

Parental Code (1949:381)

Swedish Constitution

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Content:

- [Chapter 1. On the paternity and maternity of children](#)
- [Chapter 2. On the participation of the social welfare board in establishing paternity](#)
- [Chapter 3. Certain provisions concerning the trial in paternity cases](#)
- [Chapter 4. On adoption](#)
- [Chapter 5. About the child's name](#)
- [Chapter 6. On custody, residence and access](#)
- [Chapter 7. On maintenance obligations](#)
- [Chapter 8. Has been repealed by law \(1973:802\).](#)
- [Chapter 9. On the incapacity of minors](#)
- [Chapter 10. About guardians](#)
- [Chapter 11. On good men and stewards](#)
- [Chapter 12. General provisions on the activities of guardians, trustees and administrators](#)
- [Chapter 13. Guardianship of parents](#)
- [Chapter 14. Care of property by appointed guardians, trustees and administrators](#)
- [Chapter 15. Protection of rights in estates, etc.](#)
- [Chapter 16. Supervision of the activities of guardians, trustees and administrators](#)
- [Chapter 17. Relatives' authority to take legal action in certain cases](#)
- [Chapter 18. Has been repealed by law \(1988:1251\).](#)

- [Chapter 19. About chief guardians](#)
- [Chapter 20. Certain common provisions on the trial](#)
- [Chapter 21. On the enforcement of judgments, decisions or agreements regarding custody, residence or access, etc.](#)
- [Transitional provisions](#)

Chapter 1. On the paternity and maternity of children

Presumption of paternity

Section 1 If at the time of the birth of a child the mother is married to a man, he shall be considered the father of the child, unless otherwise provided for in Section 2. The same applies if the mother is a widow and the child is born within such a time after the death of the husband that the child may have been conceived before then.

Act (2009:254) .

Section 2 The court shall declare that the man in the marriage is not the father of the child if

1. it is established that the mother has had sexual intercourse with someone other than the man during the time when the child could have been conceived and it is probable, taking into account all the circumstances, that the child was conceived through sexual intercourse,
2. it can be held certain due to the child's genetic predisposition or some other special circumstance that the man is not the father of the child, or
3. the child was conceived before the marriage or while the spouses were living separately and it is not probable that the spouses had sexual intercourse with each other during the time when the child could have been conceived.

If the husband in the marriage approves in writing someone else's confirmation of paternity, parenthood according to section 9 or maternity according to section 14, and section 4 has been observed in relation to the confirmation, it shall thereby be deemed established that the husband in the marriage is not the father of the child. However, in this case, the confirmation shall always be approved in writing by the mother. *Act (2021:783) .*

Establishing paternity

Section 3 If the case is not one referred to in Section 1 or Section 9, first paragraph, or if the court has issued a declaration pursuant to Section 2, first paragraph, or Section 9a, first paragraph, paternity is established by confirmation or judgment. In cases referred to in Section 9, second paragraph, parenthood is instead established for a woman.

However, paternity or parenthood is not established if

1. the mother has undergone insemination or fertilization outside the body in accordance with Chapter 6 or 7 of the Genetic Integrity Act (2006:351) or if the mother has undergone insemination or fertilization outside the body at a competent institution abroad and the child has the right to access information about the sperm donor,
2. the mother was a single woman at the time of the treatment in accordance with Chapter 1, Section 5 of the Genetic Integrity Act, and
3. taking into account all the circumstances, it is likely that the child was conceived through the treatment.

The second paragraph does not prevent the sperm donor from confirming paternity. *Law (2021:783)* .

Section 4 Confirmation of paternity of a child who has not reached the age of 18 shall be made in writing during a personal visit to the social welfare board. The confirmation shall be approved in writing by the social welfare board and by the mother or a specially appointed guardian or a temporary guardian of the child. The social welfare board may give its approval only if it can be assumed that the man is the father of the child. The social welfare board may grant exemptions from the requirement for a personal visit in individual cases, if there are special reasons.

Confirmation may also be made before the child's birth.

A confirmation of paternity of an adult child is made in writing and must be witnessed by two people. The confirmation must be approved in writing by the child himself. *Law (2021:783)* .

Section 4 a Notwithstanding Section 4, first paragraph, confirmation of paternity may be made digitally in a special system provided by the authority determined by the Government, if

1. the mother and the man are of legal age and registered in Sweden at the

time of the child's birth, and

2. the child is registered in Sweden when the confirmation is submitted.

The confirmation must be digitally approved by the mother.

The confirmation must be submitted by the man and approved by the mother no later than 14 days after the child's birth.

The Government or the authority designated by the Government may, with the support of Chapter 8, Section 7 of the Instrument of Government, issue further regulations on how a digital confirmation shall be submitted and approved. *Act (2021:783)* .

Section 4 b If it turns out that the person who has submitted a confirmation pursuant to Section 4 or 4 a is not the father of the child, the court shall declare that the confirmation has no effect against him.

Law (2021:783) .

Section 5 When paternity is to be established by judgment, the court shall declare a man to be the father if

1. it is established through a genetic examination that he is the father of the child,

2. it is established that he has had sexual intercourse with the child's mother during the time when the child could have been conceived and it is probable, taking into account all the circumstances, that the child was conceived through sexual intercourse, or

3. it is established that insemination or fertilization outside the body has been performed with his sperm during the time when the child could have been conceived and it is probable, taking into account all the circumstances, that the child was conceived through the treatment.

Paternity cannot be established by judgment for a man who is a sperm donor according to Chapters 6 or 7 of the Genetic Integrity etc. Act (2006:351) (2018:1279) .

Section 6 Has been repealed by *law (2018:1279)* .

Motherhood through in vitro fertilization

Section 7 If a woman gives birth to a child who has been conceived through the introduction into her body of an egg from another woman after fertilization outside the body, she shall be considered the child's mother.

Law (2002:251) .

Paternity by insemination or fertilization outside the body

Section 8 If the mother has undergone insemination or fertilization outside the body with the consent of a man who was her husband or cohabitant and it is probable, taking into account all the circumstances, that the child was conceived through the treatment, the person who gave the consent shall be considered the child's father for the purposes of applying Sections 2-5.

In the case of treatment that has been carried out with sperm from a man other than the mother's husband or cohabitant, the first paragraph only applies if the treatment has been carried out in accordance with Chapter 6 or 7 of the Genetic Integrity etc. Act (2006:351) or if the treatment has been carried out at a competent institution abroad and the child has the right to access information about the sperm donor.

Act (2018:1279) .

