the discussion.

## **Section 10**

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

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

When providing information, the birth mother and the person who, under section 3 or on the basis of acknowledgement referred to in section 19, is or may be the other parent of the child are obliged to tell the truth. The same obligation also applies when giving a statement of acknowledgement, accepting acknowledgement and being heard in connection with acknowledgement.

## **Section 11**

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

The provisions laid down in the Act on the Status and Rights of Social Welfare Clients (812/2000) on the social welfare authorities' right to obtain information apply to the right of a child supervisor to obtain information for the purpose of investigating parenthood. Notwithstanding secrecy provisions, the child supervisor also has the right to obtain such information from the employer of the potential father identified by the mother and from an accommodation provider referred to in the Act on the Accommodation and Food Service Activities (308/2006) that is absolutely necessary in order to investigate the identity and place of residence of the potential father.

## **Section 12**

### **Obtaining of genetic and medical evidence**

In connection with an investigation of paternity, the child supervisor shall commission a forensic genetic paternity test referred to in section 1 of the Act on Forensic Genetic Paternity Tests (378/2005) for the child, the birth mother and the person who may be the father of the child, if the last mentioned person requests a test or if the child supervisor otherwise considers this necessary. If, under the said Act, a test may be ordered to be performed on a person other than one mentioned above and if the child supervisor considers this necessary, the child supervisor may also commission a test for this person.

A forensic genetic paternity test commissioned by the child supervisor may only be performed with the consent of the person from whom a sample is to be taken. If a test is to be performed on a sample taken from a deceased person before or after their death and the deceased person had not consented to the test while still alive, the consent of the person's legal successors shall be obtained for the test.

If a test is to be commissioned for both parents, one parent or another relative of the potential father or the birth mother, the provisions of sections 6, 7 and 9 and section 11, subsection 1 of the Act on Forensic Genetic Paternity Tests concerning a test ordered by a court shall apply to a test commissioned by the child supervisor and to the consent required for such a test.

The child supervisor may obtain an expert medical opinion regarding the time at which the child was conceived if obtaining such an opinion may be deemed necessary in view of the other evidence.

## **Section 13**

### **Information and notifications to be given to a person being tested**

Before taking a sample for a forensic genetic paternity test and before commissioning a 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 for the investigation of paternity, as well as the prerequisites referred to in section 12, subsections 1–3 for performing the test.

Having received a report on the forensic genetic paternity test, the child supervisor shall notify the person tested of its contents without delay.

## **Section 14**

### **Interruption of investigation of parenthood**

If a child who has reached the age of 15 years so requests, an investigation of parenthood concerning the child shall be interrupted.

The child supervisor may decide that an investigation of parenthood shall be interrupted if:

- 1) it is apparent that sufficient information for the establishment of parenthood is not available;
- 2) no such sample could be collected from the child that would have enabled a forensic genetic paternity test to be performed;
- 3) the child was born as a result of treatment referred to in section 1 of the Act on Assisted Fertility Treatments to the birth mother who had received the treatment alone, and it has been shown that the sperm donor did not consent, in the manner referred to in section 16, subsection 2 of the said Act, to the possibility of being established as the father of a child born as the result of the treatment;
- 4) no one has acknowledged the child and there are special reasons to assume that investigating parenthood would not be in the best interests of the child, and the child, if they have reached the age of 15 years, has not requested that parenthood be investigated.

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

- 1) on the motion of the child supervisor or on the request of the birth mother, on the request of the child if they have reached the age of 15 years, or on the request of a person who considers themselves a parent of the child, if the prerequisites for interruption referred to in subsection 2, paragraphs 1–3 are no longer met;
- 2) on the request of the birth mother, on the request of the child if they have reached the age of 15 years, or on the request of a person who has acknowledged parenthood, if the prerequisites for interruption referred to in subsection 2, paragraph 4 are no longer met.

## **Section 15**

### **Record to be drawn up of an investigation of parenthood**

The child supervisor shall draw up a record of an investigation of parenthood. All information necessary for the establishment or annulment of parenthood shall be entered in the record.

The child, provided that they have reached the age of 15 years, the birth mother and the person who has the right of action under section 32 or 33 have the right, upon request, to be informed of the record drawn up on the investigation of parenthood 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 16**

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

If the child supervisor considers it likely, in the light of a forensic genetic paternity test or other evidence, that a party to the matter is a parent of the child, the child supervisor shall give this person an opportunity to acknowledge parenthood.

If the person concerned does not acknowledge parenthood, none of the prerequisites for interrupting the investigation of parenthood referred to in section 14, subsection 1 or subsection 2, paragraph 1, 3 or 4 are met and the child has not reached the age of 18, the child supervisor is obliged to bring an action on behalf of the child for the establishment of parenthood. Provisions on bringing an action are laid down in chapter 6.

