

Act relating to Children and Parents (the Children Act)

Act of 8 April 1981 No. 7 relating to Children and Parents (the Children Act)

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- [Les på norsk](#)

Act relating to Children and Parents.

Last amended in September 2019

Chapter 1. Notification of birth

Section 1. *Notification of birth*

When a child is born the doctor or the midwife shall notify the National Population Register of the birth. The notification shall state who the father of the child is in accordance with section 3 or section 4, or state who the mother has named as the father of the child in the event that paternity has not yet been established. The notification shall also state whether the parents are cohabiting. Furthermore, the notification shall contain such information as the Ministry prescribes.

When the child is born without a doctor or a midwife present, the mother shall herself notify the National Population Register of the birth within one month. If she gives birth to the child while she is temporarily staying abroad, she shall notify the National Population Register within one month of the child's arrival in Norway.

Notification shall also be given when the child is stillborn.

In cases where paternity has not yet been established or where the parents are not cohabiting, the notification of birth shall be sent both to the National Population Register and to the maintenance enforcement agency.

Section 1 a. (Repealed by the Act of 21 June 2013 No. 64)

Chapter 2. The child's parents

Section 2. *Maternity*

The woman who has given birth to the child shall be regarded as the mother of the child.

An agreement to give birth to a child for another woman is not binding.

Section 3. *Paternity or co-maternity following from marriage*

The man to whom the mother is married at the time of the child's birth shall be regarded as the father of the child.

The woman to whom the mother is married at the time of the child's birth, when the child was conceived by means of assisted fertilisation provided by an approved health service and with the woman's consent to the fertilisation, shall be regarded as the co-mother of the child. In assisted fertilisation provided by an approved health service outside Norway, the identity of the sperm donor must be known.

If the spouses were separated by licence or judgment at the time of the birth, the first and second paragraphs shall not apply.

If the mother is a widow, her late spouse shall be regarded as the father or co-mother if it is possible that the mother may have conceived prior to the death of the spouse.

Section 4. *Declaration of paternity or co-maternity*

The father shall declare paternity in writing either in the notification of birth or by appearing in person before

- a) a midwife or a doctor at a pregnancy check-up,
- b) the National Population Register,
- c) the maintenance enforcement agency, a judge or the Norwegian Labour and Welfare Service, or
- d) a Norwegian diplomatic or consular official, if the father is abroad.

Paternity may also be declared by returning the form provided by the Norwegian Labour and Welfare Administration (NAV); see section 11, second paragraph. NAV must send the form by registered mail or by means of electronic communication if a secure method is adopted to ensure that the form is received. The declaration shall only apply when it is made by the person whom the mother has named as the father of the child or when the mother has accepted the declaration in writing.

If the person declaring paternity is under the age of 18, those who have parental responsibility for him must also sign the declaration.

If a child is born following assisted fertilisation, the mother's female cohabitant may declare co-maternity pursuant to the provisions of this section. The assisted fertilisation must have taken place in an approved health service, and the mother's female cohabitant must have given consent to the fertilisation. Only persons of full age and legal capacity may give such consent. The provision in section 3, second paragraph, second sentence, shall apply correspondingly.

If it is necessary to establish paternity of a child born abroad, the authorities may request that a suitable sample is submitted for DNA analysis for the child and for the man intending to declare paternity, if

1. the child, the mother and the man intending to declare paternity are unable to provide proof of identity, or
2. there is reason to believe that incorrect information as to who the father is has been provided in order to obtain Norwegian citizenship for the child. It is also a condition that the information in the case does not otherwise provide a basis for establishing paternity with reasonable certainty. If DNA analysis proves that the man cannot be the child's father, he may not declare paternity.

The same shall apply if he refuses a request for DNA analysis.

The Ministry may in regulations issue supplementary provisions concerning implementation of the provisions of the fifth paragraph.

Section 4 a. *Co-maternity of the child*

The mother's female spouse or cohabitant shall be regarded as the co-mother of the child if co-maternity follows from marriage, a declaration or a judgment.

A child may not have both a father and a co-mother.

Provisions laid down in statutes or regulations that apply to or concerning a father shall apply in the same manner to or concerning a co-mother. The provisions concerning establishment and contestation of paternity laid down in sections 6 to 9 and chapters 3 and 4 shall apply insofar as they are appropriate to establishment and contestation of co-maternity.

The Ministry may in regulations issue supplementary provisions concerning establishment of co-maternity pursuant to sections 3 and 4 of this Act.

Section 5. *Responsibility of the authorities to establish paternity or co-maternity*

If the child has neither a father nor a co-mother in accordance with the provisions of sections 3 and 4, the authorities shall be responsible for establishing who is the father or co-mother; see chapters 3 and 4.

If a foreign paternity or co-maternity is not recognised pursuant to section 85, the authorities shall be responsible pursuant to the first paragraph.

The authorities shall clarify who is the mother of the child when this is unknown.

The Ministry may in regulations issue supplementary provisions concerning implementation of the provisions of this section.

Section 6. *Contestation of paternity pursuant to sections 3 and 4 in the courts*

The child, either of the parents and any person who believes that he is the father of a child who already has a father, may at any time bring an action in a court regarding paternity following from marriage or declaration. If the child is a minor, the case shall be brought by his or her appointed guardian. If the child has reached the age of 15, the guardian may not bring a case without the child's consent. When special reasons justify doing so, the Norwegian Labour and Welfare Administration (NAV) may bring the case.

Section 6 a. *The right of a child to obtain knowledge of his or her biological father*

When the child has reached the age of 18, he or she has a right to obtain knowledge of who his or her biological father is (see the second paragraph), without this involving a contestation of paternity.

The child may request that the Norwegian Labour and Welfare Administration order that a suitable sample be submitted for DNA analysis pursuant to section 11, first paragraph, and is entitled to be informed of the result of such analyses. If any person fails to comply with the order, the court may take a decision pursuant to section 24, third paragraph.

The Ministry may in regulations issue supplementary provisions concerning implementation of the provisions of this section.

Section 7. *Contestation of paternity pursuant to sections 3 and 4 if another man declares paternity*

Paternity pursuant to section 3 or section 4 may be contested if another man declares paternity pursuant to section 4, if the declaration is accepted in writing by the mother and the person who has been regarded as the father. However, such a declaration is only valid if the Norwegian Labour and Welfare Administration finds that it is proven by a DNA analysis that the man declaring paternity is the father of the child. If a child has reached the age of 18, paternity may not be contested pursuant to this section without the consent of the child.

Section 8. *Paternity or co-maternity may not be tried in other cases*

Courts or administrative bodies may not try the issue of paternity or co-maternity in cases other than those referred to in sections 6 and 7. Courts or administrative bodies may not in other cases recognise a man as the father or a woman as the co-mother unless this has been established pursuant to this Act.

Section 9. *Conditions for pronouncing judgment in paternity cases*

If a man is identified as the father on the basis of a DNA analysis, he shall be adjudged to be the father. If no DNA analysis is available, or there is reason to believe that the DNA analysis is erroneous, or if close relatives also come forward as possible fathers, the provisions of the second and third paragraphs apply.

If a man has had sexual intercourse with the mother during the period in which she may have conceived the child, he shall be adjudged to be the father unless it is improbable that he is the father.

If the mother has had sexual intercourse with several men during the period in which

she may have conceived the child, judgment on paternity shall nonetheless only be pronounced when it is substantially more probable that one of them is the father than any of the others.

If the mother has undergone assisted fertilisation, and the husband or cohabitant has consented to this, he shall be adjudged to be the father unless it is improbable that the child was conceived by means of assisted fertilisation.

The semen donor may not be adjudged to be the father. However, this does not apply if the assisted fertilisation was performed using semen from the husband or cohabitant.

Chapter 3. Duties of the Norwegian Labour and Welfare Service in paternity cases

Section 10. *Duties of the maintenance enforcement agency*

When the maintenance enforcement agency receives notification of a birth pursuant to section 1, fourth paragraph, because paternity has not been established, it shall report this to the named father. If the man does not declare paternity pursuant to section 4, the maintenance enforcement agency shall, if possible, get him to express his opinion on the question of paternity. If he declares paternity, the maintenance enforcement agency shall notify the National Population Register accordingly. Otherwise, the Norwegian Labour and Welfare Service shall take over responsibility for the case.

The maintenance enforcement agency shall on its own initiative apprise both the mother and the named father of their financial and other rights and duties with regard to the child.

The Ministry shall appoint the maintenance enforcement agency.

Section 11. *Processing by the Norwegian Labour and Welfare Service*

The Norwegian Labour and Welfare Administration (NAV) may require that the mother and the man or men who may be the father of the child make a statement, and may order that they and the child shall provide a suitable sample for DNA analysis. In special circumstances, the person who may be the father may be ordered to provide a suitable sample for DNA analysis prior to the birth of the child.

NAV shall encourage the man indicated by the analysis to be the father to declare paternity.

If the child dies shortly after birth or there are other compelling reasons for doing so, NAV may drop the case if the mother agrees.

If NAV drops the case, the child, the mother or the man who believes that he is the father of the child may themselves bring an action for paternity in a court.

The Ministry may in regulations issue supplementary provisions concerning the taking of samples, suitable biological material and DNA analysis for use in cases concerning paternity or kinship.

Section 12.

Repealed by the Act of 21 June 2013 No. 64.

