

International Platform on Shared Parenting

twohomes.org

Kick-off Workshop

Sunday, 11 August 2013

**Age and time perception of the child
as a determinant for
parenting arrangements
and court orders**

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Law Proposition concerning the Housing Regulation of Minor Children with their Non-Cohabiting Parents

(deposited by Mr. Guy Swennen)
30 March 2004

“In the absence of such an agreement, the judge, when one of the parents requested it, enunciates an in time as equal as possible shared parenting, except when there are **objective reasons** in the interest of the child not to grant it, and determines the domicile.

The objective reasons for not granting this housing regulation are on the one hand the fact that the child not yet has the **age of three years** and on the other hand the material impossibility to organise this housing regulation in practice.

The judge circumstantially motivates these objective reasons in the light of the concrete circumstances of the case.”

Scientific Bases

Kelly, J. & Lamb, M. E. (2000).

Using child development research to make appropriate custody and access decisions.

Family & Conciliation Courts Review, 38, (3), 297-311.

Berger, Maurice & Gravillon, Isabelle:

"Mes parents se séparent", Ed. Albin Michel, 2003.

Jaede, Wolfgang: **"Was Scheidungskindern Schutz gibt. Wie sie unbeschädigt durch die Krise kommen."**

Verlag Herder, 2008. e-book ISBN 978-3-451-33069-8

Rotsaert, Joke (18/12/2012). Universiteit Antwerpen (persoonlijke mededeling).

The Age and the Housing Schedule of the Child

Progressive Calendar

<u>Age</u>	<u>Maximal Separation</u>	<u>Housing Schedule</u>
0 to 6 Months	3 times a Week	Each time 3 hours with the father
6 Months t 1 year	3 times a Week	Each time 4 hours with the father + 1 Night
1 to 3 years	3 times a Week, but 24 hours in the Weekend with the father	each time 5 hours with the father (e.g. 1/1/1/1/1/1/1)
3 years	not more than 3 days separated from one parent	e.g. 3/2/2
4 years	not more than 4 days separated from one parent	e.g. 3/2/2
5 and 6 years	not more than 5 days separated from one parent	e.g. 5/5/2/2
7 years	not more than 6 days separated from one parent	e.g. 5/5/2/2
8 and 9 years	not more than 7 days separated from one parent, 10 days in holidays	e.g. 7/7
10 to 13 years	not more than 7 days separated from 1 parent, 2 weeks in holydays	e.g. 7/7
14 years and older	not more than 14 days separated from one parent, when the youngster wants this schedule	e.g. 14/14

More recent scientific research

- Kelly , J. B. (2005). **Developing beneficial parenting plan models for children following separation and divorce.** Journal of American Academy of Matrimonial Lawyers, 19, 101-118.
- Kelly, J. B. (2007). **Children's living arrangements following separation and divorce: Insights from empirical and clinical research.** Family Process, 46(1), 35-52.
- Michael E. Lamb and Joan B. Kelly: **Improving the Quality of Parent-Child Contact in Separating Families with Infants and Young Children: Empirical Research Foundations.** In R. M. Galazter-Levy, J. Kraus, & J. Galatzer-Levy. (2009). *The scientific basis of child custody decisions.* (Second edition). Hoboken, NJ: Wiley. (pp. 187-214): S. 10-11.
- Joan B. Kelly, Ph.D. © 2010: **Options for Parenting Plans – (School Age).** (persönlich zugesendeter .ppt)
- Linda Nielsen (May 2013): **Custody and Overnights for Young Children: Large Issues, Small Data.** *WJFL*, Vol. 33, p. 8-11.

Progressive Calendar: **Objective** Facts = Empirical Scientific **Research** Findings

This age-progressive calendar is well in accordance with „Divorce research“, that „indicates that“ a **„12 days separation** from the second parent“ „is often **too long** for many children (...). In addition, this option provides little relief (...) from children responsibilities.“ „to the“ „parent with whom the children (...) spend the greater number of overnights“.