Parenthood through insemination or fertilization outside the body

Section 9 If the mother is married to a woman or is a registered partner at the time of the child's birth, her husband or registered partner shall be considered the child's parent. The same applies if the mother is a widow and the child is born within such a time after the woman's death that the child may have been born before that.

If the mother has undergone insemination or fertilization outside the body according to Chapter 6 or 7 of the Genetic Integrity Act (2006:351) with the consent of a woman who was the mother's husband, registered partner or cohabitant and it is probable, taking into account all the circumstances, that the child was conceived through the treatment, the person who gave the consent shall be considered the child's parent. The same applies if insemination or fertilization outside the body has been performed at a competent institution abroad and the child has the right to access information about the sperm donor.

In cases referred to in the second paragraph, parenthood is established by confirmation or judgment. What is stated in Sections 4-4 b regarding confirmation of paternity also applies to confirmation of such parenthood. *Act (2021:783) .*

Section 9 a The court shall declare that a woman who is to be considered the parent of a child pursuant to Section 9, first paragraph, is not the child's parent if the mother has undergone insemination or fertilization outside the

body, but the conditions in Section 9, second paragraph, are not met, or if the mother has not undergone such treatment.

If a woman who is to be considered the parent of a child pursuant to Section 9, first paragraph, approves in writing someone else's confirmation of paternity, parenthood pursuant to Section 9 or maternity pursuant to Section 14, and Section 4 has been observed in relation to the confirmation, it shall thereby be deemed established that the woman is not the child's parent. However, in this case, the confirmation shall always be approved in writing by the mother. *Act (2021:783)* .

Paternity and maternity in the event of gender reassignment

Section 10 If a man gives birth to a child, sections 11-14 apply. If a woman gives birth to a child, sections 11 a-11 d apply to her husband, if the husband has changed gender, and sections 13 and 14 apply to another person if that person meets the conditions under section 5 or 8 and has changed gender. *Law (2021:783)* .

Section 11 If a man gives birth to a child, he shall be considered the father of the child. However, what is stated in other chapters of this Code and in other statutes regarding mothers and motherhood applies to the man. *Act (2018:1279)* .

Section 11 a If the person who gave birth to the child is married to a man at the time of the child's birth, the man shall be considered the father of the child. The same applies if the person who gave birth to the child is a widow or widower and the child is born within such a time after the man's death that the child may have been conceived before that.

If the person who gave birth to the child is married to a woman at the time of the child's birth, the woman shall be considered the mother of the child. The same applies if the person who gave birth to the child is a widow or widower and the child is born within such a time after the woman's death that the child may have been born before then. However, what is stated in other chapters of this Code and in other statutes regarding father and paternity applies to the woman. *Act (2021:783)* .

Section 11 b The court shall declare that the person who is to be considered the father or mother of a child pursuant to Section 11 a is not the child's father or mother if

1. it is established that the person who gave birth to the child had sexual

intercourse with someone other than the spouse during the time when the child could have been conceived and it is probable, taking into account all the circumstances, that the child was conceived through sexual intercourse,

2. it can be held certain due to the child's genetic predisposition or other special circumstances that the spouse is not the father or mother of the child, or

3. the child was conceived before the marriage or while the spouses were living separately and it is not probable that the spouses had sexual intercourse with each other during the time when the child could have been conceived.

If the person who gave birth to the child has undergone insemination or fertilization outside the body, Section 11 c applies instead of this paragraph. *Law (2021:783)* .

Section 11 c The court shall declare that the person who is to be considered the father or mother of a child pursuant to Section 11 a is not the child's father or mother if the person who gave birth to the child has undergone insemination or fertilization outside the body but the conditions pursuant to Section 8 are not met. When applying Section 8, what is said about a mother shall apply to a man pursuant to Section 11. *Act (2021:783)* .

Section 11 d If the person who is to be considered the father or mother of a child pursuant to Section 11 a approves in writing someone else's confirmation of paternity, parenthood pursuant to Section 9 or motherhood pursuant to Section 14, and Section 4 has been observed with regard to the confirmation, it shall thereby be deemed to have been established that the man or woman is not the father or mother of the child. However, in this case, the confirmation shall always be approved in writing by the person who gave birth to the child. *Act (2021:783)* .

Section 12 If the case is not one referred to in Section 11a or if the court has issued a declaration pursuant to Section 11b or 11c, paternity or maternity is established pursuant to Section 13 or 14.

If a man gives birth to a child, paternity or maternity shall not be established pursuant to Section 13 or 14, if

1. the man has undergone insemination or fertilization outside the body pursuant to Chapter 6 or 7 of the Genetic Integrity etc. Act (2006:351) or if he has undergone insemination or fertilization outside the body at a competent institution abroad and the child has the right to access information about the

sperm donor,

2. the man was neither married, registered partner or cohabitant at the time of the treatment, and

3. it is probable, taking into account all the circumstances, that the child was conceived through the treatment.

The second paragraph does not prevent the sperm donor from confirming paternity or maternity. *Law (2021:783)* .

Section 13 A man who meets the conditions under Section 5 or 8 shall be considered the father of the child.

Paternity according to the first paragraph is established by confirmation or judgment. What is stated in Sections 4-4 b regarding confirmation of paternity also applies in this case.

When applying sections 4, 4a, 5 and 8, what is said about a mother shall apply to a man according to section 11. *Act (2021:783)* .

Section 14 A woman who meets the conditions under Section 5 or 8 shall be considered the mother of the child. However, the provisions in other chapters of this Code and in other statutes concerning father and paternity shall apply to the woman.

Maternity under the first paragraph is established by confirmation or judgment. The provisions of Sections 4-4 b regarding confirmation of paternity also apply to the confirmation of such maternity.

When applying sections 4, 4a, 5 and 8, what is said about a mother shall apply to a man according to section 11. *Act (2021:783)* .

The child's right to information in certain cases

Section 15 A child who has been conceived through insemination or fertilization outside the body that has been performed with gametes other than the parents' own has the right to be informed by his or her parents. The parents shall, as soon as is appropriate, inform the child that he or she has been conceived through such treatment. *Law (2018:1279)* .

Chapter 2. On the participation of the social welfare board in establishing paternity

Section 1 Unless a certain man or woman, due to marriage or registered partnership, is to be considered the father or parent pursuant to Chapter 1, Section 9 of a child who is under someone's care, the social welfare committee is obliged to try to investigate who is the father of the child and ensure that paternity is established, if the child is domiciled in Sweden.

If the mother is of legal age and registered in Sweden when the child is born, the obligation according to the first paragraph does not commence until 15 days after the child's birth. *Law (2021:783)* .

Section 2 The information pursuant to Section 1 is the responsibility of the social welfare committee in the municipality where the child is registered. *Act (1991:487)* .

