

## 2 Children

### 2.1 Parenthood

#### 2.1.1 From being a couple to being parents

A child fundamentally changes a couple's relationship! The two loving adults suddenly turn their focus - and part of their love - to a third person. This little person attracts a lot of attention and demands energy and love from their caregivers. Firstly, it makes people parents and is thus one of the reasons why they lose sight of each other.

**Tip for (expecting) couples:** Prepare for parenthood and attend appropriate courses together. Don't forget to nurture your own relationship after the birth. Always take time for yourselves, i.e. time out during parenthood. Whether it's a few hours at the cinema, dinner, sports or a few days at a wellness hotel. It's worth it ... for you!

#### 2.1.2 From being a woman to being a mother

This process starts with an inner change. Just as the child is born in the mother's body, grows invisibly, then becomes visible, the woman comes to terms with her future motherhood at an early stage. She's usually a little ahead of the father in this process and is often aware of the changes that are coming. Nevertheless, it is important to prepare oneself internally and externally for what is about to come. Especially for the compatibility of work and family.

**Tip for mothers-to-be:** Institutions such as the Parent-Child Forum, the Mothers' Centre, educational institutions, midwives, doctors and others, offer a wide range of services. Also sit down with the father-to-be and plan your shared future with your expected child.

#### 2.1.3 From being a man to being a father

For men, fatherhood-to-be is not visible, but good preparation is still important. Reconciling work and family life is only now becoming an issue. How do I manage to pursue a professional career and still take good care of the child and my new family?

**Tip for fathers-to-be:** Ask your employer whether they support the Father Crash Course project. For more information, go to [www.männerfragen.li](http://www.männerfragen.li) > Projects. And sit down with your partner and plan your future as a family of three / four / ...

#### 2.1.4 Recognition

When a child is born out of a non-marital relationship, paternity is still legally unclear. The father is the person who has acknowledged his paternity with the authorities. If the father is still a minor, he needs the consent of his legal representative for the acknowledgement. Establishing paternity is therefore important, as it prerequisites for maintenance and the legal right of inheritance of the children.

#### 2.1.5 Procedure (paternity proceedings)

If the presumed father does not admit paternity, the mother (as the child's legal representative) can apply for paternity to be confirmed. Conversely, the man can also apply to the court. The father is considered to be the person who has "attended" the child's mother within a period of 180 to 300 days before the birth. Unless he can prove that the child is not his descendant (§§ 138 h ff ABGB). The application in non-contentious proceedings must be filed at the competent court of the child, i.e. in Liechtenstein at the Princely Court in Vaduz. In order to establish the facts of the case, the court must determine all relevant circumstances of its own accord. DNA reports or blood tests are used as evidence. If the person concerned refuses, a blood sample can be forced. If the father's whereabouts is unknown, a so-called curator can be appointed to him. This person represents the father during the proceedings. The costs for the expert opinion and a possible curator must be paid by the person who loses the paternity case.

## 2.2 Child welfare

Child welfare is the guiding judicial principle of parent and child. The law stipulates that parents must promote the welfare of their minor children and thus provide them with care, security, and a nurturing upbringing. A catalogue of criteria defines what is meant by the best interests of the child: the provision of food and housing, protection of the physical and mental integrity, appreciation of the child, promotion of its aptitudes, abilities and inclinations, avoidance of conflicts of loyalty, etc. (§ 137 b ABGB). However, it is not only the parents' responsibility to safeguard the best interests of the child, but also the responsibility of every (adult) person living in the same household as the parent and the parent's (minor) child who has a family relationship with the parent. This means, that a partner of this parent or already adult siblings are also obliged to safeguard the best interests of the child (§ 137 a ABGB).

## 2.3 Custody

### 2.3.1 Definition / legal basis

In colloquial language, custody is also known as guardianship. It refers to the rights and duties of parents towards their minor children. Custody includes care and upbringing, property management and legal representation of the child. Custody is a concern of physical and emotional well-being of the child and also includes the power to make decisions for the child.