Joan B. Kelly, Ph.D. (2003):

Some Options for Child Custody Parenting Plans (for Children of School Age)

<http://www.coloradodivorcemediation.com/family/Child-Custody-Parenting-Plans-Options.pdf>

Progressive Calendar: Subjective Opinions

This progressive calendar also fits well to „Considerable research“ that “has indicated that many children, particularly boys, want more time with their fathers than is traditionally negotiated or ordered; that children and young adults describe the loss of contact with a parent as the primary negative aspect of divorce; and that children report missing their fathers over time (...). Despite such findings, court policy and practice has been slow to change.”

Kelly , Joan B. and Robert E. Emery: **Children's Adjustment Following Divorce: Risk and Resilience Perspectives.** *Family Relations*, 2003, 52, 352–362, p. 354. Referring to:

- Fabricius, W. V., & Hall, J. (2000). Young adults' perspectives on divorce: Living arrangements. *Family and Conciliation Courts Review*, 38, 446–461.
- Healy, J., Malley, J., & Stewart, A. (1990). Children and their fathers after parental separation. *American Journal of Orthopsychiatry*, 60, 531–543.
- Hetherington, E. M. (1999). Should we stay together for the sake of the children? In E. M. Hetherington (Ed.), *Coping with divorce, single parenting, and remarriage* (pp. 93–116). Mahwah, NJ: Erlbaum.
- Hetherington, E. M., Cox, M., & Cox, R. (1982). Effects of divorce on parents and children. In M. Lamb (Ed.), *Nontraditional families* (pp. 233–288). Hillsdale, NJ: Erlbaum.
- Laumann-Billings, L., & Emery, R. E. (2000). Distress among young adults in divorced families. *Journal of Family Psychology*, 14, 671–687.
- Wallerstein, J. S., & Kelly, J. B. (1980). *Surviving the breakup: How children and parents cope with divorce*. New York: Basic Books.

www.researchgate.net/...Children's_adjustment_follo...

11.08.2013

twohomes.org kick-off

Progressive Calendar: Subjective Opinions

“Various writers and researchers cautioned that any overnight time away from mothers before age three²³ or age four²⁴ is harmful to the mother-infant attachment, and therefore strongly recommended against overnights with fathers. **No empirical support** has sustained these recommendations, (...) but the prohibitions against overnights for young children with their fathers, who are not strangers but a second important attachment figure, remain central in popular thinking, custody evaluation recommendations, and judicial decision-making.²⁶”

²³ WILLIAM F. HODGES, INTERVENTIONS FOR CHILDREN OF DIVORCE: CUSTODY, ACCESS, AND PSYCHOTHERAPY (1991).

²⁴ Judith Solomon & Zeynep Biringen, Another Look at the Developmental Research: Commentary on Kelly and Lamb's 'Using Child Development Research to Make Appropriate Custody and Access Decisions for Young Children', 39 FAM. CT. REV. 355, 361 (2001).

²⁶ Author experience as family law judicial trainer and presenter at national and international divorce conferences.

Joan B. Kelly (2005): **Developing Beneficial Parenting Plan Models for Children Following Separation and Divorce**. Journal of the American Academy of Matrimonial Lawyers, Vol. 19, 237-254, at 243-244.

<https://docs.google.com/file/d/0B-iOqOKLc35POG5MazFfejhidzQ/edit?pli=1>

Progressive Calendar: Objective Facts

“More recently, empirical longitudinal research reported that no detriment to children **from birth to three years** is associated with **overnights with fathers**.²⁷ Mothers and fathers of those children who had overnights reported **fewer** social and attention **problems** in their children, and less withdrawn behavior among girls, compared to those without overnights. Among children from age four to six, overnights were associated with significantly fewer psychological adjustment problems, when compared to those without overnights. **Consistency of schedule** was a most important predictor of good adjustment, as children with inconsistent schedules were reported by mothers and fathers to have more social problems and internalizing symptoms.”