## **Section 17**

### **Request for review**

The provisions of the Administrative Judicial Procedure Act (808/2019) apply when requesting a review at an administrative court of a decision made by a child supervisor to interrupt or resume an investigation of parenthood. In addition to what is provided in the said Act, the child, provided that they have reached the age of 15 years, the birth mother and a person who considers themselves the other parent of the child have the right of appeal.

Provisions on the bringing of an action for establishment of parenthood are laid down in sections 32 and 33. If the decision to interrupt an investigation of parenthood has been made in respect of investigating paternity, information on the right of action for establishment of paternity and the related time limit shall be appended to the decision on interruption issued by the child supervisor under section 14.

## **Chapter 3**

### **Acknowledgement of parenthood**

#### **Section 18**

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

The parenthood of a child cannot be acknowledged if the child already has two parents. Furthermore, it is not possible to acknowledge a child who has been adopted. Maternity may be acknowledged by a person who considers themselves a mother of a child under section 5, subsection 1.

By derogation from subsection 1, it is possible to acknowledge a child for whom paternity has been determined under section 3 or parenthood has been established based on acknowledgement referred to in section 19, if the persons whose acceptance is required under section 22 accept the acknowledgement. When parenthood is established by the Digital and Population Data Services Agency, parenthood determined under section 3 or established based on acknowledgement referred to in section 19 is annulled.

Parenthood may not be acknowledged after the death of the child. Parenthood may, however, be acknowledged if the child has died so soon after the 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 parenthood is acknowledged after the child's death, an investigation of parenthood shall be conducted. Provisions on the investigation of parenthood are laid down in chapter 2.

## **Section 19**

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

Parenthood may be acknowledged before the birth of a child by giving a statement of acknowledgement concerning paternity or maternity.

A statement of acknowledgement shall be given personally, in the presence of the mother who will give birth, to a public health nurse or a midwife at a maternity and child health clinic, or at a private healthcare unit providing maternity and child health clinic services by commission of the wellbeing services county, in the wellbeing services county where the family has received maternity and child health clinic services during the pregnancy. Before acknowledgement is received, the parties shall be informed of the significance of acknowledgement and the legal effects of the establishment of parenthood.

A statement of acknowledgement may also be given to a child supervisor in the wellbeing services county in which the mother who will give birth has their municipality of residence, if the mother presents a certificate of pregnancy. In this case, the provisions of subsection 2 apply.

The public health nurse, the midwife and the child supervisor shall refuse to receive acknowledgement if:

- 1) the mother who will give birth opposes the acknowledgement;
- 2) the identity of the person acknowledging parenthood or the mother who will give birth has not been verified in a reliable manner;
- 3) there is reason to suspect that the person acknowledging parenthood cannot be established as the father or a mother of the child;
- 4) there is reason to suspect that, due to their mental state, linguistic difficulties or another reason, the mother who will give birth or the person acknowledging parenthood is not capable of understanding the significance of acknowledgement.

Provisions on the document to be drawn up on acknowledgement are laid down in section 25.

Once the mother who will give birth has accepted the acknowledgement in writing, the documents and their appendices shall be submitted to the Digital and Population Data Services Agency without delay for the performance of the duties related to the establishment of parenthood.

The provisions on criminal liability for acts in office apply to a public health nurse and a midwife when they perform duties referred to in subsection 2 even if they are not employed by a wellbeing services county.

## **Section 20**

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

A person who has acknowledged parenthood under section 19 may revoke their acknowledgement by notifying the Digital and Population Data Services Agency of this in writing before the birth of the child.

The mother who will give birth to a child or a person who considers themselves a parent of the child instead of the person who has acknowledged parenthood may, in the manner provided in subsection 1, provide notice of their view that the person who has acknowledged the child is not a parent of the child.

A statement of acknowledgement given under section 19 is null if, under section 56, subsection 1, paragraph 1 or 2, the Finnish authorities are not competent in matters concerning parenthood when the child is born.

## **Section 21**

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

A person may acknowledge parenthood after the birth of a child by personally giving a statement of acknowledgement in which the person states that they are the father or a mother of the child to a recipient of acknowledgement referred to in subsection 2. The recipient shall, before acknowledgement, inform the person acknowledging parenthood of the significance of acknowledgement and the legal effects of the establishment of parenthood.

Acknowledgement of parenthood is received by a child supervisor, a district registrar or a public notary. If given abroad, acknowledgement is received by a person serving at a Finnish mission who may, under section 33 of the Consular Services Act (498/1999), provide notarial services within the consular district of the mission. Provisions on the document to be drawn up on the acknowledgement of parenthood are laid down in section 25.

If a statement of acknowledgement is received by an authority other than the child supervisor responsible for the investigation of parenthood, the document drawn up on the acknowledgement shall be submitted to the said child supervisor without delay.

Abroad, a statement of acknowledgement may be given in compliance with the formal and procedural requirements that shall be complied with under the law of the state in question.