Section 3 If the circumstances specified in Section 2 change after the social welfare committee has initiated its investigation, the committee is still obliged to complete its task.

The social welfare committee may transfer the case to the social welfare committee in another municipality if this would significantly facilitate the investigation. The other social welfare committee shall be notified immediately of such a decision.

The Social Welfare Board's decision according to the second paragraph may be appealed to the County Administrative Board. The County Administrative Board's decision may be appealed to a general administrative court. Leave to appeal is required when appealing to the Court of Appeal. *Act (1994:1433)* .

Section 4 The social welfare committee shall, during its investigation, obtain information from the mother and other persons who can provide information of importance to the investigation.

At the committee's request, the social welfare committee in another municipality shall provide assistance in the investigation. *Act (1981:26)* .

Section 5 If the paternity issue can be assessed with sufficient certainty based on the social welfare committee's investigation, the committee should provide the person presumed to be the child's father with the opportunity to confirm paternity. *Act (1990:1526)* .

Section 6 The Social Welfare Committee should work to ensure that a forensic genetic examination is carried out regarding the child, the mother and the person who may be the child's father, if the latter requests it or if there is reason to assume that the mother has had sexual intercourse with more than one man during the time when the child may have been conceived. *Law (2021:783)* .

Section 7 The social welfare committee may discontinue an investigation into paternity that has been initiated if

1. it proves impossible to obtain the information needed to assess the paternity issue,
2. it appears hopeless to attempt to have paternity established by court,
3. consent has been given by the mother or a specially appointed guardian or a temporary guardian in accordance with Chapter 4, Section 8 to the adoption of the child, or
4. for special reasons there is reason to assume that a continued investigation or trial would be detrimental to the child or expose the mother to stress that poses a danger to her mental health.

The social welfare committee shall discontinue a paternity investigation that has been initiated if paternity is not to be established in accordance with Chapter 1, Section 3 or Section 12.

The Social Welfare Board's decision to discontinue a paternity investigation that has been initiated may be appealed to the County Administrative Board. The County Administrative Board's decision may be appealed to a general administrative court. Leave to appeal is required when appealing to the Court of Appeal. *Act (2021:783)* .

Section 8 The social welfare committee shall keep a record of what occurs during the investigation of significance to the paternity issue. The record shall also record such information as may be significant to the obligation to pay child support.

The investigation should be conducted promptly. It must be completed within one year of the child's birth, unless special reasons dictate otherwise. *Act (1981:26)* .

Section 8 a If it can be assumed that a woman is to be considered a parent pursuant to Chapter 1, Section 9, second paragraph, of a child who is under someone's custody and who is domiciled in Sweden, the social welfare

committee is obliged to attempt to investigate whether such parenthood exists and, if so, ensure that this is established instead of paternity.

If the mother is of legal age and registered in Sweden when the child is born, the obligation under the first paragraph does not commence until 15 days after the child's birth.

What is stated in sections 2-5, 7 and 8 regarding the investigation of paternity also applies to the parenthood of a woman.

Act (2021:783) .

Section 9 If a certain man or woman, by reason of marriage or registered partnership, is to be considered the father or parent pursuant to Chapter 1, Section 9 of a child who is under someone's custody and who is domiciled in Sweden, the social welfare board shall, if the guardian or one of the guardians or the man or woman so requests and it is appropriate, investigate whether someone else may be the father of the child or shall be considered the child's parent pursuant to Chapter 1, Section 9.

Sections 2-6 and 8 apply to the investigation. However, Section 6 does not apply to the investigation of a woman's parentage. The investigation may be discontinued if there are reasons stated in Section 7, first paragraph, 1 or 4 or if it is otherwise appropriate. The investigation shall be discontinued if paternity or parentage is not to be established in accordance with Chapter 1, Section 3 or Section 12.

The Social Welfare Board's decision not to initiate an investigation under this section or to discontinue an investigation that has already begun may be appealed to the County Administrative Board. The County Administrative Board's decision may be appealed to a general administrative court. Leave to appeal is required when appealing to the Court of Appeal. *Act (2021:783) .*

Chapter 3. Certain provisions concerning the trial in paternity cases

Paternity annulment case

Section 1 If a man who, due to marriage, is to be considered the father of a child wishes the court to declare that he is not the father of the child, he shall bring an action against the child or, if the child has died, the child's heirs.

If the husband is dead and he has not lived with the child permanently and has not confirmed after the child's birth that the child is his, the deceased's spouse and anyone who is entitled to inherit from the husband along with or next to the child have the right to bring an action that the husband is not the father of the child. If the deceased leaves behind heirs other than the husband as referred to in Chapter 3, Section 2 of the Code of Inheritance, each of them has the right to bring an action under the same conditions.

There is no right to bring an action if, at the time of the man's death, more than one year has passed since the action, based on the man being the father of the child, was brought against him and he has been served with it, or if more than one year has passed since a claim on the same basis was made against the man's estate. *Act (2021:783)* .

Section 2 If a child wishes the court to declare that a certain man who is to be considered the child's father by reason of marriage is not so, the child shall bring an action against the man or, if he is dead, his heirs. If, in addition to the husband, the man leaves heirs as referred to in Chapter 3, Section 2 of the Code of Inheritance, the action shall, in respect of them, be directed against the person or persons who have the best right of inheritance after the man when the action is brought. *Act (2021:783)* .

Section 3 An action referred to in Section 1 or 2 may be brought before the court in the place where the child has his or her domicile or, if the child has died, before the court that has jurisdiction to hear a dispute over the child's inheritance. If there is no other competent court, the case shall be heard by the Stockholm District Court.

The same applies to an action under Chapter 1, Section 4 b, stating that a paternity confirmation is ineffective against the person who has submitted it. *Law (2021:783)* .

Section 4 If a party to a case referred to in Section 1 or 2 is a minor, the guardian or guardian ad litem, if one is to be appointed in accordance with Chapter 11, may bring proceedings on his behalf.

The mother shall be heard in the case, if possible. *Law (1988:1251)* .

Paternity determination cases

Section 5 An action for the establishment of paternity is brought by the child.

In cases referred to in Chapter 2, Section 1, the child's claim is brought by the social welfare board. If the mother has custody of the child, she may always bring the child's claim, even if she has not reached the age of majority. Furthermore, a claim may always be brought by a specially appointed guardian or a temporary guardian for the child.

Law (2021:528) .

Section 6 If a case to establish paternity is pending, the question of paternity of the child may be examined only in that case. The action may be brought against several men in the case. In place of the deceased man, the heirs of the deceased as specified in Section 2 shall be sued.

