

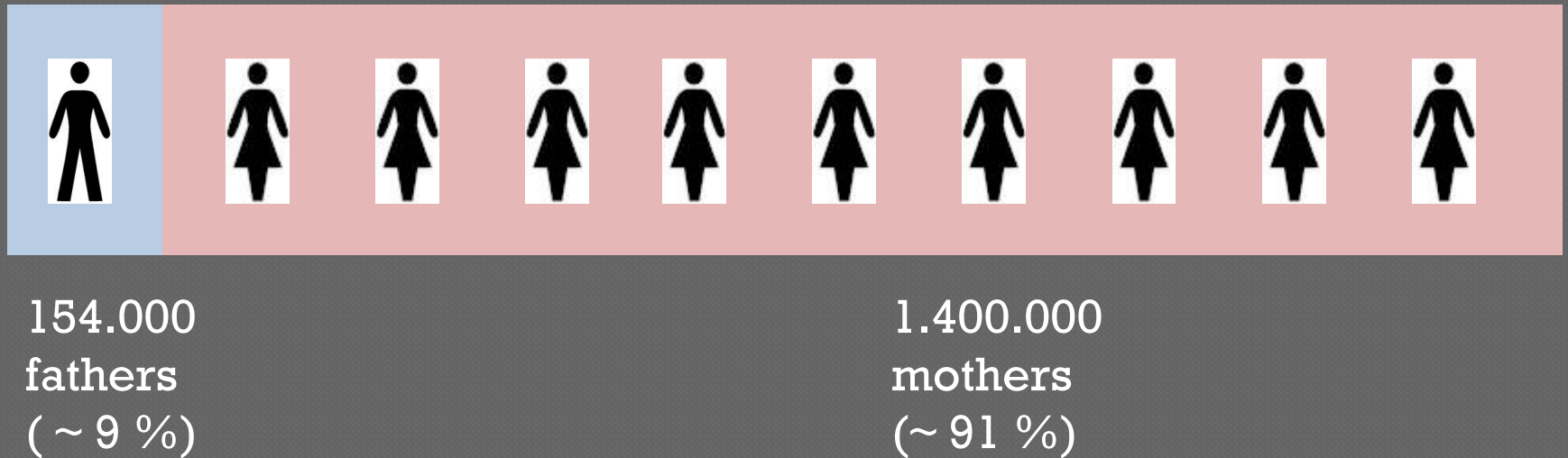
Shared Parenting - Situation in Germany

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Looking at ...

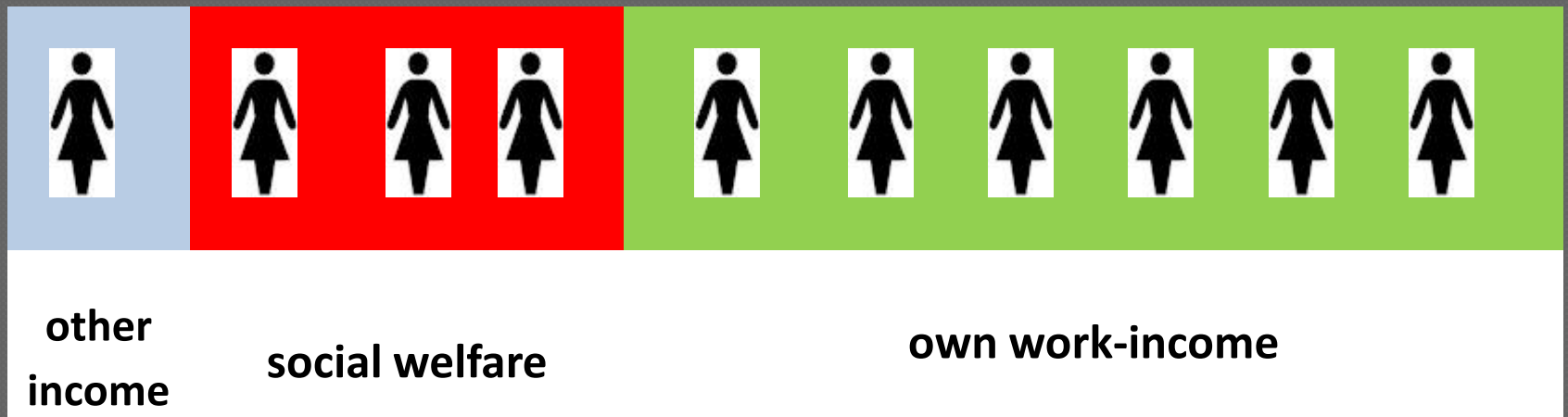
- ◉ ... Single parents in Germany
- ◉ ... Economical situation of single parents
- ◉ ... Legal situation of parental responsibility
- ◉ ... Legal custody after divorce
- ◉ ... Custody decisions by court
- ◉ ... Legal practice in Germany

1. Single parents in Germany



[Statistischem Bundesamt 2011,
Daten bezogen auf 2009]

2. Economical situation: income of single mothers



[Statistisches Bundesamt 2010; BMFSFJ 2012]

2. Economical Situation: Single parents are often poor

About 50 % of the households getting social welfare („Harz IV“) are single parents with children.