## **Section 22**

### **Acceptance of acknowledgement**

Parenthood may not be established based on acknowledgement if the acknowledgement concerns a child referred to in section 3 and the birth mother and their husband have not accepted the acknowledgement. If parenthood has been established based on acknowledgement referred to in section 19, the acknowledgement shall, in addition to the birth mother, be accepted by the person who has acknowledged parenthood.

Parenthood may not be established based on acknowledgement if the child has reached the age of 15 years and does not accept the acknowledgement.

If acknowledgement has been given before the birth of the child, parenthood may not be established based on acknowledgement if the mother who will give birth has not accepted the acknowledgement.

In cases referred to in subsections 1 and 2, the acceptance is given to a child supervisor in the wellbeing services county in which the parenthood of the child is investigated. The acceptance may also be received by a public official who, under section 21, subsection 2, may receive acknowledgement. Acceptance shall be given to its recipient in person.

## **Section 23**

### **Hearing**

The following persons shall be given an opportunity to be heard in connection with acknowledgement:

- 1) the birth mother, unless they have accepted the acknowledgement in accordance with section 19 or section 22, subsection 1;

- 2) a person who has custody of the child, if this can be arranged without difficulty;
- 3) a person who has custody of the person acknowledging parenthood or their other legal representative, if the person acknowledging parenthood 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 has the right to receive acknowledgement under section 21, subsection 2.

## **Section 24**

### **Verification of identity**

The person who conducts a discussion referred to in section 9, the person who receives a statement of acknowledgement referred to in section 19 or 21 or acceptance referred to in section 22, and the person who conducts an oral hearing referred to in section 23 shall verify the identity of the person who gives the statement of acknowledgement or acceptance or of the person who is being heard, on the basis of an identity card or in another corresponding and reliable manner.

## **Section 25**

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

A document shall be drawn up on the acknowledgement and on its acceptance. The document shall be dated and the identification data and contact details of the child, the birth mother and the person acknowledging parenthood shall be entered in the document. The person acknowledging parenthood and the recipient of the acknowledgement shall sign the document. If the acknowledgement shall be accepted by someone, this person and the recipient of the acceptance shall also sign the document.

If the child, the birth mother, the husband or a person who has acknowledged parenthood and who shall accept the acknowledgement have not been informed, in a verifiable manner, that a statement of acknowledgement has been given and their whereabouts are known, the child supervisor shall serve them with the acknowledgement by post against an acknowledgement of receipt.

## **Section 26**

### **Submission of documents to the Digital and Population Data Services Agency**

When an investigation of parenthood has been conducted and parenthood has been acknowledged, the child supervisor who investigated the child's parenthood shall submit a record of the investigation and the documents concerning the acknowledgement, with appendices, to the Digital and Population Data Services Agency.

## **Chapter 4**

### **Consent of legal successors to the establishment of parenthood**

## **Section 27**

### **Consent to establishment of parenthood without court proceedings**

If a child is born outside of marriage and an investigation of the paternity of a minor child and a forensic genetic paternity test or a written certificate of assisted infertility treatment show that a deceased person is the father of the child, the legal successors of this person may, after the birth of the child, give their consent to the establishment of paternity by decision of the Digital and Population Data Services Agency, without court proceedings, provided that the child has not been acknowledged and no action for establishment of paternity is pending.

The provisions of subsection 1 on the establishment of paternity also apply to the establishment of maternity in a situation referred to in section 5, subsection 1, if an investigation of maternity for a minor child and a written certificate of assisted fertility treatment show that a deceased person is the second mother of the child and no action for establishment of maternity is pending.

## **Section 28**

### **Document to be drawn up on consent**

A document shall be drawn up on the consent of the legal successors of a person. The provisions of this Act concerning acknowledgement of parenthood after the birth of a child, hearing in connection with acknowledgement, acceptance of acknowledgement and submission of documents to the Digital and Population Data Services Agency apply to the consent and the document. However, the legal successors need not give their consent in the presence of a recipient.

## **Chapter 5**

### **Establishment of parenthood by the Digital and Population Data Services Agency**

#### **Section 29**

##### **Competence of the Digital and Population Data Services Agency**

Parenthood is established by the Digital and Population Data Services Agency if:

- 1) a person has acknowledged parenthood in the manner provided in sections 18–25 and there is no reason to suspect that the person is not the other parent of the child;
- 2) the legal successors of a deceased person have, in the manner provided in sections 27 and 28, given their consent to the establishment of parenthood by decision of the Digital and Population Data Services Agency and, based on evidence referred to in section 27, it can be deemed thoroughly investigated that the person is the other parent of the child.

Paternity may be established even if the documents proving the identity and family ties of the potential parents are incomplete, if additional evidence cannot be obtained in a reasonable manner and an investigation of paternity and a forensic genetic paternity test prove paternity.

If parenthood has been acknowledged before the birth of a child in the manner provided in section 19, parenthood may be established even if the parent has died before the establishment of parenthood if the conditions laid down in subsection 1, paragraph 1 are met.