²⁷ Marsha K. Pruett, et al., Critical Aspects of Parenting Plans for Young Children: Interjecting Data into the Debate About Overnights, 42 FAM. CT. REV. 39, 53-56 (2004), (study excluded families with a history of domestic violence.)

Joan B. Kelly (2005): **Developing Beneficial Parenting Plan Models for Children Following Separation and Divorce**. Journal of the American Academy of Matrimonial Lawyers, Vol. 19, 237-254, at 244.

<https://docs.google.com/file/d/0B-iOqOKLc35POG5MazFfejhidzQ/edit?pli=1>

Progressive Calendar: **Objective** Facts

“Since we cannot rely on woozles, what research data can the judicial system **rely** on? First, living part time with **both parents** rather than only spending occasional time with one parent and living with the other is generally associated with **better outcomes** for children who have fit and loving parents with no history of violence or abuse. Second, **both parents play a vital role in the well-being of their infant and preschool children** – a role that should not be relegated to second place until the children are old enough to start to school. (...) Taken together, this means that parenting plans for children of **all ages** should ensure that **both parents** are involved **as fully as possible** in the **widest range** of activities and opportunities for maintaining their bond.”

Custody and Overnights for Young Children: Large Issues, Small Data
By Linda Nielsen, Ed.D., Wake Forest University, Winston Salem, N.C.
Wisconsin Journal of Family Law, May 2013 / VOL. 33, No. 1, p. 8-11. At p. 10-11.

Progressive Calendar: **Objective Facts: Why?**

“Although evidence exists of **gender differences in the parenting** of fathers and mothers (for example, fathers play with their young children proportionately more than do mothers; physical care giving is a larger component of mother-infant interactions, compared to fathers), parents are more similar in interacting with their young children than different, and **both parents make significant contributions** to their children’s social and cognitive development and their emotional well-being through their nurturance, interest, and approval.²⁹ ”

²⁹ Michael E. Lamb, The Role of the Father in Child Development (Michael E. Lamb ed., 3rd ed. 1997).

Joan B. Kelly (2005): **Developing Beneficial Parenting Plan Models for Children Following Separation and Divorce**. Journal of the American Academy of Matrimonial Lawyers, Vol. 19, 237-254, at 244.

<https://docs.google.com/file/d/0B-iOqOKLc35POG5MazFfejhidzQ/edit?pli=1>

Progressive Calendar: Simple Rule

A Child should **not** be separated
from one of its parents
for **more days**
than its age in years
(or, *in casu*, the age of the **youngest** sibling).

i.e. maximally 1 day for a 1 year old child,
maximally 2 days for a 2 years old,
1 week (*e.g.* week/week) only from
the end of the 1st year of the primary school,
12 days (= traditional half of the weekends) only from
the end of the 1st year of the secondary school, *etc..*

Progressive Calendar: What is it About?

The Child's
Subjective Time Perception,
its ability to overlook the future

The Child's Subjective Time Perception

% of its Age

1 year old child	experiences	1 day	as long as	its 30 years old parents	1 month
1	„	„	„	„	12 days (between 2 alternating WEs)
Kindergarten child	„	12 days	„	„	„
„	„	„	„	1 week (in a week/week)	„
		„	2 months		

Concrete parenting time schedules:

general rules

Avoid (interpretation) conflicts
(in the presence of the children)!

=> **Precise** formulations!

Stimulate elaborating agreements!

Concrete parenting time schedules: preliminary general stipulations

- “All schedules of this **parenting plan** are valid as long as both parents and their children do not agree on an other schedule.”
- “As long as the parents and their child(ren) do not agree on the place of **transition**, the child(ren) will be brought and collected at its (their) nursery or nurse or **school**.”
- “Each parent may **authorise** an other person to collect his/her child(ren), with notification to the child(ren).”