Section 13. *When the case is brought before a court, etc.*

The Norwegian Labour and Welfare Administration (NAV) shall file a writ of summons with the District Court for a decision pursuant to chapter 4 if the named father has not declared paternity or the mother has not accepted a declaration in writing, and the case has not been dropped pursuant to section 11, third paragraph.

If legal proceedings end without paternity being established and paternity is not established later, NAV may resubmit the case to the court if new information emerges indicating that the father may be a man who has not previously been a party to the case.

Chapter 4. Procedure in paternity cases

Section 14. *Relationship to general rules of court procedure*

The provisions of this chapter, the Courts of Justice Act and the Dispute Act shall apply to paternity cases.

Section 15. *Which court deals with the case*

The action shall be brought in the child's ordinary venue. If the child is deceased or resides outside the realm, the action shall be brought in the mother's ordinary venue. If she too is deceased or resides outside the realm, the action shall be brought in the named father's ordinary venue.

If the mother or the child resides at a secret address (see the Act of 9 December 2016 No. 88 relating to population registration and appurtenant regulations), or if permission has been applied for or granted for use of fictitious personal data for the mother or the child (see section 14a of the Act of 4 August 1995 No. 53 relating to the Police), the action may be brought in the Oslo District Court.

Section 16. *Which issues may be addressed in a paternity case*

In a paternity case other disputes may only be raised if they concern a consequence of the paternity or the paternity case.

Section 17. *The parties to the case*

In paternity cases the child, the mother and any man who is regarded as or who may be the father are parties to the case.

If a man who may be the father of the child dies, his estate or his heirs shall be made a party to the case.

If information emerges which indicates that someone else may be the father, the court shall by writ make him a defendant.

Section 18. *Substitute guardian for the child*

If a guardian has not been appointed for the child, the court shall ensure that a substitute guardian is appointed if the mother does not reveal the name of the father, or if information is available indicating that the father may be someone other than the man the mother has named.

Section 19. *Service of summons*

When summoning a person pursuant to section 181 of the Courts of Justice Act, the names of other parties shall only be made public when the court decides to do so for special reasons.

Section 20.

Repealed by the Act of 28 April 2000 no 34.

Section 21. *Evidence given by parties and witnesses*

Both the mother and the person who may be the father of the child have an obligation to give evidence in accordance with the rules relating to witnesses and subject to the same responsibility as witnesses.

The court decides whether one party shall be allowed to listen while another party gives evidence during the preparatory proceedings.

In paternity cases no one may refuse to reply to a question on the grounds that the reply may lead to considerable loss of public esteem or other considerable material loss for the person concerned; see section 22-9 of the Dispute Act.

When a witness has given evidence during the preparatory proceedings, it is not necessary to summon the said witness to the main hearing if the court considers a new examination to be unnecessary and the parties do not request a re-examination.

Section 22.

Repealed by the Act of 21 June 2013 No. 64.

Section 23. *Absence*

Proceedings shall not be stayed if any or all of the parties fail to appear in court.

Evidence given during the preparatory proceedings in the case may be read aloud during the main hearing if the person concerned fails to appear unless there are special reasons for not doing so.

Section 24. *The taking of samples and DNA analysis*

The court may order the mother, the child and any man who is a party to the case to provide a suitable sample for DNA analysis. If there is reason to believe that a man who is not a party to the case has had sexual intercourse with the mother during the period in which she may have conceived the child, the court may decide that he too shall be subjected to such an examination after he has stated his opinion. The municipal medical officer shall appoint a doctor to be responsible for taking necessary samples.

If a man who may be the father of the child is deceased or unavailable for other reasons, the court may as evidence in a paternity case procure and make use of biological material or samples previously taken from him. The Ministry may in regulations issue supplementary provisions concerning procurement and use of such material.

If anyone fails to comply with an order pursuant to the first paragraph or section 11, first paragraph, to appear in person or with the child for whom the person concerned is responsible for the taking of samples and DNA analysis, the court may by order decide that the person concerned shall be detained by the police and be taken to a doctor for the taking of samples.

Section 25. *Judgment without a main hearing*

The court may pronounce judgment in a paternity case without a main hearing when a DNA test either identifies a man as the father or shows that he cannot be the father of the child, subject, however, to the parties being given an opportunity to state their opinion as to whether the conditions for pronouncing judgment without a main hearing are met.

With the consent of the mother of the child, the court may grant a judgment of non-paternity to all the men who are parties to the case if the court, after the examination of blood samples and testimony from the parties and witnesses are concluded, finds that it is clearly not possible to enter a judgment of paternity.

Section 26. *Dismissal of the case*

The court may by order dismiss the case when

- a) a man declares pursuant to section 4 that he is the father of the child, or
- b) the named father resides abroad and it is impossible to obtain sufficient information to establish paternity.

Section 27. *Extended legal force*

An unappealable final judgment in a paternity case shall apply in respect of and against everyone and shall be given effect in all circumstances where the paternity is relevant.

Section 28. *Special rules for appeal cases*

All parties to the case in the court of first instance shall also be parties to the appeal. Anyone who is granted a judgment of non-paternity pursuant to section 25, second paragraph, is nonetheless only a party if the court or any of the other parties bring him into the case. If information emerges in the appeal proceedings to the effect that another person may be the father, the court shall either make him a party by writ or annul the judgment and refer the case to the District Court for rehearing.

Section 28 a. *Special rules concerning reopening*

If a DNA analysis was not available in the case, reopening of an unappealable final

decision may be applied for without regard to the conditions of sections 31-3 to 31-6 of the Dispute Act. If reopening is applied for, the court shall order a blood test and a DNA analysis. When a DNA analysis is available, the provision in section 25, first paragraph, applies.

In other paternity cases, the time limit for application for reopening of a case laid down in section 31-6, second paragraph, of the Dispute Act shall not apply.

Section 29. *Costs of the case*

The State bears the costs incurred by the court in the case, including expenditure on obtaining information which the court considers necessary.

Chapter 4A. Legal procedure in kinship cases other than paternity cases

Section 29 a. *Scope and relationship to general rules of legal procedure*

The provisions of this chapter shall apply to cases brought before the courts concerning kinship in a direct line of ascent or descent (kinship case), other than paternity.

In a kinship case, other disputes may only be raised when they follow from the kinship or the kinship case.

The provisions of the Courts of Justice Act and the Dispute Act shall apply unless otherwise provided.

Section 29 b. *Persons who may be party to a kinship case*

Only persons alleged to be related may initiate kinship proceedings against one another. Such proceedings must be brought against the person or persons alleged to be closest related.

In order to safeguard public interests, the Norwegian Labour and Welfare Service shall have a right to attend kinship proceedings and to appeal or apply for reopening of the case. The court shall notify the Norwegian Labour and Welfare Service concerning the case and concerning any of the parties who fail to attend.

When necessary in order to fulfil the duties pursuant to section 5, third paragraph, the Norwegian Labour and Welfare Administration may initiate proceedings to determine who is the mother of the child.

If proceedings are initiated by any person who alleges to be more distantly related, the direct heirs of a deceased relative shall be entitled to join the case and to appeal or apply for reopening of the case.

If one of the parties dies before judgment is pronounced in a case, the closest relatives in a direct line of ascent or descent to the deceased may continue the proceedings. If one of the parties dies after judgment is pronounced, such persons as referred to in the first sentence, the estate of the deceased or heirs may, if the judgment affects their interests, appeal or apply for reopening of the case.

Section 29 c. *The position of the guardian*

The guardian may not initiate kinship proceedings for a minor who has reached the age of 15 without the consent of the minor unless the minor is incapable of understanding the implications of such consent.

Section 29 d. *Extended legal force*

An unappealable final judgment in a kinship case shall apply in respect of and against all parties and shall be given effect in all circumstances where the kinship is relevant. The judgment shall only apply to a closer relative or his or her heirs if the person concerned has joined or given notice of the case.

The same applies to any person who himself or herself claims to be a parent or the person to whom the kinship case applies.

Section 29 e. *Reopening*

The final date for reopening a case pursuant to section 31-6, second paragraph, of the Dispute Act shall not apply to kinship cases.

Chapter 5. Parental responsibility and the child's place of residence (custody)**Section 30. *Meaning of parental responsibility***

The child is entitled to care and consideration from those who have parental responsibility. These persons have the right and the duty to take decisions for the child in personal matters within the limits set by sections 31 to 33. If the parents have joint parental responsibility, they shall take decisions together. Parental responsibility shall be exercised on the basis of the child's interests and needs.

Those who have parental responsibility are under obligation to bring up and maintain the child properly. They shall ensure that the child receives an education according to his or her ability and aptitude.

The child must not be subjected to violence or in any other way be treated so as to harm or endanger his or her mental or physical health. This shall also apply when violence is carried out in connection with the child's upbringing. Use of violence and frightening or annoying behaviour or other inconsiderate conduct towards the child is prohibited.

As regards the right to take decisions on behalf of the child in financial matters, the provisions of the Guardianship Act shall apply.

Section 30 a. *Marriage agreement*

An agreement concerning marriage made by the parents or other persons on behalf of the child is not binding.

Section 31. *The child's right of co-determination*

As and when the child becomes able to form its own point of view on matters that concern it, the parents shall consider the child's opinion before making a decision on the

child's personal situation. Importance shall be attached to the opinion of the child according to his or her age and maturity. The same applies to other persons with custody of the child or who are involved with the child.