In cases where the social welfare board has to ensure that paternity is established, the board shall bring proceedings against the man or men who, according to the board's investigation or what has emerged during the handling of the case, could reasonably be considered the father of the child.

At the request of the defendant, the court shall issue a summons to a man who has not already consented to the case, and examine whether the man is the father of the child.

In the case of such an application, the provisions concerning the summons shall apply, as applicable. *Act (1981:26)* .

Section 7 In cases where the social welfare board has to ensure that paternity is established, the action shall be brought before the court in the place where the social welfare board is located. The court may transfer the case to another court if this would significantly facilitate the handling of the case.

In cases other than those referred to in the first paragraph, an action for the establishment of paternity shall be brought before the court where the man is to be held liable in civil cases in general or, if the action is brought against several men, one of them shall be liable. An action against the heirs of a deceased man may be brought before the court where the estate is liable. If

there is no competent court according to what has now been said, the case shall be brought before the Stockholm District Court. *Act (1981:26)* .

Section 8 In connection with the social welfare committee bringing an action, the minutes of the committee's investigation shall be submitted to the court. If the action is brought by another person and the social welfare committee has conducted an investigation into the matter, the court shall request the social welfare committee's minutes.

The defendant shall be served with the minutes in connection with the summons.

The court may order the social welfare committee to complete the investigation into paternity. *Act (1981:26)* .

Section 9 The court shall ensure that the question of paternity of the child is duly investigated. Anyone who can bring an action on behalf of the child shall be given the opportunity to express his/her views in the case.

Witness examination may not take place for the purpose of proving that the witness has had sexual intercourse with the mother during a time when the child can be assumed to have been conceived.

The lawsuit may not be finally heard before the birth of the child. *Law (1976:612)* .

Section 10 If a lawsuit is withdrawn against one of several men, the case may be dismissed in that part only if all consent. If the withdrawal concerns the person who has been sued pursuant to Section 6, third paragraph, consent is also required from the child.

At the same time as the case is dismissed in a certain part, the court shall decide on the legal costs in that part. *Act (1976:612)* .

Section 11 In cases where the social welfare board is taking action to establish paternity, the second and third paragraphs shall apply in terms of legal costs instead of Chapter 18, Sections 1-7 of the Code of Judicial Procedure.

A party shall bear its own legal costs. However, a defendant may be obliged to fully or partially reimburse another party for its legal costs if he has acted in a manner referred to in Chapter 18, Section 3 or 6 of the Code of Judicial Procedure or if special reasons otherwise exist.

If a party's representative, agent or counsel has acted in a manner referred to in Chapter 18, Section 3 or 6 of the Code of Judicial Procedure, he may be ordered to compensate for costs thereby incurred by another party. The court may decide on this even without a motion. *Act (1981:26)* .

Section 12 If the action is pursued, the higher court shall examine the paternity issue in its entirety. This shall be mentioned in the order to file a response.

If a higher court finds that someone who is not a party to the case can reasonably be considered the father of the child, the judgment shall be set aside at the request of a party and the case in its entirety shall be referred back to the court that first adjudicated the case.

The provisions of sections 9 and 10 shall apply correspondingly to the handling of the case in a higher court. In cases where the social welfare board is the party to the action, section 8, third paragraph, and section 11 shall also apply correspondingly in a higher court.

Act (1981:26) .

Joinder of cases in proceedings for annulment of paternity

Section 13 Even if a certain man is to be considered the father of a child by reason of marriage, an action to establish that another man is the father of the child may be brought before the same court, provided that an action to establish that the man is not the father of the child has been brought and has not yet been tried. The cases shall then be heard in a trial.

If the action is upheld in both cases referred to in the first paragraph, the question of establishing paternity shall be examined in a higher court, even if the judgment has not been appealed in that regard.

Law (2021:783) .

Cases concerning termination of parental rights pursuant to Chapter 1, Section 9

Section 14 If a woman who, due to marriage or registered partnership, is to be considered a parent under Chapter 1, Section 9 of a child wishes the court to declare that she is not the parent of the child, she shall bring an action against the child or, if the child has died, the child's heirs.

If the woman is dead and she has not lived with the child permanently and has not confirmed after the child's birth that the child is hers, the deceased's

husband or registered partner and anyone who is entitled to inherit from the woman along with or next to the child have the right to bring an action that the woman is not the child's parent. If the deceased leaves behind heirs as referred to in Chapter 3, Section 2 of the Inheritance Code, each of them has the right to bring an action under the same conditions.

There is no right to bring an action if, at the time of the woman's death, more than one year has passed since the action, based on the woman being the parent of the child, was brought against her and she has been served with it, or if more than one year has passed since a claim on the same basis was made against the woman's estate.

Act (2021:783) .

Section 15 If a child wants the court to declare that a certain woman who, due to marriage or registered partnership, is to be considered the child's parent according to Chapter 1, Section 9, is not, the child shall bring an action against the woman or, if she is dead, her heirs. If the woman, in addition to her husband or registered partner, leaves behind heirs referred to in Chapter 3, Section 2 of the Inheritance Code, the action shall, in respect of them, be directed against the person or persons who have the best right of inheritance after the woman when the action is brought. *Act (2021:783) .*

Section 16 An action referred to in Section 14 or 15 may be brought before the court in the place where the child has his or her domicile or, if the child has died, before the court that has jurisdiction to hear a dispute over the child's inheritance. If there is no other competent court, the case shall be heard by the Stockholm District Court.

The same applies to an action under Chapter 1, Section 4 b, stating that a confirmation of parentage under Chapter 1, Section 9 is ineffective against the person who has submitted it. *Act (2021:783) .*

Section 17 If a party to a case referred to in Section 14 or 15 is a minor, the guardian or a guardian ad litem, if one is to be appointed pursuant to Chapter 11, may conduct the party's action.

The mother shall be heard in the case, if possible. *Law (2021:783) .*

Cases concerning the establishment of parentage pursuant to Chapter 1, Section 9

Section 18 An action for the establishment of parentage pursuant to Chapter 1, Section 9 is brought by the child. In cases referred to in Chapter 2, Section 8 a, the child's action is brought by the social welfare board. If the mother has custody of the child, she may always bring the child's action, even if she has not reached the age of majority. An action may also always be brought by a specially appointed guardian or a temporary guardian for the child. The provisions of Sections 6-13 concerning the establishment of paternity also apply to the establishment of parentage. *Act (2021:783)* .