Concrete parenting time schedules:

Joan B. Kelly, Ph.D., and Divorce Resolutions, LLC., 2003:

Child Custody Parenting Plans Options (Children of School Age)

Some Possible Options for Child Custody Parenting Plans for Children of Divorcing Parents.

www.ColoradoDivorceMediation.com/family/Child-Custody-Parenting-Plans-Options.pdf

**Time of the child with one and with the other parent
and at school or nurse(ry)**

(Nearly) every other weekend: 11/3

„The **last school day** of each school week

comprising the first, third or **fifth Friday of the month**

the father (mother) will collect his (her) child(ren)

at its (their) school(s)

and bring it (them) back to its (their) school(s) the **next school day.**“

-Meistens- 6/28 Übernachtungen = 21% der Zeit in den Schulwochen.

11/3 : 6/28 Übernachtungen													
Sonn	Mon	Diens	Mit	Donn	Frei	Sams	Sonn	Mon	Diens	Mit	Donn	Frei	Sams

Every other weekend: 12/2 (11/3)

According to that children's subjective time perception "simple rule", this traditional option only really guarantees the best interests of the child when it has finished its first year of **secondary school** (*ca.* 12 years)!

“This option establishes 12 days separation from the second parent. Divorce research indicates that this is often **too long** for many children, and may diminish the second parent's importance to the children — with fewer opportunities for involvement in their day-to-day, school and homework activities. In addition, this option provides **little relief** to the first parent from children responsibilities.”

Joan B. Kelly, Ph.D., and Divorce Resolutions, LLC., 2003:

Child Custody Parenting Plans Options (Children of School Age)

www.ColoradoDivorceMediation.com/family/Child-Custody-Parenting-Plans-Options.pdf



Every other week: 7/7

„In the **even** calendar **weeks** the father will,
and in the **odd** calendar **weeks** the mother will
collect their child(ren) at its (their) school(s)
on the last school day of each school week
and take care of it (them) during the following weekend
and school week.“

14/28 Übernachtungen, 50% der Zeit in den Schulwochen.

7/7 : 14/28 Übernachtungen													
Sonn	Mon	Diens	Mit	Donn	Frei	Sams	Sonn	Mon	Diens	Mit	Donn	Frei	Sams

Every other week: 7/7

According to that children's subjective time perception "simple rule", this traditional option only really guaranties the best interests of the child when it has finished its first year of **primary school** (ca. 7 years)!

By that age/developmental phase, the child has learnt the names of, and is able to recognise and foresee the week days.

“Note: changing households on *Friday* after school often works better than on the traditional Monday after school approach (allowing for a “winding-down” at the time of transition, rather than requiring “gearing-up” at that time).”

Joan B. Kelly, Ph.D., and Divorce Resolutions, LLC., 2003:

Child Custody Parenting Plans Options (Children of School Age)

www.ColoradoDivorceMediation.com/family/Child-Custody-Parenting-Plans-Options.pdf

Abwechselnde Wochenende + jede Woche 1 fester Tag + Nacht: 6/1/1/3/2/1

„... Ausserdem wird er (sie) die Kinder jeden Mittwoch an ihren Schulen abholen oder abholen lassen und sie den nächsten Schultag wieder in ihre Schulen bringen oder bringen lassen.“

-Meistens- 10/28 Übernachtungen = 36% der Zeit in den Schulwochen.

6/1/1/3/2/1 (10/28 Übernachtungen)													
Sonn	Mon	Diens	Mit	Donn	Frei	Sams	Sonn	Mon	Diens	Mit	Donn	Frei	Sams

**Every other weekend +
each week 2 same days: 3/2/2**

„Each **Monday** of each **odd** calendar week, the child(ren) is (are) collected by its (their) **mother** at the transition place, where she brings it (them) back on the next **Wednesday** morning; the next **Friday**, she collects it (them) at the transition place and brings it (them) back there on the next **Monday** morning. Each Monday of each **even** calendar week, the child(ren) is (are) collected by its (their) **father** at the transition place, where he brings it (them) back on the next Wednesday morning; the next Friday, he collects it (them) at the transition place and brings it (them) back there on the next Monday morning.