A child who has reached the age of seven and younger children who are able to form their own points of view must be provided with information and opportunities to express their opinions before decisions are taken concerning personal matters affecting the child, including parental responsibility, custody and access. The opinions of the child shall be given weight according to his or her age and maturity. When the child has reached the age of 12, the child's opinion shall carry significant weight.

Section 32. *Education, membership of associations*

Children who have reached the age of 15 shall themselves decide the question of choice of education and of applying for membership of or resigning from associations.

Section 33. *The child's right to make his or her own decisions*

Parents shall steadily extend the child's right to make his or her own decisions as he or she gets older and until he or she reaches the age of 18.

Section 34. *Parental responsibility if the parents are or have been married*

Parents who are married shall have joint parental responsibility for children of the relationship.

Parents who separate or divorce may agree to have joint parental responsibility or that one of them shall have sole parental responsibility. Until an agreement or decision on parental responsibility has been made, the parents have joint responsibility.

Section 35. *Parental responsibility if the parents are not married*

Parents who are not married shall have joint parental responsibility for children of the relationship. If the parents are not cohabiting, and the mother wants to have sole parental responsibility, she may notify the National Population Register accordingly within one year after paternity has been established. This shall also apply when the father does not want to have joint parental responsibility. When one of the parents has submitted such notification, the mother shall have sole parental responsibility.

For cohabiting parents who move apart, the provisions of section 34, second paragraph, shall apply correspondingly.

Section 35 a.

Repealed by the Act of 20 June 2003 No. 40

Section 36. *The child's place of residence (custody)*

The parents may jointly decide that the child shall reside either with both of them (joint custody) or with one of them (sole custody).

If the parents fail to agree, the court must decide that one of the parents shall have custody of the child. When there are special reasons for doing so, the court may nonetheless decide that both parents shall have custody of the child.

Section 37. *Decisions that may be taken by the person with custody of the child*

If the parents have joint parental responsibility, but only one of the parents has custody of the child, the other parent may not object to the parent with sole custody of the child making decisions concerning important aspects of the child's care, such as the question of whether the child shall attend a day-care centre, where in Norway the child shall live and other major decisions concerning everyday life.

Section 38. *Parental responsibility after the death of one parent*

If one of the parents having joint parental responsibility dies, the surviving parent acquires sole parental responsibility. If the surviving parent has been charged with or indicted for voluntary manslaughter of the other parent, the District Court shall make an interim decision regarding parental responsibility pursuant to the provisions of section 64 b.

If a parent who has sole parental responsibility dies, the surviving parent acquires parental responsibility if both parents had custody at the time of the death. This shall not apply in cases where the surviving parent has been charged, indicted or convicted as referred to in the first paragraph, second sentence.

The surviving parent and other persons may claim parental responsibility pursuant to the provisions of sections 64 to 64 d.

Section 39. *Notification of parental responsibility etc.*

Agreements or Norwegian decisions concerning parental responsibility shall be notified to the National Population Register. Agreements concerning parental responsibility which are not notified to the National Population Register are not valid. If paternity or co-maternity has been established and the parents are registered in the National Population Register at the same address in this country or declare in a notification to the National Population Register that they are cohabiting here, the population register shall record that the parents have joint parental responsibility.

Agreements pursuant to the first paragraph must be concluded in accordance with Norwegian law, between the parents, regarding children of the relationship.

Section 40. *Children relocating or staying abroad*

If one of the parents has sole parental responsibility, the other parent may not object to the child relocating abroad.

If the parents have joint parental responsibility, both of them must consent to the child relocating or staying abroad other than for short trips; see section 41. This also applies

in cases where an agreed stay is prolonged or altered, for instance where the child is left behind abroad.

Children who have reached the age of 12 must consent to any decision according to the first and second paragraphs concerning relocating or staying abroad without a parent with parental responsibility.

If the parents disagree as to who shall have parental responsibility, or on international relocation or custody, the child must not relocate abroad until the matter has been decided.

Section 41. *Children travelling abroad*

Any person who has joint parental responsibility may take or send the child on short trips abroad. If the parents have joint parental responsibility, the court may by order prohibit the child's travel abroad if it is uncertain that the child will return. The prohibition may apply to a single trip or in general, and may also be imposed in a case concerning parental responsibility, custody or access. The court may make an interim decision pending a final decision of the case.

In cases where a prohibition against travel has been imposed, the child's name shall be deleted from the passport of the parent who intends to leave the country, or the child's passport shall be revoked, or the child may be placed in the care of other persons in a proper manner until the case has been decided.

If there is a risk that the child will not return, the police may impose a temporary prohibition against leaving the country until the case can be dealt with by the court. The second paragraph shall apply correspondingly. A temporary prohibition may not be appealed.

The parent who does not have parental responsibility may not travel abroad with the child without the consent of the parent who has parental responsibility. However, at the request of the parent intending to travel, the court may consent to the child travelling abroad if it is obvious that the child will return. The first paragraph, third and fourth sentences, shall apply correspondingly to such consent.

Children who have reached the age of 12 must consent to any decision to travel abroad without a parent with parental responsibility.

Chapter 6. Right of access, etc.

Section 42. *The child's right of access to the parents*

The child has right of access to both parents even if they live apart. The parents have mutual responsibility for implementing the right of access.

The child is entitled to the care and consideration of the parent who is with the child.

The parent who is with the child may take decisions concerning the care of the child during access.

Section 42 a. *Notification of and mediation prior to relocation*

If one of the parents intends to relocate within Norway or abroad, and access has been determined by agreement or decision, the parent who intends to move shall notify the other parent no later than three months prior to relocation.

If the parents disagree regarding relocation, the parent who intends to relocate with the child must request mediation pursuant to section 51.

Section 43. *Extent of the right of access, etc.*

A parent who does not have custody of the child has right of access to the child unless otherwise agreed or determined. The extent of the right of access should be further agreed. If such access is not in the best interests of the child, the court must decide that there shall be no access.

The parents themselves shall agree on the extent of the right of access based on what they consider to be in the best interests of the child. Section 31, second paragraph, shall apply to the parents. In any agreement or decision regarding access, importance shall be attached, among other factors, to ensuring the best possible overall contact between the child and his or her parents, and to the age of the child, the degree to which the child is attached to the local neighbourhood, the distance that must be travelled between the parents and the child's interests in all other respects. If the "ordinary right of access" is agreed or determined, this entitles the parent to spend one afternoon a week with an overnight stay, every other weekend, a total of three weeks of the summer holiday and alternate autumn, Christmas, winter and Easter holidays with the child.

Conditions for access may be imposed in agreements or in judgments. If supervision is made a condition, the court may appoint a person to perform supervision during access visits or request the parents to appoint such a person. The parent to be granted access shall cover the cost of the measure imposed as conditions for access pursuant to this provision.

The other parent shall be notified a reasonable period of time in advance if access cannot take place as determined or if the time for the access must be agreed more specifically.

If the parent who has parental responsibility or custody of the child prevents a right of access from being exercised, the parent who has right of access may request a new decision as to who is to have parental responsibility or custody of the child; see section 63.

Section 43 a. *Parental access under supervision by a publicly appointed person*

If supervision is made a condition for access, the court may in special circumstances and where regard for the needs of the child so dictates require the municipal child

welfare services or the Ministry to appoint a person to perform supervision during access. The court may order protected supervision or supported supervision. Such an order shall prescribe the necessary conditions for access, including the number of hours and duration limit.

The municipal child welfare services shall appoint the persons who are to perform supervision and follow up cases involving protected supervision orders. The Ministry shall appoint the persons who are to perform supervision and follow up cases involving supported supervision.

Before making a decision, the court shall obtain a specific assessment from the municipal child welfare services or the Ministry as to how the order can be carried out. An order may follow from a judgment, an interim decision pursuant to section 60 or a settlement in court. The court shall state the grounds for judgments and interim decisions as laid down in section 19-6 of the Dispute Act. If a judicial decision is revoked by a settlement in court, the court shall explain the purpose of the supervision and the needs of the child.

The authorities shall cover the cost of the measures pursuant to this provision.

The person to be appointed to perform supervision pursuant to the second paragraph must produce a satisfactory police certificate as referred to in section 39, first paragraph, of the Police Records Act.

The Ministry may in regulations issue further provisions concerning such matters as the appointment of persons to perform supervision, performance of supervision, remuneration, reporting and requirement of a police certificate.

Section 43 b. *Access in connection with a restraining order or ban on visits*

Any person who is subject to an order or ban prohibiting contact with a child pursuant to section 57 of the Penal Code or section 222 a of the Criminal Procedure Act may not have access to the child as determined by agreement or decision. However, this shall not apply if the order or ban allows such access pursuant to further provisions.

Section 44. *Travel costs in connection with access*

Travel costs in connection with access shall be shared proportionately between the parents according to their income if they are unable to agree otherwise. The costs to be divided are the costs of the child's travel, the parents' necessary travel costs associated with fetching or bringing the child in connection with access and the travel costs of the visiting parent when access take place where the child resides.