Joinder of cases in actions for termination of parenthood pursuant to Chapter 1, Section 9

Section 19 Even if a certain woman is to be considered the parent of a child by reason of marriage or registered partnership pursuant to Chapter 1, Section 9, an action may be brought before the same court to determine that someone else is the father of the child or is to be considered the parent of the child pursuant to Chapter 1, Section 9, provided that an action has been brought and not yet been tried that the woman is not the parent of the child. The cases shall then be heard in a trial.

If the action is upheld in both cases referred to in the first paragraph, the question of establishing paternity or parenthood shall be examined in a higher court, even if the judgment has not been appealed in that regard. *Act (2021:783)* .

Chapter 4. On adoption

Adoption of a child

Section 1 In all matters relating to the adoption of a child, the best interests of the child shall be given the utmost importance. *Law (2018:1288)* .

Section 2 A child may only be adopted if it is appropriate, taking into account all the circumstances. *Law (2018:1288)* .

When assessing whether an adoption is appropriate, the child's need for adoption and the applicant's suitability to adopt shall be given special consideration.

Section 3 The child shall be provided with information and given the opportunity to express his or her views on matters relating to the adoption.

The child's opinions should be given importance in relation to the child's age and maturity.

Section 7 contains provisions on the child's consent. *Law (2018:1288)* .

Adoption of an adult

Section 4 A person who has reached the age of 18 may only be adopted if there is a special reason for an adoption with regard to the personal relationship between the applicant and the person the applicant wishes to adopt and if the adoption is also otherwise appropriate.

When assessing whether there is a special reason for an adoption, special consideration shall be given to whether the applicant has raised the person whom the applicant wishes to adopt or whether the adoption otherwise intends to confirm a relationship that corresponds to that between child and parent. *Act (2018:1288)* .

Who can adopt?

Section 5 Anyone who has reached the age of 18 may adopt. *Law (2018:1288)* .

Section 6 Spouses and cohabitants may only adopt jointly.

However, a spouse or cohabitant may, with the consent of his or her spouse or cohabitant, adopt his or her child. Section 8, second paragraph, applies to the consent. A spouse or cohabitant may also otherwise adopt alone if the other spouse or cohabitant resides in an unknown location or is permanently prevented from adopting as a result of a mental illness or some other similar condition.

People other than spouses and cohabitants are not allowed to adopt jointly. *Law (2018:1288)* .

Consent

Section 7 A person who has reached the age of 12 may only be adopted if he or she consents to the adoption.

Consent is not required if the person the applicant wishes to adopt is permanently unable to consent due to a mental illness or other similar condition.

Before consent is given, the person whom the applicant wishes to adopt must be informed about the meaning of an adoption and consent. *Act (2018:1288)* .

Section 8 A child may not be adopted without the consent of the parent who is the custodian.

Consent is not required if

1. the parent is permanently unable to consent due to a mental illness or other similar condition,
2. the parent is in an unknown location, or
3. there are exceptional reasons.

Before consent is given, the parent must receive information about the meaning of adoption and consent.

What is stated about a parent who is a guardian in the first to third paragraphs also applies to a specially appointed guardian, a temporary guardian or someone else who, due to law or custom in another state, may be considered to have taken the place of the parents. *Act (2021:528)* .

Section 9 Consent from the person who gave birth to the child may only be given after that parent has recovered sufficiently after the birth of the child. *Law (2018:1288)* .

Prohibition of compensation

Section 10 An application for adoption may not be approved if compensation has been given or promised by any party or if a contribution to the child's maintenance has been agreed upon.

An agreement on compensation or maintenance referred to in the first paragraph is void. *Act (2018:1288)* .

Adoption cases

Section 11 An application for adoption may be made by the person or persons who wish to adopt. *Law (2018:1288)* .

Section 12 An application for adoption shall be made to the district court in the place where the person whom the applicant wishes to adopt is domiciled. If the person whom the applicant wishes to adopt is not domiciled in Sweden, the application shall be made to the district court in the place where the applicant or one of the applicants is domiciled.

If there is no competent court according to the first paragraph, the application is made to Stockholm District Court.

Law (2018:1288) .

Section 13 The court shall ensure that a matter concerning adoption is sufficiently investigated. *Law (2018:1288) .*

Section 14 If the application concerns the adoption of a child, the court shall instruct the social welfare committee to appoint someone to carry out an adoption investigation. The assignment shall be given to the social welfare committee in the municipality where the child is domiciled. If the child is not domiciled in Sweden, the assignment shall be given to the social welfare committee in the municipality where any of the applicants are domiciled.

If there is no competent social welfare committee according to the first paragraph, the assignment shall be submitted to the social welfare committee in the municipality of Stockholm.

The court shall determine a specific time within which the investigation shall be completed. If necessary, the court may extend this time. The court shall ensure that the investigation is conducted expeditiously. The court may set guidelines for the adoption investigation. *Act (2018:1288) .*

Section 15 The person conducting an adoption investigation shall investigate whether the conditions for adoption are met. The investigator shall always try to clarify the child's and the parents' attitudes.

The investigator shall report what has emerged to the court and submit a proposal for a decision. *Law (2018:1288) .*

Section 16 A social welfare committee that has access to information that may be of importance for an adoption investigation is, despite confidentiality according to Chapter 26, Section 1, first paragraph, of the Public Access and Secrecy Act (2009:400), obliged to provide such information at the request of the social welfare committee that has been assigned an assignment according to Section 14. The same applies when the information is requested by the person the social welfare committee has appointed to carry out the investigation. *Act (2018:1288) .*

Section 17 If the person whom the applicant wishes to adopt is not a Swedish citizen and does not have a permanent residence permit or permanent right of residence in Sweden, the court shall obtain an opinion

from the Swedish Migration Board, unless this is unnecessary. *Law (2018:1288)* .

Section 18 The court shall give the parent of the person whom the applicant wishes to adopt the opportunity to express his/her opinion within a certain period of time.

The first paragraph does not apply if

1. it is clearly unnecessary for the parent to be given the opportunity to express his/her opinion,
2. the parent is permanently prevented from expressing his/her opinion as a result of a mental illness or some other similar condition,
3. the parent is staying in an unknown location, or
4. there are exceptional reasons.

What is stated about a parent in the first and second paragraphs also applies to a specially appointed guardian, a temporary guardian or a guardian or someone else who, due to law or custom in another state, may be considered to have taken the place of the parents. *Act (2021:528)* .

Section 19 The court shall give the person whom the applicant wishes to adopt the opportunity to express his or her views within a certain period of time, if he or she has reached the age of 18.

The first paragraph does not apply if it is clearly unnecessary for the person whom the applicant wishes to adopt to be given the opportunity to express his/her opinion. *Law (2018:1288)* .