#### **Section 30**

##### **Consideration of parenthood matters in Åland**

In Åland, the duties assigned for the Digital and Population Data Services Agency in this Act are performed by the State Department of Åland.

#### **Section 31**

##### **Consideration of parenthood matters and request for review**

If the procedure provided in chapters 3 and 4 has not been complied with in a matter concerning establishment of parenthood, the documents are incomplete or the question of parenthood has not been sufficiently investigated, the Digital and Population Data Services Agency may request that a child supervisor supplement the documents or obtain the necessary additional evidence that is

available. If additional evidence cannot be obtained in a reasonable manner, the Digital and Population Data Services Agency may refer the matter to a child supervisor who shall investigate parenthood.

If parenthood has been acknowledged before the birth of a child but the Digital and Population Data Services Agency has not received a notification of the birth of the child within two months of the child's estimated date of birth, the Agency shall transfer the documents related to the acknowledgement without delay to the child supervisor referred to in section 8.

If the Digital and Population Data Services Agency receives a written notification referred to in section 20, subsection 1 or 2, a matter concerning acknowledgement of parenthood before the birth of a child shall lapse. In this case, the Digital and Population Data Services Agency shall inform the parties to the matter of the lapse of the matter.

No review may be requested by way of appeal in respect of a decision of the Digital and Population Data Services Agency. Provisions on the right of a party to bring an action for establishment of parenthood and on the time limits for bringing an action are laid down in sections 32–34. Information on the right of action referred to in section 32 or 33 and on the time limit referred to in section 34, subsection 2 or 3 shall be appended to the decision.

In addition to what is provided in section 54 of the Administrative Procedure Act (434/2003) on the duty of service, the Digital and Population Data Services Agency shall also serve the decision on the child supervisor who has investigated parenthood. If parenthood has not been investigated and the child is, due to a decision of the Digital and Population Data Services Agency, about to be left without another parent, the Digital and Population Data Services Agency shall serve the decision on the child supervisor who is responsible for investigating parenthood under section 8. There is no duty of service if the Finnish authorities do not have competence in the matter under section 56, subsection 1, paragraph 1 or 2.

## **Chapter 6**

### **Court proceedings for establishment of parenthood**

#### **Section 32**

##### **Right of action in a matter concerning establishment of paternity and parties**

A child for whom a father has not been determined based on the birth mother's marriage or for whom another parent has not been established by decision of the Digital and Population Data Services Agency or a court may request that paternity be established by bringing an action against the person that the child assumes to be their father. If the person against whom the action should be brought has died, the action is brought against the person's legal successors.

A person who considers that they are the father of a child has the right to bring an action against the child for the establishment of paternity:

- 1) if the child supervisor has interrupted an investigation of paternity on the grounds that no sample could be collected from the child for the purpose of performing a forensic genetic paternity test; or
- 2) if the Digital and Population Data Services Agency has not established paternity and the reason for this is other than the fact that an acceptance referred to in section 22 has not been obtained.

If the person who is to be established as the father dies while the action is pending, the person's legal successors shall replace them.

#### **Section 33**

##### **Right of action in a matter concerning establishment of maternity and parties**

A child for whom a father has not been determined based on the birth mother's marriage or for whom another parent has not been established by decision of the Digital and Population Data Services Agency or a court may request that maternity referred to in section 5, subsection 1 be established by bringing an action against the person that the child assumes to be their mother. If the person against whom the action should be brought has died, the action is brought against the person's legal successors.

A person who considers that they are a mother of a child under section 5, subsection 1 has the right to bring an action against the child for the establishment of maternity if the Digital and

Population Data Services Agency has not established maternity and the reason for this is other than the fact that an acceptance referred to in section 22 has not been obtained.

If the person who is to be established as a mother dies while the action is pending, the person's legal successors shall replace them.

## **Section 34**

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

An action for establishment of paternity or maternity may not be brought if the child has reached the age of 15 years and opposes the establishment of parenthood. 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 they are the father of a child shall bring an action within one year of the date on which the person was informed of a decision of the child supervisor or the Digital and Population Data Services Agency referred to in section 32, subsection 2.

A person who considers that they are the second mother of a child shall bring an action within one year of the date on which the person was informed of a decision of the Digital and Population Data Services Agency referred to in section 33, subsection 2.

## **Section 35**

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

In court proceedings for establishment of parenthood, a minor child's right of action is exercised by the child supervisor who may investigate parenthood under section 8. However, 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 56, subsection 1, paragraph 1 or 2.

In court proceedings for establishment of parenthood, a minor child's right of action may be exercised, in addition to the child supervisor, by a person who has custody of the child or another legal representative of the child, and if the child has reached the age of 15 years, by the child themselves. If the child supervisor and another representative of the child disagree in the exercise of the child's right of action, the opinion of the child supervisor shall prevail.