If special reasons make it reasonable to do so, the court may determine a different distribution of the travel costs. If the parents agree, the question of travel costs may be decided by the County Governor instead. If the child has reached the age of 15, the question of travel costs may be decided by the County Governor even if only one of the

parents requests it. The provisions of section 63 apply correspondingly. The decision of the County Governor or the Ministry constitutes grounds for enforcement by execution. When both parents request it, the County Governor may decide that a written agreement concerning division of travel costs shall be enforceable by execution pursuant to chapter 7 of the Enforcement Act.

Section 44 a.

Repealed by the Act of 20 June 2003 No. 40

Section 44 b.

Repealed by the Act of 20 June 2003 No. 40

Section 45. *Right of access for persons other than the parents*

When one or both of the parents are deceased, relatives of the child or other persons who are close to the child may request the court to determine whether they shall have right of access to the child, and the extent of such access.

In cases concerning right of access between the parents, a parent who has been denied access may request that the decision-making body (court) determine whether his or her parents shall have access to the child and the extent of such access. Access for grandparents may only be determined on condition that the person who is denied access is not allowed to be with the child.

The provisions of chapter 7 apply also to these cases. The parties are not required to have attended mediation before bringing the action.

Section 46. *Right to be heard prior to a decision regarding the child's future*

Any person who has right of access to the child shall, as far as possible, be allowed to express an opinion before the parent who has parental responsibility takes decisions that will make it impossible or considerably more difficult to exercise right of access to the child.

Section 47. *Right to information about the child*

Parents who have parental responsibility have the right to information about the child upon request. If one of the parents has sole parental responsibility, that parent shall give the other parent information about the child upon request. The other parent also has the right to obtain information about the child from day-care centres, schools, the health and social welfare services and the police, unless a duty of confidentiality applies in relation to the parents. Disclosure of such information may be refused if it may be detrimental to the child.

A rejection of the request for information pursuant to the first paragraph, third sentence, may be appealed to the County Governor. Parents with parental responsibility have a corresponding right of appeal. The provisions of chapter VI of the Public Administration

Act shall apply insofar as they are appropriate even if the rejection is made by a private person.

In special circumstances the County Governor may decide that the parent who does not have parental responsibility shall lose the right to information under this section.

Chapter 7. Procedure in cases concerning parental responsibility, international relocation, custody and access

I. Introductory provisions

Section 48. *The best interests of the child*

Decisions on parental responsibility, international relocation, custody and access, and procedure in such matters, shall first and foremost have regard for the best interests of the child.

When making such decisions, regard shall be paid to ensuring that the child is not subjected to violence or in any other way treated in such a manner as to impair or endanger his or her physical or mental health.

Section 49. *Lawyers*

Lawyers who handle cases under this chapter should consider the possibility of the parties arriving at an agreed solution. The lawyer shall inform the parents of the opportunity for mediation.

Section 50. *Confidentiality*

Persons who mediate pursuant to section 51 and section 61, first paragraph, subparagraph 2, have a duty of confidentiality in respect of the personal matters of which they become aware in connection with the assignment. Sections 6, 7, 9 and 10 of the Act of 19 June 1997 No. 62 on Family Counselling Offices apply correspondingly.

Persons who provide services pursuant to section 61, first paragraph, subparagraphs 1, 3, 4 or 7 have a duty of confidentiality in respect of the personal matters of which they become aware in connection with the assignment. Notwithstanding their duty of confidentiality, they may give their principal the information they have obtained in connection with the assignment. Sections 6, 7, 9 and 10 of the Act of 19 June 1997 No. 62 on Family Counselling Offices apply correspondingly.

Persons who provide services pursuant to section 61, first paragraph, subparagraph 5 have a duty of confidentiality in respect of personal matters of which they become aware in connection with the assignment. The court may set aside the duty of confidentiality at the request of the lawyer or representative.

Mediation and decisions on enforcement of agreements

Section 51. *Who shall attend mediation*

Parents with children of the relationship under the age of 16 must attend mediation before bringing an action concerning parental responsibility, international relocation with the child, custody or access.

Married parents with children of the relationship under the age of 16 must, in order to be granted a separation or divorce order pursuant to sections 20 and 22 of the Marriage Act, have attended mediation at a family counselling office or with another approved mediator; see section 26 of the Marriage Act.

Cohabiting couples with children of the relationship under the age of 16 shall, in the event of a breakdown of the relationship, attend mediation.

Parents who disagree regarding the child's relocation must attend mediation.

The Ministry may issue regulations regarding mediation, and regarding exemption from the duty to attend under special circumstances.

Section 52. *Purpose and content of the mediation*

The purpose of the mediation is to encourage the parents to reach a written agreement on parental responsibility, custody and access. The parties should be made aware of the most important financial consequences of the agreement.

Section 53. *Attendance*

The parents shall attend mediation in person and at the same time. If appropriate, the mediator may nonetheless decide that they shall attend separately. In special circumstances the mediator may permit one or both parties to attend with a representative.

Section 54. *Mediation certificate*

A mediation certificate shall be issued when the parties have attended one hour of mediation with a mediator. If the parents fail to reach agreement, they shall be encouraged to continue mediation for up to three more hours. They may be offered mediation for a further three hours if the mediator considers that this may result in the parties reaching an agreement. The mediation certificate is valid for six months.

Section 55. *Decisions on enforcement of agreements*

When both parents request it, the County Governor may determine that a written agreement on parental responsibility, custody and access may be enforced pursuant to the provisions of section 65. It is a condition that the agreement shall first and foremost safeguard the best interests of the child. If necessary, experts, the child welfare services or social welfare services shall state their opinion before the County Governor decides the question.

A condition for bringing a case before the County Governor pursuant to the first paragraph is that the parents must be able to present a valid mediation certificate.

The case must be brought before the County Governor where the child has his or her ordinary venue at the time the action is brought.

III. Court proceedings

Section 56. *Conditions for bringing an action*

If the parents disagree on who is to have parental responsibility, custody or access, either of them may bring an action in a court. A parent may also bring an action for parental responsibility when it is impossible to reach an agreement because the other parent does not reside in the country and he or she cannot be traced. Actions regarding international relocation with the child may be brought by a parent with parental responsibility or by a parent who is claiming parental responsibility concurrently.

A condition for bringing an action pursuant to the first paragraph is that the parents must present a valid mediation certificate. This shall not apply where a parent has been convicted of serious violence or abuse against his or her own children pursuant to the Penal Code or in such cases has been committed to psychiatric care or committed to care. The Ministry may in regulations issue supplementary provisions concerning the cases covered by the exception in the second sentence.

Section 57. *Where to bring an action*

Actions pursuant to section 56 must be brought in the court where the child has his or her ordinary venue at the time the action is brought. If the case concerns siblings with different ordinary venues, a joint action may be brought where one of the children has his or her ordinary venue. If the child is residing at a secret address (see the Act of 9 December 2016 No. 88 relating to population registration and appurtenant regulations), or if permission has been applied for or granted for use of fictitious personal data for the child (see section 14 a of the Act of 4 August 1995 No. 53 relating to the Police), the action may be brought in the Oslo District Court.

Section 58. *Writ of summons and acknowledgement of service*

The writ of summons shall contain the names and addresses of the parents and children, and shall state whether the disagreement concerns parental responsibility, international relocation with the child, custody or access and provide a brief summary of the grounds for the disagreement and the plaintiff's claim. A mediation certificate shall be attached. The writ may be presented on an approved form.

The court shall serve the writ on the defendant. The acknowledgement of service shall state the points on which there is disagreement and briefly set out the defendant's view of the matter. The acknowledgement of service shall also contain the defendant's claim. The acknowledgement of service may be written on an approved form.

The court may request further explanation of the case from the parties if required in order to ensure that sufficient information is obtained about the case.

Section 59. *Court proceedings*

The judge shall expedite the case as far as possible.

The judge shall at every stage of the case consider whether it is possible to reach a settlement between the parties and facilitate settlement.

The Courts of Justice Act and the Dispute Act apply to court procedure in cases under this chapter unless otherwise provided by the provisions of this Act.

Section 60. *Interim decision*

At the request of one of the parties, the court may make an interim decision on parental responsibility, international relocation with the child, custody and access. Cases concerning an interim decision on international relocation with the child may be brought before the court by a parent with parental responsibility and by a parent who is claiming parental responsibility concurrently. Such decision may apply for a certain period of time or until the case has been finally decided. The court may also make an interim decision before an action is brought, if there are special reasons for doing so. Following a request from one of the parties, the court shall in all cases make an interim decision if there is a risk that the child will be subjected to violence or in any other way be treated so as to harm or endanger his or her mental or physical health.

At the same time, the court may prohibit the other parent from visiting the property or the home where the child is staying. If the decision is not urgent, the court shall as far as possible give the other party an opportunity to make a statement.

When a decision is made before an action is brought, the court shall fix a time limit for bringing an action. The time limit may be extended by the judge's decision. If no action has been brought within the time limit, any decisions that have been made will cease to apply.

The decisions are made as court orders. It is not necessary to hold an oral hearing in advance.

Section 61. *Decisions during the preparatory proceedings*

The court will schedule the main hearing immediately or after one or more of the measures in subparagraphs 1 to 7 below have been implemented.

1. The court shall as a general rule summon the parties to one or more preparatory meetings, among other things to clarify the points of dispute between them, to discuss the further handling of the case and to mediate between the parties, if relevant. The court may appoint an expert to attend the preparatory meetings. The court may also ask the expert to interview the parents and the children, and to make enquiries in order to clarify the facts of the case unless the parents object to this. The court determines the duties of the expert after the parties have been given the opportunity to make a statement.