When the Monday is **not a school day**, the bringing will be done on the first school day of that week. When the Friday is not the last school day of the week, the collecting will be done on the last school day of that week.“

„... the transition place ...“

14/28 Übernachtungen, 50% der Zeit in den Schulwochen.

3/2/2 (14/28 Übernachtungen)													
Sonn	Mon	Diens	Mit	Donn	Frei	Sams	Sonn	Mon	Diens	Mit	Donn	Frei	Sams

Every other weekend + each week 2 same days: 3/2/2

According to that children's subjective time perception "simple rule" (age's years = maximal separation's days), this option with shorter separation periods can well be "digested" and thus really guaranties the best interests of the child when it is **3 years** or older (kindergarten).

„Each day their child(ren) will be brought by one parent to its (their) nursery or nurse (*name and address*), where the other parent will collect it (them) and bring it (them) back the next day.“

1/1/1/1/1/1/1 (14/28 Übernachtungen)													
Sonn	Mon	Diens	Mit	Donn	Frei	Sams	Sonn	Mon	Diens	Mit	Donn	Frei	Sams

DAY BY DAY, also during the weekends (1/1/1/1/1/1/1)

According to that children's subjective time perception "simple rule" (age's years = maximal separation's days), this option with even shorter separation periods can well be "digested" and thus really guarantees the best interests of the child when it is **1 year or older**.

One of the advantages of this day-by-day-schedule is that the child does not have to pack its necessary things for more than 1 or 2 days: cuddly toy, clothes, school books and utensils, laptop, ... Thus it is very convenient for secondary school pupils too.

Schultag für Schultag, (3/1/1/1/1/3/1/1/1/1)

„Jeden Schultag werden die Kinder vom einen Elternteil in ihre Schule gebracht und vom anderen Elternteil dort abgeholt und am nächsten Schultag wieder dorthin gebracht.“

14/28 Übernachtungen, 50% der Zeit.

3/1/1/1/1/3/1/1/1/1 (14/28 Übernachtungen)													
Sonn	Mon	Diens	Mit	Donn	Frei	Sams	Sonn	Mon	Diens	Mit	Donn	Frei	Sams

Diese Regelung wird von den Kindern ab dem Kindergarten gut verkraftet.

Das Wechseln geschieht an der Schule. So wird vermieden, dass die Kinder eventuelle Konflikte zwischen ihren Eltern (an ihren Haustüren) miterleben müssen.

Die Kinder brauchen weniger (Schul)Sachen mitnehmen als bei der 3/2/2/3/2/2-Regelung.

“Each day the mother (father) works,
the father (mother) will collect their child
at its nurse(ry) (*name and address*)
and take care of it until (s)he brings it
to the mother’s (father’s) home
between ...:.... and ...:.... o’clock.”

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Fixed Parts of each day

Babies need fixed “rituals” in order to recognize and know the world.

For this reason, it is necessary, that the “visiting” parent appears into his baby’s life at always the same part of the day, when the same things happen, and does the same activity with him, with the same rituals.

NEST CARE

Not the children move from one parent to the other, but the parents move in turn into their „child(ren)‘s house“ („nest“) in order to take care there of their child(ren).

The nest care model is possible for all parenting time schedules.

Thus, the children always stay in their familiar surroundings and so are **not stressed** by „movings“ or possibly long trips in trains or planes.

Less traveling of the children and of the parents also **saves money** and time.

The nest care model is most money saving when the parents can live with new partners, their parent(s) or friends during the periods in which they do not take care of their children in their „nest“. If not, a **small** studio would be sufficient.

NEST CARE (2)

Because the parents don't need 2 homes that are large enough to house their children, „nest care“ is financially **advantageous**.

The children don't need own rooms in 2 homes, nor 2 wardrobes, toy boxes, bicycles, computers, *etc.*!