The court shall give an opportunity to be heard to everyone who, under subsection 1 or 2, may exercise the child's right of action. The birth mother shall also be given an opportunity to be heard even if the birth mother does not have custody of the child, provided that the hearing can be arranged without difficulty.

A child who, under subsection 1, is represented by a child supervisor in a case concerning establishment of parenthood shall be granted legal aid in accordance with the Legal Aid Act (257/2002) free of charge, notwithstanding what is otherwise provided regarding the conditions for legal aid.

## **Section 36**

### **Summoning as defendant**

If a child requests that paternity be established, the child shall summon the person who can be assumed to be the child's father as the defendant.

If a child requests that maternity be established, the child shall summon the person who can be assumed to be the child's mother as referred to in section 5, subsection 1 as the defendant.

If there are several persons referred to in subsection 1 or 2, they may be summoned as defendants to the same court proceedings. The potential parents shall be summoned as defendants in the same court proceedings, if it is apparent that this is necessary to obtain evidence in the case. If an action is pending for establishment of both paternity and maternity with regard to the same child, the action for establishment of paternity shall be decided before the matter concerning establishment of maternity.

If an action is brought against a child under section 32, subsection 2 or section 33, subsection 2, the persons who, in addition to the plaintiff, are potential parents of the child may also be summoned as defendants.

A person who, according to a forensic genetic paternity test, cannot be the father of a child shall not, without a special reason, be summoned as a defendant.

## **Section 37**

### **Service of a summons**

Provisions on the service of a summons are laid down in chapter 11 of the Code of Judicial Procedure. If no information can be obtained on the whereabouts of the addressee or of the person authorised by the addressee to receive service, the service of a summons may, nonetheless, be effected by a public notice only if so much evidence of parenthood is available that initiating court proceedings against the defendant can be deemed to be in the best interests of the child.

## **Section 38**

### **Service of a record drawn up of the investigation of parenthood**

In cases where an investigation of parenthood is required under the law, the plaintiff shall append a record drawn up of the investigation of parenthood to the application for a summons. If the record has not been appended to the application for a summons, the court shall request the record from the child supervisor.

## **Section 39**

### **Jurisdiction in a matter concerning establishment of parenthood**

Provisions on the competent court are laid down in chapter 10 of the Code of Judicial Procedure.

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

## **Section 40**

### **Withdrawal of action and exclusion of paternity**

When an action for establishment of parenthood is brought against more than one defendant, the plaintiff may withdraw the action against one of them if the defendant does not object to the withdrawal and if the court, having heard the other defendants, consents to this. In such a case,

the court shall dismiss the case in respect of the defendant in question without considering the merits.

If an action for establishment of paternity is brought against more than one defendant, the court may, before finally resolving the question of paternity, dismiss the action against one or more of the defendants, if it is to be deemed proven, based on a forensic genetic paternity test, that the defendant in question cannot be the father of the child.

## **Section 41**

### **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 parenthood.

## **Section 42**

### **Consideration of a request for review**

If the plaintiff or the defendant requests a review of a court decision on parenthood, the appellate court may also consider the matter in respect of a party to whom the request for a review does not apply. However, the matter shall not, without a special reason, be taken up for consideration in respect of a person to whom the request for a review does not apply and regarding whom a claim has been rejected on the grounds that the person cannot, based on a forensic genetic paternity test performed, be the father of the child.

## **Chapter 7**

### **Annulment of parenthood**

## **Section 43**

### **Grounds for annulment of paternity**

Paternity that has been determined under section 3 or established by decision of the Digital and Population Data Services Agency shall be annulled by court decision if it has been shown, through

a forensic genetic paternity test or otherwise, that there is no relationship referred to in section 4, subsection 2 or 3 between the child and the person determined or established as the father.

#### **Section 44**

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

Maternity that has been established by decision of the Digital and Population Data Services Agency shall be annulled by court decision if it has been shown that there is no relationship referred to in section 5, subsection 1 between the child and the person established as a mother.

#### **Section 45**

##### **Annulment of parenthood by decision of the Digital and Population Data Services Agency**

Paternity of the husband or parenthood of a person who has acknowledged parenthood as referred to in section 19 is annulled when another person has acknowledged parenthood in the manner referred to in section 21 and the Digital and Population Data Services Agency has established the person's parenthood based on the acknowledgement.

If the birth mother and the other parent of a child have together requested that a child supervisor investigate parenthood in the manner referred to in section 6, subsection 3, paragraph 1 and it can be determined on the basis of a forensic genetic paternity test that the husband or a person who has acknowledged the child cannot be the father of the child, the Digital and Population Data Services Agency may, upon joint application of the parents, confirm that the husband or a person who has acknowledged parenthood before the birth of the child is not the father of the child. The matter may be decided without hearing the child. The Digital and Population Data Services Agency shall not, however, decide the matter if the birth mother has been provided with assisted infertility treatment at the time when the child was conceived. The application shall be submitted to the Digital and Population Data Services Agency before one year has elapsed from the birth of the child.