Section 20 When the court handles a matter concerning adoption, the Court Matters Act (1996:242) shall otherwise apply. *Act (2018:1288)* .

Legal effects of an adoption

Section 21 A person who has been adopted shall be considered the child of the adoptive parent and not the child of his or her former parents. If a spouse or cohabitant has adopted the child of the other spouse or cohabitant, the person who has been adopted shall, however, be considered the joint child of the spouses or cohabitants. Any law or other regulation that gives legal significance to the relationship between a child and a parent shall apply to the person who has been adopted and his or her adoptive parent.

The first paragraph does not apply to the extent that something else is specifically prescribed or follows from the nature of the legal relationship. *Law (2018:1288)* .

Section 22 If spouses or cohabitants jointly adopt a child, the child shall be under the custody of both spouses or cohabitants from the time the adoption decision becomes legally binding. The same applies if one spouse or cohabitant adopts the child of the other spouse or cohabitant. If a person otherwise adopts a child alone, the child shall be under the custody of the adoptive parent from the time the adoption decision becomes legally binding. *Act (2018:1288)* .

The child's right to information about the adoption

Section 23 A child who is adopted has the right to be informed by his or her parents. The parents shall, as soon as is appropriate, inform the child that he or she is adopted.

Act (2018:1288) .

Chapter 5. About the child's name

Section 1 If the child's name is specifically stipulated. *Act (1963:523)* .

Section 2 Has been repealed by *law (1963:523)* .

Section 3 Has been repealed by *law (1963:523)* .

Chapter 6. On custody, residence and access

Introductory provisions

Section 1 Children have the right to care, security and a good upbringing. Children shall be treated with respect for their person and individuality and may not be subjected to corporal punishment or other degrading treatment. *Law (1983:47)* .

Section 2 A child is under the custody of both parents or one of them, unless the court has entrusted the custody to one or two specially appointed

guardians or to a temporary guardian. The custody of a child lasts until the child reaches the age of 18.

The person who has custody of a child is responsible for the child's personal circumstances and shall ensure that the child's needs according to Section 1 are met. The child's guardian is also responsible for ensuring that the child receives the supervision necessary taking into account the child's age, development and other circumstances and shall ensure that the child receives satisfactory support and education. In order to prevent the child from causing harm to anyone else, the guardian shall further be responsible for ensuring that the child is under supervision or that other appropriate measures are taken.

There are provisions on responsibility in matters concerning the child's financial circumstances in Chapters 9-15 *of the Act (2021:528)* .

Section 2 a The best interests of the child shall be decisive in all matters concerning custody, residence and access.

When assessing what is best for the child, particular attention shall be paid to the risk that the child or someone else in the family will be exposed to violence or other abuse, or that the child will be unlawfully removed or retained or otherwise harmed. *Act (2024:1174)* .

Section 2 b The child shall be provided with information and given the opportunity to express his or her views on matters of custody, residence and access.

The child's views shall be given importance in relation to the child's age and maturity. *Law (2021:528)* .

Caregiver

Section 3 The child is under the custody of both parents from birth, if they are married to each other, and otherwise by the mother alone. If the parents later marry each other, the child is under the custody of both of them from that time, unless the court has previously entrusted the custody to one or two specially appointed guardians or to a temporary guardian.

If the parents are ordered to divorce, the child will continue to be under the custody of both parents, unless joint custody is dissolved in accordance with Section 5, 7 or 8. If the child is to remain under the custody of both parents

after the divorce judgment, the court shall state in the judgment that the custody is still joint. *Act (2021:528)* .

Section 4 If the child is under the custody of only one of the parents and the parents wish to exercise custody jointly, the court shall, upon application by both of them, decide in accordance with their request, unless it is obvious that joint custody is incompatible with the best interests of the child.

If the child is registered in this country, the parents can also obtain joint custody by registering with the Swedish Tax Agency after both of them have notified

1. the social welfare board in connection with the board's approval of a confirmation of paternity or a confirmation of parenthood in accordance with Chapter 1, Section 9, or

2. the Swedish Tax Agency, provided that a decision on custody has not been made previously. *Act (2012:319)* .

Section 5 If the child is under the custody of both parents or one of them and one of them wishes to have custody changed, the court shall decide that the parents shall have joint custody of the child or that one of them shall have sole custody.

When assessing whether the parents should have joint custody or whether one of them should have sole custody, the court shall pay particular attention to the parents' ability to put the child's needs first and take joint responsibility in matters concerning the child.

Questions regarding changes in custody pursuant to the first paragraph shall be heard on the application of one or both parents. In divorce cases, the court may decide without a motion that one of the parents shall have sole custody, if it is obvious that joint custody is incompatible with the best interests of the child.

Act (2021:528) .

Section 6 If the child is under the custody of both parents or one of them, they may agree that custody shall be joint or that one of them shall have custody of the child. The agreement shall be valid if it is in writing and the social welfare committee approves it.

If the parents have agreed on joint custody, the social welfare committee shall approve the agreement, unless it is obvious that the agreement is incompatible with the best interests of the child. *Law (2006:458)* .

Section 6 a Has been repealed by *law (1998:319)* .

Section 7 If a parent, when exercising custody of a child, is guilty of abuse or neglect or otherwise fails to care for the child in a manner that poses a permanent danger to the child's health or development, the court shall decide on a change in custody.

If the child is under the custody of both parents and what is stated in the first paragraph applies to one of them, the court shall entrust custody to the other parent alone. If that parent also fails to care for the child in the manner stated in the first paragraph, the court shall transfer custody to one or two specially appointed guardians.

If the child is under the custody of only one parent, the court shall, in cases referred to in the first paragraph, transfer custody to the other parent or, if more appropriate, to one or two specially appointed guardians.

Questions regarding changes in custody pursuant to this section are examined on application by the social welfare board or, without a special request, in cases of divorce between the parents or in other cases pursuant to Section 5. *Act (1998:319)* .

Section 8 If a child has been permanently cared for and raised in a separate home other than the parental home and it is in the best interests of the child that the current relationship continues and that custody is transferred to the person or persons who have received the child or one of them, the court shall appoint this person or persons to exercise custody of the child as specially appointed guardians.

When assessing whether it is best for the child that custody be transferred, the court shall take into particular consideration

- the child's and the foster parents' attitude towards a transfer of custody,
- the child's relationship with the foster parents and their ability to meet the child's need for a safe and good upbringing,
- the foster parents' attitude towards and ability to meet the child's need for contact with their parents and other close relatives,

- the child's relationship with their parents, and
- the child's social situation in general.

Questions about transfer of custody are heard by the social welfare board. *Law (2024:1174)* .