With a day-by-day-schedule (1/1/1/1/1/1/1), agreements about the **fridge** content are reduced to a minimum. Each parent can bring the (main) meals for the next 24 hours with him/her.

Agreements about the **cleaning** and upkeep of the „nest“ are necessary.

IDEALITER

On the basis of the empirical scientific research findings I now know about what best guaranties the **children's best interests**, I would recommend the following **principles** for judgements or/and laws:

1) **As long as the parents do not agree** on another allocation of the house, their **child(ren) should stay in their family house** (= "nestbirding" = "nest care").

2) As long as the parents do not agree on who of them will stay living with their child(ren) in that family house, **each parent** should **in turn** go there to **take care** of their child(ren).

IDEALITER

PARENTING TIME SCHEDULE

3) As long as the parents do not agree on a **parenting time** schedule, they should **each in turn** take care of their child(ren) **for 1 day**. As soon as all their children go to school, each of the parents should take care of them during the whole weekend (from the last **school day** of the week to the next school day), unless the parents and their child(ren) agree on an other parenting time schedule.

4) As long as the parents and the child do not agree on another **transition place**, the child should be deposited at and got from its **school or day care place**.

<https://docs.google.com/file/d/0B-iOqOKLc35PbkZ6SWp1TGlydEk/edit?pli=1>

IDEALITER

FAMILY HOUSE ALLOCATION

5) If the parents agree not to practice "nest birding", but do not agree on who will stay living in the family house, the parent who **takes care more** than the other one of their child(ren) may stay living in the **family house**.

<https://docs.google.com/file/d/0B-iOqOKLc35PbkZ6SWp1TGlydEk/edit?pli=1>

Thank you for your attention!
Merci beaucoup pour votre attention!
Vielen Dank für Ihre Aufmerksamkeit!
Dank u wel voor uw aandacht!

Jan Piet H. de Man

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Entwicklung des Sorgerechts in Belgien

Entwicklung des Sorgerechts in Belgien

Das **gemeinsame Sorgerecht** wurde per Gesetz vom 13-04-1995 in das BGB eingeführt und gilt für alle Kinder (auch nicht verheirateter Eltern):

Art. 374. § 1. Leben die Eltern nicht zusammen, üben sie die elterliche Autorität **weiterhin gemeinsam** aus (...) Der zuständige Richter (...) bestimmt die Modalitäten, nach denen der Elternteil, der die elterliche Autorität nicht ausübt, den persönlichen Umgang mit dem Kind unterhält. Dieser persönliche Umgang kann nur aus sehr schwerwiegenden Gründen verweigert werden.

Bei gemeinsamer Elterlicher Autorität geht es um eine “Organisation der Unterbringung des Kindes” (in der Praxis “Umgangsrecht” genannt).

(...) Der Elternteil, der die elterliche Autorität nicht ausübt, behält das Recht, die Erziehung des Kindes zu beaufsichtigen. Er kann beim anderen Elternteil oder bei Dritten diesbezüglich alle nützlichen **Informationen** einholen und sich im Interesse des Kindes an das Jugendgericht wenden.

Selbstverständlich haben auch bei gemeinsamer Elterlicher Autorität beide Eltern dieses **Aufsichtsrecht**.

In jedem Fall bestimmt der Richter die Modalitäten der Unterbringung des Kindes und den Ort, wo es zur Festlegung seines **Hauptwohntortes** in das Bevölkerungsregister eingetragen wird.

Gesetz zur Bevorzugung der
gleichmässig verteilten Unterbringung
des Kindes dessen Eltern getrennt sind und zur Regelung der
Zwangsvollstreckung in Sachen der Unterbringung des Kindes.
18 Juli 2006

(BGB) Art. 374 § 2 :

Wenn die Eltern nicht zusammenleben und vor Gericht gehen, wird ihre **Vereinbarung** über die Unterbringung der Kinder vom Gericht **homologiert**, es sei dass die Vereinbarung offensichtlich dem Wohle des Kindes widerspricht.