In the case of unmarried parents, the mother of the child has sole custody (§144 ff ABGB). Joint custody must either be agreed upon by the parents or applied for in court by the father of the child, who is not entitled to custody (§ 174 ABGB).

### 2.3.2 Right of contact

The relationship to both parents is a fundamental right of the child. Children born out of wedlock are equal to children born in wedlock in every aspect. Regular personal contact (formerly/old-fashioned: visits) corresponding to the needs and age of the child, are a right as well as duty of the non-custodial parent. The reason for contact, is to maintain or establish a close relationship between the child and the natural father. He is entitled to contact in any case, regardless of whether he fulfils his maintenance obligations or not. If contact is made difficult or even prevented by the parent with custody, i.e. the child's mother, the court can make appropriate orders on application. A healthy parent-child relationship can only be built through regular contact; parents should always bear this in mind during any conflicts between each other.

### 2.3.3 Right to information and expression

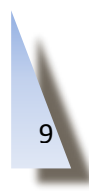
The non-custodial parent must be informed or granted access to information about the life of his or her child. He or she must be informed in due time about important matters and changes in the child's life (such as a change of school, residence, significant illnesses, successes, etc.) and be able to comment on them. Attention: For example, schools inform on demand by the child's father. The rights to information are extended if contact is not possible.

### 2.3.4 Right of representation

The non-custodial parent has a (limited) right of representation for his or her child: he or she can carry out acts of representation in everyday life to the extent required by the circumstances. For example, if the parent with custody is not present and the child regularly stays with the parent without custody (e.g. visit to the doctor).

### 2.3.5 Death

If the parent entitled to custody dies, the other parent is entitled to custody in the case of joint custody. If the deceased parent had sole custody, the court decides whether the other parent or the child's grandparents are to have custody, considering the child's best interests.



## 2.4 Work'n life balance

The compatibility of work and family is currently a very widespread topic. The question is posed to women and men when they become parents and again later when they already are. "Which family model or role division do we want/can we live with?":

- Traditional, in which one parent (so far mostly the father) is employed and the other (so far mostly the mother) takes care of family matters at home?
- Partnership-based, also called "egalitarian" by Margret Bürgisser. This model ensures that the housework is shared between both partners.

"It's about the quality of living together and not about money and career." - This is the title of an interesting interview with Magret Bürgisser in the magazine "Fritz + Fränzi" in September 2017. Below we quote some paragraphs from it.

- The division of roles between partners offers parents an opportunity to both pursue their careers and participate in the development of the children. It also ensures, that housework - the unloved stepchild - is shared between both partners. When the responsibility for paid work rests on two shoulders, the risk of securing a livelihood is distributed."
- "In my opinion, the problem also lies in the fact that most couples often do not really share the roles, despite the woman's professional activity. The father continues to work 100 per cent and the mother continues to bear the main responsibility at home, in addition to her 50 per cent workload."
- "Couples who evolve together, have more stable relationships than other couples."
- "A partnership-based division of roles would also mean that some women would have increase their workloads or at least hand over domestic responsibilities to the fathers. Not all mothers are willing to do that - because they want to spend the time with the children or because they also find it quite nice at home ... then they should do it that way."
- "In order to pave the way for fathers to take up family work, various measures are available. One of them is the promotion of part-time work - also for men in demanding positions. A paternity or parental leave or a "parental allowance" - analog to the German model - would also be an opportunity. The discussion about the future of the family should also be guided less by economic interests and cost-benefit considerations. Instead, it should focus on the question: What framework conditions do parents and children need in today's world, to lead a fulfilled life in safety and comfort?"

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We recommend studying the full article in print edition of Fritz + Fränzi or under this [link](#) (written out in the e-guide's sources).

No matter which model a couple chooses: The roles and their distributions have to be questioned, confirmed or redefined again and again. This may seem exhausting, but it keeps the relationship alive. Moreover, this process supports the couple in staying closer to each other and prevents a possible estrangement further down the line. When you have these discussions, always try to focus on the best interests of the child and seek solutions. Lead by example, so they can get to know, internalize it and live and develop themselves.