Section 8a If the child is under the custody of both parents and one of them is permanently prevented from exercising custody, the court shall entrust custody to the other parent alone. If the obstacle applies to both parents, the court shall transfer custody to one or two specially appointed guardians.

If the child is under the custody of only one parent and that parent is permanently prevented from exercising custody, the court shall transfer custody to the other parent or, if more appropriate, to one or two specially appointed guardians.

Questions about changes in custody pursuant to this section are heard on application by the social welfare board or, without a special request, in cases of divorce between the parents or in other cases pursuant to Section 5. *Act (2005:430)* .

Section 9 If the child is under the custody of both parents and one of them dies, the other parent shall have sole custody. If both parents die, the court shall, upon notification by the social welfare board or when the situation otherwise becomes known, entrust custody to one or two specially appointed guardians.

If the child is under the custody of only one of the parents and that parent dies, the court shall, upon application by the other parent or upon notification by the social welfare board, entrust custody to the other parent or, if more appropriate, to one or two specially appointed guardians. *Act (1994:1433)* .

Section 10 If the child is under the custody of one or two specially appointed guardians or a temporary guardian and if one or both of the child's parents wish to have custody transferred to them, the court may decide on this. The court may not transfer custody to the parents jointly if both parents object to this.

Questions regarding the transfer of custody pursuant to the first paragraph are considered at the request of both parents or one of them or at the request of the social welfare board. *Law (2021:528)* .

Section 10 a If a specially appointed guardian is to be appointed, someone shall be appointed who is suitable to provide the child with care, security and a good upbringing. A minor may not be appointed as guardian.

Two people can be appointed to exercise joint custody if they are married to each other or cohabiting.

For siblings, the same person should be appointed as guardian, unless there are special reasons against it.

If a guardian is to be appointed after the death of the parents and the parents or one of them has indicated who they wish to be the guardian, this person shall be appointed, unless it is inappropriate. *Act (2021:528)* .

Section 10 b A specially appointed guardian has the right to be relieved of his or her duties upon request.

If the child has two specially appointed guardians and one of them wishes that the custody shall no longer be joint, the court shall, upon application by one of them or both, entrust the custody to one of them. The court may also, in divorce proceedings between the guardians without a petition, decide on the custody in accordance with what has now been said, if it is obvious that joint custody is incompatible with the best interests of the child.

Act (2006:458) .

Section 10 c A specially appointed guardian shall be dismissed if, in exercising custody, he or she is guilty of abuse or neglect or is no longer suitable as a guardian for any other reason.

If the child has two specially appointed guardians and one is dismissed or dies, the other shall have sole custody. If both guardians are dismissed or die, the court shall appoint one or two other persons to be specially appointed guardians.

Questions regarding changes in custody pursuant to this section are examined upon application by the social welfare board. *Law (1994:1433)* .

Section 10 d If there is a need to appoint a specially appointed guardian for a child, but there is no suitable person to appoint for that purpose, the court may, if there are special reasons, transfer custody to a temporary guardian. The assignment as a temporary guardian does not include providing actual care for the child.

A person may be appointed as a temporary guardian who, due to his or her knowledge and experience and in other respects, is particularly suitable for the assignment. A minor may not be appointed as a temporary guardian. For siblings, the same person shall be appointed, unless there are special reasons against it.

An action to appoint a temporary guardian is brought by the social welfare board. *Law (2021:528)* .

Section 10e When a temporary guardian has been appointed for a child, the social welfare committee shall continue to work towards a lasting solution to the custody issue.

When the conditions for this exist, the court shall, at the request of the social welfare committee, transfer custody from the temporary guardian to one or two specially appointed guardians. *Law (2021:528)* .

Section 10 f A temporary guardian is entitled to a reasonable fee for the assignment and compensation for the expenses that have been reasonably incurred for the performance of the assignment.

Decisions on fees and reimbursement of expenses are made by the chief guardian.

Fees and compensation for expenses shall be paid by the municipality. *Law (2021:528)* .

Section 10 g A temporary guardian has the right to be dismissed from his or her position upon request.

A temporary guardian shall also, upon application by the social welfare committee, be dismissed if, in exercising custody, he or she is guilty of abuse or neglect or is no longer suitable as a guardian for any other reason.

If a temporary guardian is dismissed or dies, the court shall, upon application by the social welfare committee, appoint another person to be the temporary guardian. *Law (2021:528)* .

The exercise of custody

Section 11 The guardian has the right and obligation to decide on matters concerning the child's personal affairs. The guardian shall, as the child grows older and develops, take increasing account of the child's views and wishes. *Act (1983:47)* .

Section 12 The child himself enters into a contract for employment or other work, but only if the guardian consents to the contract. The child himself may terminate the contract and, if the child has reached the age of sixteen, enter into a contract for other work of a similar nature without new consent.

The child or guardian may terminate the agreement with immediate effect, if necessary for the child's health, development or schooling. If the guardian has terminated the agreement for this reason, the child may not subsequently enter into a new agreement without the guardian's consent.

There are provisions on the effect of the child alone having entered into an agreement to work without having the right to do so in Chapter 9, Sections 6 and 7. *Act (1983:47)* .

Section 13 If the child is under the custody of two guardians, what is stated in Section 11 or 12 shall apply to them together.

If one of the guardians is prevented from taking part in decisions concerning custody due to absence, illness or other reason that cannot be postponed without inconvenience, the other guardian shall decide alone. However, the other guardian may not make decisions that are of major importance for the child's future alone, unless the child's best interests clearly require it.

Section 8a contains provisions on changes in custody when one parent is permanently prevented from exercising custody.

Law (2005:430) .

Section 13 a */Expires U:2025-07-01/* If the child is under the custody of two guardians and only one consents to a measure to support the child, the social welfare committee may decide that the measure may be taken without the consent of the other guardian if it is required with regard to the best interests of the child and the measure concerns

1. psychiatric or psychological assessment or treatment covered by the Health and Medical Services Act (2017:30),
2. open-plan treatment provided with the support of Chapter 4, Section 1 of the Social Services Act (2001:453),
3. appointment of a contact person or a family referred to in Chapter 3, Section 6 b, first paragraph of the Social Services Act, or
4. an intervention pursuant to Section 9, Section 4, 5 or 6 of the Act (1993:387) on Support and Service for Certain Disabled Persons.

A decision pursuant to the first paragraph may be appealed to a general administrative court. Leave to appeal is required for appeals to a court of appeals.

Decisions on matters referred to in the first paragraph shall apply immediately. However, the court may decide that its decision shall apply only after it has become final.

The Act (2024:79) on the placement of children in sheltered housing contains provisions on the guardian's right to decide when a child has been granted sheltered housing. *Act (2024:81)* .