Gibt es keine Vereinbarung, im Falle gemeinsamer elterlicher Autorität, **untersucht** das Gericht, gefragt von mindestens einem Elternteil, mit **Priorität** die **Möglichkeit** um die Unterbringung des Kindes auf **einer gleichmässigen Weise** zwischen seinen Eltern fest zu legen. Wenn das Gericht aber meint, dass die zeitgleiche Unterbringung **nicht** die meist passende Lösung ist, **kann** es entscheiden, einen zeitungleich verteilten Aufenthalt fest zu legen. Das Gericht urteilt auf **jeden** Fall mit einem mit **speziellen** Gründen **motiviertes** Urteil, und unter Berücksichtigung der konkreten Umständen des Falles und des Wohles der Kinder und der Eltern.

Zwangsvollstreckung

Artikel 387 § 1:

Wenn einer der Elternteile sich **verweigert** die richterliche Entscheidung bezüglich der Unterbringung der Kinder oder des Rechtes auf persönlichen Kontakt auszuführen, kann der Fall **erneut** vor den befugten Richter gebracht werden. Abweichend von Artikel 569, 5°, des Gerichtlichen Gesetzbuches, ist der befugte Richter derjenige, **der die nicht erfüllte Entscheidung getroffen hat**, es sei denn dass der Fall vor einen anderen Richter ... gebracht worden ist, in welchem Fall die Forderung von diesem letzteren getroffen wird.

Der Richter entscheidet mit **Priorität** vor **allen** anderen Fällen.

Außer im Falle von dringender Notwendigkeit, kann er unter anderem:

- neue Untersuchungsmaßnahmen treffen, wie ein soziales oder Sachverständigen-**Gutachten**;
- eine **Versöhnung** zu erreichen versuchen;
- den Parteien vorschlagen, eine **Mediation** in Anspruch zu nehmen, wie im Artikel 387*bis* ... vorgesehen.

Zwangsvollstreckung (2)

Er kann **neue** Entscheidungen treffen bezüglich der elterlichen Autorität oder der **Unterbringung** des Kindes.

Unvermindert **Straffahndung**, kann er der Partei, die Opfer der nicht-Beachtung der im ersten Paragraphen gemeinten Entscheidung ist, genehmigen **Zwangmaßnahmen** zu fordern. Er bestimmt die Art dieser Maßnahmen und die näheren Regeln bezüglich deren Ausführung, unter Berücksichtigung des Wohles des Kindes, und nennt, wenn er dieses notwendig erachtet, die **Personen**, die den Gerichtsvollzieher in der Vollstreckung seiner Entscheidung begleiten sollen.

Der Richter kann eine **Zwangssumme** bestimmen, um zu garantieren, dass die getroffene Entscheidung beachtet werden wird und, in diesem Fall, sagen dass für die Vollstreckung dieser Zwangssumme der Paragraph 1412 des Gerichtlichen Gesetzbuches angewendet werden wird (der neuerdings besagt, dass bei Beschlagnahme wegen nicht-Zahlung diese Schuld (einer Zwangssumme) den gleichen absoluten **Vorrang** hat wie die Unterhaltsschulden).

Die Entscheidung ist (auf jeden Fall vollstreckbar, auch wenn in Berufung gegangen wird).

Klagen wegen Nichtabgeben des Kindes

Jahr Zahl

2005 22 219

Die meisten dieser Klagen werden vom Staatsanwalt eingestellt.

2006 18 800

2007 19 314

Weniger als 1% der Klagen führen zu einer Verurteilung.

2008 19 988

Etwa 8 von 10 dieser Strafen werden nicht ausgeführt.

2009 19 463

2010 20 513

Also etwa 1 Promille der Klagen führen zu einer wirklich ausgeführten Strafe.

(Etwa 30 000
Scheidungen)

(15% der getrennten Eltern schalteten irgendeinmal die Polizei oder einen Gerichtsvollzieher ein -wofür auch immer-.)

Vielen Dank für Ihre Aufmerksamkeit!

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