No review may be requested by way of appeal in respect of the decisions of the Digital and Population Data Services Agency referred to in subsections 1 and 2.

In addition to the provisions of section 54 of the Administrative Procedure Act on the duty of an authority to serve its decisions, the Digital and Population Data Services Agency shall send a copy of its decision in a matter concerning annulment of parenthood of a minor child to the child supervisor referred to in section 8.

## **Section 46**

### **Parties to a case concerning an action for annulment of paternity**

An action for annulment of paternity may be brought in a district court by the child, the birth mother or the person whose paternity has been determined based on marriage or established by decision of the Digital and Population Data Services Agency.

In a case referred to in section 48, subsection 2, an action for annulment of paternity may also be brought by a person who considers that they are a parent of the child instead of the person referred to in subsection 1.

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.

If a party dies during court proceedings, they shall be replaced by their legal successors.

## **Section 47**

### **Parties to a case concerning an action for 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 the Digital and Population Data Services Agency.

In a case referred to in section 48, subsection 2, an action for annulment of maternity may also be brought by a person who considers that they are a parent of the child instead of the person referred to in subsection 1.

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.

If a party dies during court proceedings, they shall be replaced by their legal successors.

## **Section 48**

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

If a child has reached the age of 15 years, the child's right of action may only be exercised by the child themselves. However, 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 15 years but who, due to a mental health disorder, intellectual disability or another corresponding reason, is not capable of understanding the significance of the matter, if there are very serious grounds for this when considering the best interests of the child.

A person who considers that they are a parent of a child born or acknowledged during the marriage of the birth mother has the right to bring an action for annulment of parenthood of the mother's husband or parenthood established based on acknowledgement only if:

- 1) the birth mother and the husband or the established parent were separated at the time of the birth of the child;
- 2) the plaintiff lived together with the birth mother at the time of the birth of the child 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 bringing an action is in the best interests of the child.

If the husband or the person who has acknowledged the child has gained knowledge of facts giving reason to suspect that the child has not been conceived by their sperm or in the manner and under the circumstances referred to in section 4, subsection 3 or section 5, subsection 1 and if, despite this, the person has, after the birth of the child, stated in writing that the child is theirs, the person does not have the right to bring an action. The birth mother does not have the right to bring an action if they have accepted, in writing, the statement referred to above.

## **Section 49**

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

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

An action for annulment of parenthood may not be brought on behalf of such a party referred to in section 46 or 47 who has died. However, after a person determined or established as a parent has died, the person's spouse and heirs may bring an action for annulment of parenthood as provided in section 50, subsection 3.

If a person who, under section 46, subsection 3 or section 47, subsection 3, should be the defendant in a case has died, the person's legal successor shall be summoned as the defendant. If the birth mother has died, their legal successors shall not, however, be summoned as defendants.

## **Section 50**

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

If paternity has been determined based on marriage, the birth mother, the person referred to in section 48, subsection 2, and the person whose paternity has been determined based on marriage shall bring an action within two years of the birth of the child. If parenthood has been established based on acknowledgement, the birth mother, the person referred to in section 48, subsection 2 and the person who has acknowledged parenthood shall bring an action for annulment of parenthood within two years of the establishment of parenthood.

An action may be considered even if it has been brought after the time limit has expired if the plaintiff has had a legal excuse or if the plaintiff shows that there has been another serious reason for not bringing the action earlier. The action shall, however, be dismissed without considering the merits if it has not been brought within one year of the date on which the reason for not bringing the action ceased to exist.

If the husband or a person whose parenthood has been established by decision of the Digital and Population Data Services Agency has died without losing their right of action, the 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 an action, within that period.

## **Section 51**

### **Hearing of third parties**

If, on the basis of circumstances that have been revealed in court proceedings, there are grounds to assume that a certain person who is not a party to the proceedings is the other parent of the child, the court may give this person an opportunity to be heard.

## **Section 52**

### **Jurisdiction in a matter concerning annulment of parenthood**

Provisions on the competent court are laid down in chapter 10 of the Code of Judicial Procedure.

## **Section 53**

### **Court procedure**

The provisions of sections 37 and 41 apply to court proceedings for annulment of parenthood.

## **Chapter 8**

### **Provisions of private international law**

## **Section 54**

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

Maternity is determined by operation of law under Finnish law 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 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 at the time of the birth of the child; or

2) the person whose maternity is to be determined is residing or is an asylum seeker at the time of birth, if the person is not habitually resident in any state.

Notwithstanding the provisions of subsections 1 and 2, the law of the birth mother's place of habitual residence or, secondarily, the law of the place where the birth mother is residing applies to the determination of maternity based on marriage concluded with the birth mother or based on consent to assisted fertility treatment provided to the birth mother.

## **Section 55**

### **Determination of paternity by operation of law**

Paternity is determined by operation of law under Finnish law if:

- 1) the birth mother is habitually resident in Finland at the time of the birth of the child;
- 2) the birth mother 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 birth.