2. The court may refer the parties to mediation with an approved mediator or another person with insight into the disputed points of the case. Sections 52 and 53 apply correspondingly. If the mediator concludes that the parties will be unable to reach an agreement through further mediation, he shall immediately notify the court accordingly.
3. When necessary, the court should appoint an expert to express an opinion on one or more of the questions raised by the case. Where allegations have been made concerning violence, abuse, drug or alcohol abuse or mental disorder and sufficient information concerning the case has not otherwise been provided, the court may appoint an expert.
4. The judge may interview the child; see section 31. The court may appoint an expert or another suitable person to assist, or let an expert interview the child alone. Where the child has expressed his or her opinion, the judge or the person appointed by the judge shall inform the child concerning the outcome of the case and how the opinions of the child have been taken into consideration.
5. In special circumstances, such as when there is reason to believe that the child has been subjected to violence or in any other way been treated in such a manner as to impair or endanger his or her physical or mental health, the court may appoint a lawyer or another representative to safeguard the child's interests in connection with the legal action. The person appointed may interview the child and shall provide whatever information and support is appropriate. The lawyer or the representative shall be given the documents of the case. He may make suggestions about proceedings in the case and may give advice either in writing or in a court hearing as to how proceedings in the case can best serve the interests of the child. The court decides whether and, if relevant, for how long he shall be present during court hearings in the case. When the lawyer or the representative is present at the court hearing, he may question the parties and witnesses.
6. The court should obtain statements from the child welfare services and the social welfare services where necessary.
7. The court may give the parties the opportunity to try out an interim agreement for a specified period of time. The court may appoint an expert or other suitable person to advise the parents during the trial period.
8. The court may pronounce judgment without a main hearing provided that the parties consent to this and the court considers it appropriate.

The State will bear the cost of the measures referred to in the first paragraph, subparagraphs 1, 2, 3, 4, 5 and 7. The expert appointed under the first paragraph shall be paid pursuant to the Act of 21 July 1916 No. 2 on the Remuneration of Witnesses and Experts, etc. If a lawyer is to be appointed for the child pursuant to the first

paragraph, subparagraph 5, the child is entitled to free legal representation without a means test; see section 16, first paragraph, subparagraph 6, of the Legal Aid Act. The Ministry may in regulations issue provisions concerning remuneration for other persons who provide services under this section.

Section 61 a. *Exemption from the duty of confidentiality of the child welfare services*

Pursuant to section 6-7 of the Child Welfare Act, the child welfare services may, notwithstanding their duty of confidentiality, provide information to the court in cases concerning parental responsibility, custody and access.

Section 62. *Appeal against decisions made during the preparatory proceedings*

The court's choice of measures pursuant to section 61, first paragraph, may not be appealed. An exception applies to any decision to refuse to appoint an expert pursuant to section 61, first paragraph, subparagraph 3, or decision to refuse to obtain statements referred to in section 61, first paragraph, subparagraph 6.

Section 63. *Amendment of agreement or decision regarding parental responsibility, etc.*

The parents may amend an agreement or a decision regarding parental responsibility, international relocation with the child, custody and access.

If the parents fail to agree, either may bring an action in a court; see section 56. A court judgment, a settlement in court or an enforceable agreement may nonetheless only be amended if there are special reasons for doing so. An interim decision pursuant to section 60 may be amended on the same conditions by the court that has the main case. If one of the parents has relocated with the child without the other parent's agreement, the other parent may bring a new action in a court.

If it is obvious that there are no such special reasons as referred to in the second paragraph, the court may decide the case without a main hearing.

Procedure for claiming the right to parental responsibility, etc. after a death

Section 64. *Procedure for cases concerning parental responsibility, etc. after a death*

If the surviving parent who is granted parental responsibility pursuant to section 38, first paragraph, did not reside with the child at the time of the death, other persons may bring an action to claim parental responsibility. The time limit for bringing an action is six months after the death. The court may make an interim decision pursuant to section 60.

If the surviving parent is charged with, indicted for or convicted of voluntary manslaughter of the other parent, other persons may bring an action to claim parental responsibility. The time limit for bringing an action is six months after the charge or indictment is withdrawn or an unappealable final judgment is passed in the criminal proceedings. The surviving parent may also bring such an action.

The court shall attach importance to whether the surviving parent wants to have parental responsibility. The court should also attach importance to the wishes of the

deceased, particularly when they are set out in writing. If the surviving parent is charged with, indicted for or convicted of voluntary manslaughter of the other parent, the surviving parent may only be granted or keep parental responsibility if this is clearly in the child's best interests.

The court shall decide the question of parental responsibility by judgment. Where necessary, the court should obtain statements from the municipal child welfare service. The court should give the child's next of kin or the persons with whom the child resides with the opportunity to make a statement, unless this is unnecessary.

The court may let one person have sole parental responsibility or let a married or cohabiting couple have joint parental responsibility. The court may let one parent have or keep parental responsibility even if other persons are granted parental responsibility. The court may stipulate as a condition of its decision that, for a certain period, the child shall not be moved from the home where he or she is residing if the move might be unfavourable to the child and there are no reasonable grounds for moving.

When several persons are granted parental responsibility, the court shall also take a decision regarding who is to have custody of the child. The court may always take a decision regarding access for the surviving parent. The provisions of chapters 5 and 6 shall apply to the person or persons who are granted parental responsibility.

The court shall notify the municipal child welfare service and the County Governor if no one has applied to the court pursuant to section 64 a, or if, as a result of the judgment, no one has parental responsibility for the child. The child welfare service shall place the child and monitor his or her progress pursuant to the provisions of the Act of 17 July 1992 No. 100 on Child Welfare Services.

Section 64 a. *Procedure in cases where no one has parental responsibility after a death*

The court shall on its own initiative and without undue delay deal with cases concerning parental responsibility when it is notified pursuant to section 12 a of the Administration of Estates Act that due to a death no one any longer has parental responsibility for a child.

Any person wanting to have parental responsibility may apply for such a judgment to the court at the child's place of residence.

The provisions of section 64 shall apply as far as appropriate.

Section 64 b. *Interim decision on parental responsibility when a parent is charged with or indicted for manslaughter or murder of the other parent*

The court shall on its own initiative and without undue delay take an interim decision on parental responsibility when it is notified that the surviving parent is charged with or

indicted for the voluntary manslaughter of the other parent, and the surviving parent has or claims parental responsibility.

The decision is made as a court order. It is not necessary to hold an oral hearing in advance.

As long as an interim decision to remove parental responsibility applies, the surviving parent shall not have access to or custody of the child.

The provisions of section 64 shall apply as far as appropriate.

Section 64 c. *Decision regarding parental responsibility when an interim decision has been taken and no one has brought an action*

The court shall on its own initiative and without undue delay decide who shall have parental responsibility when an interim decision has been made and no one has brought an action pursuant to section 64. This shall not apply if a decision has been taken pursuant to section 64 b to the effect that no one shall have parental responsibility, and the municipal child welfare service and the County Governor have been notified.

The provisions of sections 64 and 64 b, third paragraph, shall apply as far as appropriate.

Section 64 d. *Amendment of decision regarding parental responsibility, etc. after a death*

The surviving parent may bring an action in a court requesting that the decision be amended pursuant to sections 64, 64 a and 64 c. A decision shall only be amended if there are special reasons for doing so. The surviving parent and other persons may on the same conditions bring an action for amendment of an interim decision pursuant to section 64 b. Cases for amendment pursuant to the third sentence shall be brought in the court that made the interim decision.

If it is obvious that there are no special reasons, the court may decide the case without a main hearing.

V. Enforcement

Section 65. *Enforcement*

Chapter 13 of the Enforcement Act applies to the enforcement of decisions on and other special grounds for enforcement relating to parental responsibility, custody and access. A decision on enforcement of agreements by the County Governor pursuant to section 55 constitutes a special ground for enforcement. An interim decision pursuant to section 60 is enforceable even if the decision is not legally enforceable.

Enforceable decisions or agreements on parental responsibility and custody may be enforced by fetching the child or imposing a coercive fine. Enforceable decisions or agreements regarding access may only be enforced by means of a coercive fine. The District Court may determine a standing coercive fine that shall apply for a certain

period each time the right of access is not respected. A request for enforcement shall be submitted to the District Court in the district where the defendant has his or her ordinary venue. The provisions of section 15, second paragraph, shall apply correspondingly. A coercive fine shall not be imposed if fulfilment of the right of access is impossible, such as where there is a risk that the child will be subjected to violence or otherwise treated so as to harm or endanger his or her physical or mental health. The same applies in connection with enforcement of parental responsibility and custody. The child shall have the opportunity to state his or her opinion before a decision is made. Importance shall be attached to the opinion of the child according to his or her age and maturity. Enforcement shall not take place against the child's wishes, unless the court concludes that it is necessary in the child's best interests.

To facilitate implementation of the established access arrangement, the court may make practical changes in the decision where appropriate, such as changes in the times for fetching and delivering the child.

The Norwegian Tax Administration, represented by the State Collection Agency, collects coercive fines. Collection shall only take place at the request of the parent person with the right of access to the child. The fine shall accrue to the public treasury. The fine shall not be collected for more than eight weeks at a time. If the parent with right of access allows more time for collection, no further fine shall be incurred until the fine that has already fallen due for payment has been paid or an execution has been levied for recovery of the amount.