[„4. Armutsbericht „der BReg. 2012]

More than 75 % of single mothers with children under age 3 receive social welfare („Harz IV“).

[„Alleinerziehende in Deutschland“, Bericht der BReg. 2012]

3. Legal situation of custody

- ◉ Since 1998 parents keep joint *legal* custody after divorce if the court doesn't change it to single custody for one parent.
- ◉ Parents can claim for single custody only if joint custody doesn't work for some reasons.
- ◉ The court is able to give the right of locating the child („Aufenthaltsbestimmungsrecht“) to one parent - while joint *legal* custody is remaining. The court can not make an location order itself.

3. Legal situation of custody

- The court may decide that joint legal custody shall remain, even if parents neglect it.
- The court can not give an order for alternating residence – but it can give the right to the parent who is favouring shared parenting.
- The judge can make a precise parenting plan in which he/she orders shared parenting (50:50 or uneven)

4. Legal custody after divorce

**Single
custody**



Shared legal custody

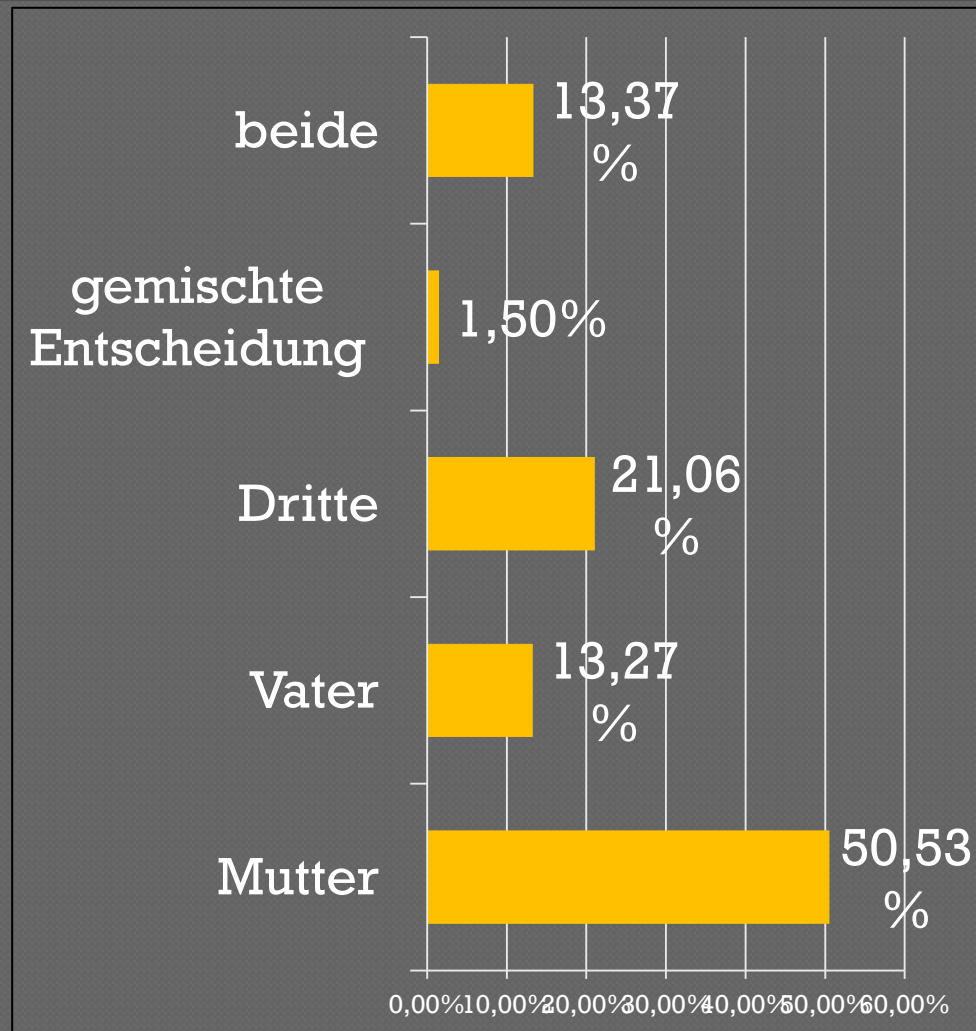


[Schwarz 2011, 112]

4. Legal custody after divorce

- ◉ There is no statistical data about shared parenting in germany available

5. Custody decisions (2008)



6. Legal practice in Germany

Former

arrangement:

Single p.

Shared p.

Claim:

custody

contact

custody

contact

Chance of
success:

(-)

(+)

(+)

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