If, under subsection 1, Finnish law does not apply, paternity is determined by operation of law under the law that is applicable in the state where:

- 1) the birth mother is habitually resident at the time of birth of the child; or
- 2) the birth mother is residing or is an asylum seeker at the time of birth, if the person is not habitually resident in any state.

If, however, taking into consideration all the relevant circumstances, the child has, at the time of their birth, a closer connection with a state other than the one whose law is applicable under subsection 1 or 2, the law applicable in such a state shall apply to the determination of paternity by operation of law.

If, after the birth of a child, the paternity relationship has become established in accordance with the law of a state other than one referred to in subsections 1–3 and the child has a close connection with that state, the law applicable in such a state shall, by derogation from subsections 1–3, apply to the determination of paternity by operation of law.

## **Section 56**

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

The Finnish authorities are competent in a matter concerning parenthood 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 their death, habitually resident in Finland;
- 4) the defendant is not habitually resident in any state but is or was, immediately before their 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 parenthood the case concerns is habitually resident or was habitually resident immediately before their death, and there are special reasons for resolving the matter 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 parenthood if the person who wishes to acknowledge parenthood:

- 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 parenthood shall not be conducted if the competence of the Finnish authorities is based solely on subsection 1, paragraph 3 or 4.

## **Section 57**

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

If a case concerning parenthood 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 58**

### **Applicable law**

Finnish law applies to matters concerning parenthood unless otherwise provided in section 54 or 55.

## **Section 59**

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

A decision on parenthood 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, domicile, citizenship or any 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 them to prepare for a response in the matter;
- 3) the decision is incompatible with a decision on parenthood 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 parenthood issued earlier in a foreign state that is recognised in Finland;
- 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 the person 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 the person 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 transaction is deemed a decision if the relationship between the persons concerned is considered a relationship between a child and a parent as a result of such a measure, or if the said 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 60**

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

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

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

## **Section 61**

### **Subsidiary nature of provisions**

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

## **Section 62**

### **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 9**

### **Miscellaneous provisions**

#### **Section 63**

##### **Ascertaining the views of a child**

When the best interests of a child under 15 years of age are assessed in a situation referred to in section 14, subsection 2, paragraph 4 or section 48, subsection 1 or subsection 2, paragraph 3, the wishes and views of the child shall be ascertained and taken into consideration insofar as this is possible in view of the child's age and stage of development. The views of the child shall be ascertained tactfully and in a manner that takes the child's stage of development into consideration. The purpose of ascertaining the child's views and the related procedure shall be explained to the child.

What is provided on the effect of the views of a child who has reached the age of 15 years in section 14, section 22, subsection 2 and section 34, subsection 1 does not apply if the child is not, due to a mental health disorder, intellectual disability or some other corresponding reason, capable of understanding the significance of the matter.

The provisions of sections 15a, 16 and 16a of the Act on Child Custody and Right of Access (361/1983) apply to ascertaining the views of a child under 15 years of age.

#### **Section 64**

##### **Giving a false statement in a matter concerning establishment of parenthood**

A person who, during an investigation of parenthood, when acknowledging maternity or paternity, when being heard in connection with acknowledgement, or when accepting an acknowledgement, gives information to the authorities that they know to be false and the information contributes to an erroneous establishment of parenthood shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *giving a false statement in a matter concerning establishment of parenthood* to a fine.

## **Section 65**

### **Urgency of consideration**

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

## **Section 66**

### **Executive assistance**

A child supervisor shall, upon request, provide executive assistance to a child supervisor of another wellbeing services county in duties that a child supervisor is responsible for in connection with investigation and establishment of parenthood. In such a case, the child supervisor shall also represent the other child supervisor in a court or before another authority within their area of operation when matters within the competence of the other child supervisor are considered there.

## **Section 67**

### **Advance acknowledgement registers**

Advance acknowledgement registers are registers established for the purpose of performing tasks related to acknowledgement of parenthood before the birth of a child and to the confirmation of such acknowledgement. The Digital and Population Data Services Agency is the controller of a separate advance acknowledgement register within its area of operation laid down in this Act. Correspondingly, the State Department of Åland is the controller of a separate advance acknowledgement register within its area of operation laid down in this Act.

The recipient of acknowledgement referred to in section 19, subsections 2 and 3 may collect and register in the advance acknowledgement register:

- 1) the identification and contact details of the person acknowledging parenthood, information on the document based on which their identity was verified, the person's municipality of residence, and the statement of acknowledgement;
- 2) the identification and contact details of the person accepting the acknowledgement, information on the document based on which their identity was verified, the person's marital status and municipality of residence, the statement of acceptance, the estimated number of children to be born, and the estimated date of birth of the child;
- 3) the information contained in a potential certificate of assisted fertility treatment;

4) the name, job title, organisation and contact details of the recipient of the acknowledgement;  
5) such information other than information referred to in paragraphs 1–4 that is necessary for the performance of the tasks referred to in subsection 1 and that concerns the act of acknowledgement or parties to it, with the exception of data belonging to special categories of personal data or secret information referred to in section 24, subsection 1, paragraph 32 of the Act on the Openness of Government Activities.