Section 65 a. *Use of an expert, approved mediator or another employee of the family counselling service in enforcement cases*

Before the court takes a decision regarding enforcement, it may appoint an expert, an approved mediator or another employee of the family counselling service to mediate between or hold conversations with the parents. The purpose of the mediation or conversations is to encourage the parents to fulfil their obligations voluntarily. The court may establish a mandate for execution of the task.

The court shall set a time limit for execution of the task, normally no longer than two weeks after the appointment. The time limit may be extended if the court deems it possible for the parents to reach a voluntary solution if the mediation or conversations continue.

The person who has been given the assignment pursuant to the first paragraph shall deliver a report within the time limit with information on the types of measures that have been initiated, etc. The report shall include information on other important circumstances of relevance for the case.

In enforcement cases, section 61, first paragraph, subparagraph 3 shall apply correspondingly.

Chapter 8. Maintenance obligation

Section 66. *Parents' obligation to maintain their child*

Parents shall bear the expenses related to the maintenance and education of their child according to the child's ability and aptitude and the financial circumstances of the parents, when the child himself or herself does not have the requisite means. Both parents have a mutual obligation to contribute what is necessary, each according to his or her ability.

The provisions regarding the parents' obligation to maintain their child pursuant to this chapter apply correspondingly to other persons who have been granted parental responsibility after both parents are deceased.

Section 67. *Maintenance payments*

Where one or both of the parents do not have custody of the child, the parent concerned shall pay fixed contributions to the child's maintenance and education.

Parents with custody of the child may also be required to pay contributions if they fail to fulfil their obligation of maintenance pursuant to section 66. No one may waive the rights of the child pursuant to this paragraph.

The parents may be ordered to pay extraordinary payments for special expenses as long as their obligation of maintenance exists. It is a condition that the expenses are reasonable and necessary and are not part of the expenses that the regular maintenance payment is meant to cover. A claim for extraordinary payments must be filed within one year after the special expenses were incurred. The Ministry may in regulations issue supplementary provisions concerning extraordinary payments.

The child is the one who is entitled to the maintenance payment. Unless otherwise determined, it shall be paid monthly in advance to the parent with custody of the child. The maintenance payment shall be paid as from the calendar month in which the claim arises until the end of the calendar month when the conditions for the maintenance payment cease to apply.

Section 68. *Duration of the obligation of maintenance*

The obligation of parents pursuant to sections 66 and 67 lasts until the child reaches the age of 18 unless otherwise agreed or determined pursuant to this section.

If the child, after having reached the age of 18, wishes to continue to pursue what must be regarded as an ordinary education, he or she is entitled to financial support for the duration of such education. A time limit shall be set in respect of claims for support pursuant to this provision.

Parents may also be ordered to provide financial support for other further education if this is reasonable considering the interests and aptitudes of the child, the opportunities of acquiring funds for further education from other sources, and other circumstances. A time limit shall be set in respect of claims for such support.

Section 69. *Relationship between the provisions regarding the obligation of maintenance pursuant to the Children Act and the Child Welfare Act*

Maintenance payments that are determined pursuant to this Act will cease to apply from the time maintenance can be determined pursuant to section 9-2 of the Child Welfare Act.

Section 70. *How the maintenance payment is determined*

The parents may make an agreement regarding child maintenance payments.

If they fail to agree, either of them may request that the maintenance enforcement agency determine the maintenance payment. They may do this even if they originally reached agreement on the maintenance payment, but in such a way that the regular maintenance payment shall only be modified if the provisions of the Act will entail a change exceeding 12 per cent. The Ministry may make regulations regarding fees where the maintenance enforcement agency makes a decision on the determination and modification of the maintenance payment.

The question shall nonetheless be settled by the courts

- a) if either of the parents requests that this is done in conjunction with matrimonial proceedings or proceedings concerning parental responsibility, custody or access,
- b) if the maintenance enforcement agency refers the parties to the courts because this is more appropriate in view of the nature of the case.

With regard to maintenance payment pursuant to section 68, second and third paragraphs, to children who have reached the age of 18, the child himself or herself shall make an agreement or be party to the case.

If the parents are not cohabiting when the child is born and they have not made an agreement regarding maintenance payment, the maintenance enforcement agency shall on its own initiative determine the maintenance payment to the child.

If the non-custodial parent is receiving a support supplement from the Armed Forces in connection with undergoing basic military training or performing civilian service, or is entitled to another public benefit where child supplement is part of the benefit, the maintenance enforcement agency may, on its own initiative, determine the maintenance payment to the child for the period during which such a supplement is paid.

The parents have an obligation to inform the agency that is to determine the maintenance payment of their employment, educational qualifications, income and

assets, and of any other factors that may have relevance for determination of the maintenance payment. In order to determine the maintenance payment, the agency may, notwithstanding the duty of confidentiality, request that it be provided with all necessary information from employers, the tax authorities, the Norwegian Labour and Welfare Service and from insurance companies, banks and others who safeguard or manage assets. In order to determine the maintenance payment after the child has reached the age of 18, the agency may, notwithstanding the duty of confidentiality, request that it be provided with information from educational institutions regarding whether the child's schooling has commenced, is proceeding or has been completed and regarding his or her academic progress.

Section 71. *Public determination of maintenance payments*

The maintenance enforcement agency shall determine the maintenance payment in such a way that expenses for the support of the child determined according to the age of the child (maintenance costs) are shared between the parents proportionately to their income. The maintenance payment shall nonetheless not be set higher than the amount the non-custodial parent is left with as the means determined for his own subsistence, etc. (assessment of ability to pay maintenance payment). Generally, the maintenance payment shall be reduced in accordance with access that is agreed, orally or in writing, or determined by the authorities. If the parents have agreed on joint custody pursuant to section 36 of the Act, special rules apply.

Unless otherwise provided by regulations pursuant to the third paragraph, the maintenance enforcement agency shall on its own initiative adjust the maintenance payment when the child enters a new age group.

The Ministry may in regulations issue supplementary provisions concerning the assessment of maintenance payment pursuant to this Act.

Section 72. *Determination of maintenance payment for periods already elapsed*

Maintenance payment may also be determined for periods already elapsed, but nonetheless not for periods that expired more than three years prior to the date on which the claim was submitted to the decision-making body. If maintenance payment is to be determined for a period that expired more than one year previously, it is a condition that the party has had a special reason for the delay in submitting the claim.

Section 73. *Indexation of maintenance payment*

All fixed maintenance payments to children shall be index-linked pursuant to the provisions of this section unless otherwise determined in the decision or the agreement. Indexation shall also apply to the amount stipulated pursuant to section 5, first paragraph, of the Act of 17 February 1989 No. 2 on Advance Payment of Maintenance Contributions, unless the Storting decides otherwise.

Indexation is linked to changes in the consumer price index issued by Statistics Norway. The maintenance payment shall be adjusted each year on the basis of the change in the consumer price index for the month of January compared with the index at the time of the previous adjustment. Each adjustment shall apply only to maintenance payment instalments falling due in June or later.

The maintenance payment shall be adjusted by the same percentage as that by which the consumer price index has changed, calculated to the nearest tenth of one percent. The amount of the maintenance payment shall be rounded off to the nearest ten kroner. The maintenance enforcement agency shall recalculate maintenance payments to be recovered pursuant to the Act on Recovery of Maintenance Contributions.

The Ministry may make regulations concerning the implementation and supplementation of the provisions of this section.

Section 74. *Modification of the maintenance payment determined*

A claim may be made to modify maintenance payments determined by an administrative body or a court of justice, if there are special reasons for doing so. The Ministry may in regulations issue supplementary provisions on such modifications. Maintenance payments that have been or should have been paid when the request for modification was submitted may also be reduced, increased or remitted if there are compelling reasons for doing so. The Ministry may in regulations issue supplementary provisions concerning remission of such debt. The provisions of section 72, second sentence, apply correspondingly.

When a decision is taken to reduce maintenance payments that should already have been paid, private and public claims in regard to the maintenance payments for the period to which the change applies shall be determined again, taking into account the new maintenance payment rate.

The provisions of section 70, second and third paragraphs, shall apply correspondingly with regard to who is responsible for deciding modifications.

The provisions of section 70, sixth paragraph, to the effect that the maintenance enforcement agency may determine maintenance payments on its own initiative shall apply correspondingly in the event of modifications of maintenance payments.

Section 75. *Relationship between the decision-making body and claims by the parties*

In appeals and in proceedings regarding modifications of maintenance payments pursuant to section 74, the decision-making body may go beyond the claims of the parties. The decision-making body may also change other maintenance payments pursuant to the Children Act and maintenance contributions to the spouse even if none of the parties claims such a change.

Where a non-custodial parent with several children is not fully able to pay maintenance payments, or the total maintenance obligation is higher than a certain percentage of his or her income or the maintenance payment has been determined pursuant to section 9-2 of the Act of 17 July 1992 No. 100 relating to Child Welfare Services, the decision-making body may on its own initiative make an overall pro-rata determination of the child maintenance payment. This applies in all types of cases where at least one claim is made for initial determination, an appeal or a modification, or where the maintenance enforcement agency may raise a claim on its own initiative. The rule applies regardless of whether the non-custodial parent has children with the same custodial parent or several custodial parents. Section 70, second paragraph, and section 74, first paragraph, apply correspondingly. The Ministry may in regulations issue supplementary provisions concerning an overall pro-rata determination of maintenance payments.

Section 76. *Interim decision in maintenance payment proceedings*

The maintenance enforcement agency may without delay determine an interim maintenance payment. If it is urgent, such decision may be made without the opposite party being allowed to express an opinion.

The maintenance enforcement agency may, on request, take an interim decision to reduce maintenance payment without the opposite party being allowed to express an opinion. This applies if the maintenance enforcement agency deems it clear that the conditions for doing so are met.

Interim decisions pursuant to the first and second paragraphs apply from the month in which the request for determination or change was submitted. Such decisions may be carried out immediately unless otherwise determined, and apply only until a final decision is taken in the matter.

When a maintenance case is to be decided by a court, this section shall apply correspondingly. Interim maintenance payments shall be determined by court order.

Section 77. *Appeals*

A decision regarding child maintenance payments determined by the maintenance enforcement agency may be appealed to the immediately superior body or to the body designated by the Norwegian Labour and Welfare Administration. The right of appeal shall not apply to decisions that apply only to adjustment of maintenance payments upon transition to a new age group pursuant to section 71, second paragraph.

Section 78. *Implementation of decisions regarding maintenance payments and fees. Ground for enforcement.*

Maintenance payments shall be recovered by the Collection Agency of the Norwegian Labour and Welfare Administration pursuant to the provisions of the Act relating to Recovery of Maintenance Contributions.

Decisions in maintenance payment cases are enforceable by execution. Such decisions have legal effect and may be implemented before they become final unless otherwise determined. The time limit for compliance is three days unless another time limit has been fixed.

A written agreement concerning maintenance payments constitutes a ground for enforcement by execution when maintenance payments stipulated in the agreement are recovered pursuant to the provisions of the Act relating to Recovery of Maintenance Contributions. The same applies to a decision regarding fees as referred to in section 70, second paragraph.

If maintenance payments that have been paid are reduced pursuant to section 70, second paragraph, section 74 or section 76 or following an appeal, the non-custodial parent may request that the Collection Agency of the Norwegian Labour and Welfare Administration reduce the mandatory deduction in his or her wages, etc., in such manner and for such instalments as are deemed reasonable by the agency.

Section 79. *Advance payment of maintenance payments*

The Act of 17 February 1989 No. 2 relating to Advance Payment of Maintenance Contributions (the Advance Payment Act) shall apply to the advance payment of maintenance payments.

Section 80. *Application for reimbursement of maintenance payments in the event of a contestation of paternity*

Any person who by order or agreement has paid child maintenance, and who is later granted a judgment of non-paternity of the child, may claim reimbursement of the amount thereof from the National Insurance Scheme. The amount shall be linked to the consumer price index issued by Statistics Norway from the date the maintenance was paid until it is reimbursed. Indexation shall nonetheless not apply until after account has been taken of the tax deduction previously received for maintenance payments by the father who was granted a judgment of non- paternity. The benefit of the earlier tax deduction shall be set at 20 per cent.

A man on whom is imposed an obligation of maintenance, but not paternity, may claim reimbursement of the money from the National Insurance Scheme if a DNA analysis proves that he could not be the father of the child. The first paragraph shall apply correspondingly insofar as relevant.

A person who has been granted a judgment of non-paternity may not apply to have the maintenance payments reimbursed by the child himself or herself, by the mother or by the real father of the child.

The Ministry may in regulations issue supplementary provisions concerning application for reimbursement of maintenance payments pursuant to this Act.

Section 70. *How the maintenance payment is determined*

The parents may make an agreement regarding child maintenance payments.

If they fail to agree, either of them may request that the maintenance enforcement agency determine the maintenance payment. They may do this even if they originally reached agreement on the maintenance payment, but in such a way that the regular maintenance payment shall only be modified if the provisions of the Act will entail a change exceeding 12 per cent. The Ministry may make regulations regarding fees where the maintenance enforcement agency makes a decision on the determination and modification of the maintenance payment.

The question shall nevertheless be settled by the courts

- a) if either of the parents requests that this is done in conjunction with matrimonial proceedings or proceedings concerning parental responsibility, custody or access,
- b) if the maintenance enforcement agency refers the parties to the courts because this is more appropriate in view of the nature of the case.

With regard to maintenance payment pursuant to section 68, second and third paragraphs, to children who have reached the age of 18, the child himself or herself shall make an agreement or be party to the case.

If the parents are not cohabiting when the child is born and they have not made an agreement regarding maintenance payment, the maintenance enforcement agency shall on its own initiative determine the maintenance payment to the child.

If the non-custodial parent is receiving a support supplement from the Armed Forces in connection with undergoing basic military training or performing civilian service, or is entitled to another public benefit where child supplement is part of the benefit, the maintenance enforcement agency may, on its own initiative, determine the maintenance payment to the child for the period during which such a supplement is paid.

The parents have an obligation to inform the agency that is to determine the maintenance payment of their employment, educational qualifications, income and assets, and of any other factors that may have relevance for determination of the maintenance payment. In order to determine the maintenance payment, the agency may, notwithstanding the duty of confidentiality, demand that it be provided with all necessary information from employers, the tax authorities, the Norwegian Labour and Welfare Service and from insurance companies, banks and others who safeguard or manage assets.

Section 71. *Public determination of maintenance payments*

The maintenance enforcement agency shall determine the maintenance payment in such a way that expenses for the support of the child determined according to the age of the child (maintenance costs) are shared between the parents proportionately to their

income. The maintenance payment shall nonetheless not be set higher than the amount the non-custodial parent is left with as the means determined for his own subsistence, etc. (assessment of ability to pay maintenance payment). Generally, the maintenance payment shall be reduced in accordance with access that is agreed, orally or in writing, or determined by the authorities. If the parents have agreed on joint custody pursuant to section 36 of the Act, special rules apply.

Unless otherwise provided by regulations pursuant to the third paragraph, the maintenance enforcement agency shall on its own initiative adjust the maintenance payment when the child enters a new age group.

The Ministry may in regulations issue supplementary provisions concerning the assessment of maintenance payment pursuant to this Act.

Section 72. *Determination of maintenance payment for periods already elapsed*

Maintenance payment may also be determined for periods already elapsed, but nonetheless not for periods that expired more than three years prior to the date on which the claim was submitted to the decision-making body. If maintenance payment is to be determined for a period that expired more than one year previously, it is a condition that the party has had a special reason for the delay in submitting the claim.

Section 73. *Indexation of maintenance payment*

All fixed maintenance payments to children shall be index-linked pursuant to the provisions of this section unless otherwise determined in the decision or the agreement. Indexation also applies to the amount stipulated pursuant to section 5, first paragraph, of the Act of 17 February 1989 No. 2 on Advance Payment of Maintenance Contributions.

Indexation is linked to changes in the consumer price index issued by Statistics Norway. The maintenance payment shall be adjusted each year on the basis of the change in the consumer price index for the month of January compared with the index at the time of the previous adjustment. Each adjustment shall apply only to maintenance payment instalments falling due in June or later.

The maintenance payment shall be adjusted by the same percentage as that by which the consumer price index has changed, calculated to the nearest tenth of one percent. The amount of the maintenance payment shall be rounded off to the nearest ten kroner. The maintenance enforcement agency shall recalculate maintenance payments to be recovered pursuant to the Act on Recovery of Maintenance Contributions.

The Ministry may make regulations concerning the implementation and supplementation of the provisions of this section.

Section 74. *Modification of the maintenance payment determined*

A claim may be made to modify maintenance payments determined by an

administrative body or a court of justice, if there are special reasons for doing so. The Ministry may in regulations issue supplementary provisions on such modifications. Maintenance payments that have been or should have been paid when the request for modification was submitted may also be reduced, increased or remitted if there are compelling reasons for doing so. The Ministry may in regulations issue supplementary provisions concerning remission of such debt. The provisions of section 72, second sentence, apply correspondingly.

When a decision is taken to reduce maintenance payments that should already have been paid, private and public claims in regard to the maintenance payments for the period to which the change applies shall be determined again, taking into account the new maintenance payment rate.

The provisions of section 70, second and third paragraphs, shall apply correspondingly with regard to who is responsible for deciding modifications.

The provisions of section 70, sixth paragraph, to the effect that the maintenance enforcement agency may determine maintenance payments on its own initiative shall apply correspondingly in the event of modifications of maintenance payments.

Section 75. *Relationship between the decision-making body and claims by the parties*

In appeals and in proceedings regarding modifications of maintenance payments pursuant to section 74, the decision-making body may go beyond the claims of the parties. The decision-making body may also change other maintenance payments pursuant to the Children Act and maintenance contributions to the spouse even if none of the parties claims such a change.

Where a non-custodial parent with several children is not fully able to pay maintenance payments, or the total maintenance obligation is higher than a certain percentage of his or her income or the maintenance payment has been determined pursuant to section 9-2 of the Act of 17 July 1992 No. 100 relating to Child Welfare Services, the decision-making body may on its own initiative make an overall pro-rata determination of the child maintenance payment. This applies in all types of cases where at least one claim is made for initial determination, an appeal or a modification, or where the maintenance enforcement agency may raise a claim on its own initiative. The rule applies regardless of whether the non-custodial parent has children with the same custodial parent or several custodial parents. Section 70, second paragraph, and section 74, first paragraph, apply correspondingly. The Ministry may in regulations issue supplementary provisions concerning an overall pro-rata determination of maintenance payments.