The information shall be stored in the advance acknowledgement register until the matter concerning establishment of parenthood has been decided or it has lapsed or been transferred.

In addition to what is provided in the Act on the Openness of Government Activities, the Digital and Population Data Services Agency, the State Department of Åland and the social welfare authorities have the right, notwithstanding secrecy provisions and other restrictions on access to information, to obtain from the advance acknowledgement register the information that is necessary for the performance of their duties related to the investigation or establishment of parenthood.

## **Section 68**

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

When applying sections 2 and 6a of the Municipality of Residence Act (201/1994) in a case where a child has two mothers under this Act, the provisions of the said sections concerning the mother apply to the birth mother and the provisions of section 6a of the Municipality of Residence Act concerning the father apply to the second mother referred to in section 5, subsection 1 of this Act.

## **Section 69**

### **Further provisions**

Further provisions on the following may be laid down by government decree:

- 1) notification of the birth of a child;
- 2) provision of medical evidence and the fee to be paid for this;
- 3) documents accepted as proof of identity.

Provisions on the documents related to the investigation, acknowledgement, establishment and annulment of parenthood that are to be provided on forms approved for the purpose in question

are issued by decree of the Ministry of Justice. The Finnish Institute for Health and Welfare approves the templates for the forms.

## **Chapter 10**

### **Entry into force**

## **Section 70**

### **Entry into force**

This Act enters into force on 1 January 2023.

This Act repeals the Paternity Act (11/2015) and the Maternity Act (253/2018).

## **Section 71**

### **Application of this Act to a child born before the entry into force of this Act**

This Act also applies to paternity in cases where the child was born before the entry into force of this Act, unless otherwise provided.

The provisions of section 2 and chapter 8 of this Act also apply to maternity in cases where the child was born before the entry into force of this Act. The other provisions of this Act also apply to maternity in cases where a child was born before the entry into force of this Act, if the consent referred to in section 5, subsection 1 to assisted infertility treatment was given on or after 1 April 2019.

## **Section 72**

### **Acknowledgement and investigation of parenthood**

If parenthood has been acknowledged before the entry into force of this Act, the provisions in force at the time of the entry into force of this Act apply to the acknowledgement of parenthood and its revocation, denial, acceptance and confirmation as well as to investigation of parenthood. The provisions in force at the time of the entry into force of this Act also apply to investigation of parenthood if the child was born and the discussion for the purpose of investigating parenthood was conducted before the entry into force of this Act.

### **Section 73**

#### **Action for establishment of maternity or paternity**

If an action for establishment of maternity or paternity is pending in court at the time of the entry into force of this Act, the provisions in force when the action was brought shall apply to it. However, the action may not be dismissed on the grounds laid down in section 7, subsection 2 of the Act on the Implementation of the Paternity Act (701/1975). An action for establishment of paternity that is brought after the entry into force of this Act may be considered notwithstanding the fact that the court had previously decided not to establish paternity under section 7, subsection 2 of the Act on the Implementation of the Paternity Act.

### **Section 74**

#### **Annulment of maternity or paternity**

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

If the child was born before the entry into force of this Act, the provisions in force at the time of the entry into force of this Act shall apply instead of section 46, subsection 2, section 47, subsection 2 and section 48, subsection 2 of this Act.

If an action for annulment of maternity or paternity is pending in court at the time of the entry into force of this Act, the provisions that were applicable when the action was brought shall apply to the action. However, the action may not be dismissed without considering the merits on the grounds that the birth mother and the husband are both deceased.

### **Section 75**

#### **Child's right of inheritance in certain cases**

A child born outside marriage before 1 October 1976 does not, on the basis of paternity established in court, inherit after a paternal decedent if the decedent has died before 31 January 2012. However, notwithstanding the first sentence of this subsection, a child has the right of inheritance if the decedent's property has passed to the State under 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 equal treatment of siblings born outside marriage or another comparable

very important reason not attributable to the plaintiff. Such a right of inheritance shall be enforced within the time limit laid down in chapter 16, section 1 of the Code of Inheritance at the latest.

What is provided in the first and second sentence of subsection 1 shall not, however, apply if paternity has been established within the time limit laid down 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 has subsequently been annulled or the court decision on paternity has been reversed and another man's paternity has been established after this.

A person who, under subsection 1, has the right of inheritance may request rectification of an estate distribution even if the decedent has died before 1 January 2016. The provisions of chapter 23a of the Code of Inheritance apply to rectification of an estate distribution and to the duty to return property to the estate.

## **Section 76**

### **References to previous legislation**

If an act or decree contains a reference to a provision replaced by a provision of this Act, the corresponding provision of this Act shall apply after the entry into force of this Act.