Section 76. *Interim decision in maintenance payment proceedings*

The maintenance enforcement agency may without delay determine an interim

maintenance payment. If it is urgent, such decision may be made without the opposite party being allowed to express an opinion.

The maintenance enforcement agency may, on request, take an interim decision to reduce maintenance payment without the opposite party being allowed to express an opinion. This applies if the maintenance enforcement agency deems it clear that the conditions for doing so are met.

Interim decisions pursuant to the first and second paragraphs apply from the month in which the request for determination or change was submitted. Such decisions may be carried out immediately unless otherwise determined, and apply only until a final decision is taken in the matter.

When a maintenance case is to be decided by a court, this section shall apply correspondingly. Interim maintenance payments shall be determined by court order.

Section 77. Appeals

A decision regarding child maintenance payments determined by the maintenance enforcement agency may be appealed to the immediately superior body or to the body designated by the Norwegian Labour and Welfare Administration. The right of appeal shall not apply to decisions that apply only to adjustment of maintenance payments upon transition to a new age group pursuant to section 71, second paragraph.

Section 78. Implementation of decisions regarding maintenance payments and fees.

Ground for enforcement.

Maintenance payments shall be recovered by the Collection Agency of the Norwegian Labour and Welfare Administration pursuant to the provisions of the Act relating to Recovery of Maintenance Contributions.

Decisions in maintenance payment cases are enforceable by execution. Such decisions have legal effect and may be implemented before they become final unless otherwise determined. The time limit for compliance is three days unless another time limit has been fixed.

A written agreement concerning maintenance payments constitutes a ground for enforcement by execution when maintenance payments stipulated in the agreement are recovered pursuant to the provisions of the Act relating to Recovery of Maintenance Contributions. The same applies to a decision concerning fees as referred to in section 70, second paragraph.

If maintenance payments that have been paid are reduced pursuant to section 74 or section 76, the non-custodial parent may demand that the Collection Agency of the Norwegian Labour and Welfare Administration for maintenance payments reduce the mandatory deduction in his or her wages, etc., in such manner and for such instalments as are deemed reasonable by the agency.

Section 79. *Advance payment of maintenance payments*

The Act of 17 February 1989 No. 2 relating to Advance Payment of Maintenance Contributions (the Advance Payment Act) shall apply to the advance payment of maintenance payments.

Section 80. *Application for reimbursement of maintenance payments in the event of a contestation of paternity*

Any person who by order or agreement has paid child maintenance, and who is later granted a judgment of non-paternity of the child, may claim reimbursement of the amount thereof from the National Insurance Scheme. The amount shall be linked to the consumer price index issued by Statistics Norway from the date the maintenance was paid until it is reimbursed. Indexation shall nevertheless not apply until after account has been taken of the tax deduction previously received for maintenance payments by the father who was granted a judgment of non- paternity. The benefit of the earlier tax deduction shall be set at 20 per cent. The claim may be reduced or forfeited if it is clear that he had no reasonable grounds to acknowledge or declare paternity, or that he should have brought an action for a contestation of paternity earlier.

A man on whom is imposed an obligation of maintenance, but not paternity, may claim reimbursement of the money from the National Insurance Scheme if a DNA analysis proves that he could not be the father of the child. The first paragraph shall apply correspondingly insofar as relevant.

A person who has been granted a judgment of non-paternity may not apply to have the maintenance payments reimbursed by the child himself or herself, by the mother or by the real father of the child.

The Ministry may in regulations issue supplementary provisions concerning application for reimbursement of maintenance payments pursuant to this Act.

Chapter 9. The application of the Children Act when any of the parties have connections with a foreign country**Section 81. *When paternity or co-maternity may be established in Norway***

Paternity and co-maternity may be established in Norway pursuant to section 4, section 7 and chapters 3 and 4

- a) if the mother was habitually resident in Norway when the child was born
- b) if the child has later acquired habitual residence in Norway, or
- c) if the named father or co-mother is habitually resident in Norway.

Paternity shall not be established in Norway if the parties have a close connection with another state where they can request establishment of paternity, and the case will be better elucidated and dealt with in that state.

An action for a contestation of paternity pursuant to section 6 may be brought in a Norwegian court if any of the persons entitled to bring an action are habitually resident in Norway or if paternity has been established under Norwegian law.

Section 81 a. *When a maternity case may be dealt with in Norway*

A maternity case may be dealt with pursuant to chapter 4A and section 5, third paragraph

- a) if the child is habitually resident in Norway,
- b) if the mother was habitually resident in Norway when the child was born, or
- c) if the mother has later acquired habitual residence in Norway.

Section 82. *When cases regarding parental responsibility, international relocation with the child, custody or access may be dealt with in Norway*

Cases regarding parental responsibility, international relocation with the child, custody or access may be dealt with by a Norwegian court if the child is habitually resident in Norway. This also applies in cases that shall be dealt with by the County Governor pursuant to section 55.

A case regarding an interim decision may be dealt with by a Norwegian court in all cases where the child is present in Norway.

The provisions of the first and second paragraphs shall not apply unless otherwise provided by a treaty with another state.

Section 83. *When cases regarding maintenance payments may be dealt with in Norway*

Questions regarding maintenance payments may be dealt with by the maintenance enforcement agency or a Norwegian court

- a) when an action concerning paternity, co-maternity, parental responsibility, international relocation with the child or access is brought before a competent Norwegian body, or
- b) if one of the parties or the child is habitually resident in Norway.

Section 83 a. *Collection and disclosure of information under a treaty with a foreign state*

When treaties with foreign states pursuant to section 85, second paragraph, of this Act or to section 2 of the Act on Recovery of Maintenance Contributions contain provisions on the exchange of information, the Norwegian Labour and Welfare Service may, notwithstanding the duty of confidentiality, give other Contracting States information regarding the identity, address or income and assets of the parties to a maintenance case, if relevant after the information has been collected pursuant to section 70, seventh paragraph of this Act or to chapter 3 of the Act on Recovery of Maintenance Contributions.

Section 83 b. *Approval of private agreements for recovery of maintenance abroad*

When a party, with a legal basis in a treaty with a foreign state, requests enforcement of an agreement on maintenance payments pursuant to section 70, first paragraph, the agreement shall be sent to the Collection Agency of the Norwegian Labour and Welfare Administration for approval. The Collection Agency shall verify that the conditions for enforcement of maintenance under the agreement pursuant to Norwegian provisions are met. If the conditions are met, the Collection Agency shall approve the agreement and issue a written statement to the effect that the agreement has been approved and is enforceable in Norway.

Section 84. *Applicable law*

Cases that come under Norwegian jurisdiction pursuant to sections 81 to 83 shall be decided in accordance with Norwegian law, unless otherwise provided by an agreement with a foreign state.

Section 84 a. *Applicable law regarding parental responsibility*

The provisions of sections 34, 35 and 38 shall apply to children who are habitually resident in Norway. This also applies to section 39 on agreements.

Parental responsibility or any analogous relationship of authority under the law in a state where the child previously was habitually resident shall be given effect in Norway when this follows from Article 16 (3) of the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children. However, this does not apply if there is a foreign decision that shall be recognised pursuant to section 84 b. When a child acquires habitual residence in Norway, and previously was habitually resident in another state, a parent without parental responsibility pursuant to the second paragraph may only be granted parental responsibility for the child by operation of the Children Act if the parent is habitually resident in Norway.

Section 84 b. *Recognition of foreign decisions regarding parental responsibility, etc.*

Decisions regarding parental responsibility or any analogous relationship of authority, international relocation with the child, the right to determine the child's place of residence (custody) or access shall only be recognised in Norway by direct operation of law when this follows from an agreement with a foreign state.

Section 85. *Recognition of paternity or co-maternity established abroad*

If the paternity or co-maternity of a child follows directly from foreign law which shall be applied according to the rules of law in the country in question, this shall be recognised in Norway unless otherwise established pursuant to sections 6 and 7.

The King may in regulations or in individual cases decide that paternity or co-maternity which has been established in another manner pursuant to foreign law shall be

recognised in Norway. The same may be established in an agreement with a foreign state.

Section 85 a. *Obtaining information from the National Population Register*

The National Population Register authorities shall, notwithstanding the duty of confidentiality, provide such information as is necessary for the execution of tasks pursuant to this Act.

Chapter 10. Concluding provisions

Section 86. *Implementation*

The King may prescribe the regulations necessary for implementation of this Act.

Section 87. *Entry into force*

This Act shall enter into force on the date determined by the King.

Section 88. *Application of the Act to children born before the Act came into force*

The Act also applies to children who were born before the Act entered into force. The following exceptions shall apply:

- a) Paternity that follows from or was established pursuant to earlier legislation shall remain effective until otherwise established pursuant to this Act.
- b) Agreements or decisions regarding parental responsibility, right of access or duty of maintenance from the period prior to the Act's entry into force shall remain in force until they are in the event amended pursuant to this Act. Right of access directly pursuant to section 42, second paragraph, first sentence, shall not apply when the parents have become estranged before the Act entered into force.

Section 89. *Amendments to other Acts*

From the date this Act enters into force, the following amendments shall be made to other Acts:.....