Section 13 a */Enters into force 1: 2025-07-01/* If the child is under the custody of two guardians and only one consents to a measure to support the child, the social welfare committee may decide that the measure may be taken without the consent of the other guardian if it is required with regard to the best interests of the child and the measure concerns

1. psychiatric or psychological assessment or treatment covered by the Health and Medical Services Act (2017:30),
2. open treatment provided with the support of Chapter 11, Section 1 of the Social Services Act (2025:400),
3. appointment of a contact person or a family referred to in Chapter 13, Section 7, first paragraph of the Social Services Act, or
4. an intervention pursuant to Section 9, Section 4, 5 or 6 of the Act (1993:387) on support and service for certain disabled people.

A decision pursuant to the first paragraph may be appealed to a general administrative court. Leave to appeal is required for appeals to a court of appeals.

Decisions on matters referred to in the first paragraph shall apply immediately. However, the court may decide that its decision shall apply only after it has become final.

The Act (2024:79) on the placement of children in sheltered housing contains provisions on the guardian's right to decide when a child has been granted sheltered housing. *Act (2025:402)* .

Section 14 */Expires on 1 July 2025/* The right of children and guardians to receive support and assistance from the social welfare board is regulated in

the Social Services Act (2001:453). The social welfare board mediates contacts with other advisory social bodies. *Act (2001:456)* .

Section 14 */Enters into force 1:2025-07-01/* The right of children and guardians to receive assistance from the social welfare committee is regulated in the Social Services Act (2025:400). The social welfare committee mediates contacts with other advisory social bodies. *Act (2025:402)* .

The child's accommodation

Section 14 a If the child is under the custody of both parents, the court may, at the request of one or both of them, decide which of the parents the child shall live with.

The parents may agree on the child's accommodation. The agreement shall be valid if it is in writing and the social welfare committee approves it.

Law (2006:458) .

Intercourse

Section 15 The child shall have the right to visit a parent with whom he or she does not live, except when this is contrary to the child's best interests. Visitation may take place through the child and the parent meeting each other or through other contact.

The child's parents have a joint responsibility to ensure that the child's need for contact with a parent with whom the child does not live is met as far as possible. Specially appointed guardians and a temporary guardian have a corresponding responsibility.

The child's guardian has a responsibility to ensure that the child's need for contact with someone else who is particularly close to them is met as far as possible.

If the child is under the custody of both parents and is to spend time with a parent with whom the child does not live, the other parent shall provide such information about the child as may promote the time spent together, unless there are special reasons against it. If the child is to spend time with a parent who is not the custodian or with someone else who is particularly close to the child, information in accordance with the first sentence shall be provided by the custodian.

Act (2024:1174) .

Section 15 a At the request of a parent who wishes to have contact with their child, the court may decide on contact between the child and that parent. Such a request may also be brought by the social welfare board.

At the request of the social welfare committee, the court may decide on contact between the child and someone other than a parent. When assessing whether such a request should be made, the social welfare committee shall take particular account of the child's need for contact with his or her grandparents and others who are particularly close to the child.

If the child is under the custody of both parents or one of them, they may agree on the child's contact with a parent with whom the child does not live. The agreement shall be valid if it is in writing and the social welfare committee approves it.

Act (2006:458) .

Section 15 b If the child lives with only one parent, that parent shall share in the costs of the trips that are caused by the child's need for contact with the other parent. This shall be done in accordance with what is reasonable, taking into account the parents' financial capacity and other circumstances.

A judgment or agreement on travel expenses may be adjusted by the court for the period after the action has been brought, if a change in circumstances so requires. *Act (1998:319) .*

Section 15 c When the court decides on access to a parent with whom the child does not live, the court may, if the child needs it, decide that a person appointed by the social welfare committee shall participate in the access (access support). A decision on access support shall be valid for a certain period of time.

Before a decision on access support is issued, the court must obtain an opinion from the social welfare committee.

Following the court's decision on access support, the social welfare committee shall appoint a specific person to participate in the access.

The social welfare committee shall monitor how the visitation works and ensure that the support does not last longer than necessary. *Act (2010:740) .*

Procedure in cases and matters concerning custody, etc.

Section 16 Notification pursuant to Section 4, second paragraph, of joint custody for parents who are not married to each other shall be examined by the Swedish Tax Agency. The notification shall be made in writing by both parents.

Notification according to Section 4, second paragraph, 2 is made to the Swedish Tax Agency or the Swedish Social Insurance Agency.

Decisions by the Swedish Tax Agency may be appealed to the administrative court within whose jurisdiction the child is registered at the time of the decision.

Leave to appeal is required when appealing to the Court of Appeal.

Law (2009:775) .

Section 17 Questions about custody, residence or access are raised by the court in the place where the child is domiciled. Such questions may also be raised in connection with matrimonial matters.

If it can be assumed that confidentiality applies to the information needed to determine the child's place of residence, questions about custody, residence or access may also be raised by the court in the place where one of the parties is domiciled. If it can be assumed that confidentiality also applies to the information needed to determine the parties' domicile, the questions may also be raised by the Stockholm District Court. The same applies if it can be assumed that confidentiality applies to the information needed to determine the child's and one party's domicile and the other party is not domiciled in the country.

If there is no competent court according to the first or second paragraph, the issues will be addressed by the Stockholm District Court.

Custody matters referred to in sections 4, 5, 7-8 a and 10, section 10 b, second paragraph, section 10 d and 10 e, as well as questions of residence and access shall be dealt with in the order prescribed for civil cases. The question of the distribution of travel expenses pursuant to section 15 b shall be considered as part of the question of access. If the child is under the custody of both parents or one of them and the parents agree on the matter, they may bring the action by joint application.

Other custody issues are handled in the same order as court cases.

In cases concerning custody and accommodation, child support can be claimed without a summons. *Law (2021:528)* .

Section 17 a */Expires U:2025-07-01/* Parents can, according to Chapter 5, Section 3 of the Social Services Act (2001:453), receive help in reaching agreements on custody, accommodation and access.

The social welfare committee in the municipality where the child is registered will consider whether an agreement between the parents pursuant to Section 6, Section 14a, second paragraph, or Section 15a, third paragraph, should be approved.

If it can be assumed that confidentiality applies to the information needed to determine where the child is registered, the social welfare committee in a municipality where one of the parents is registered may also consider whether an agreement referred to in the second paragraph should be approved. If it can be assumed that confidentiality also applies to the information needed to determine where the parents are registered, such an agreement may be approved by the social welfare committee in the municipality chosen by the parents. The same applies if it can be assumed that confidentiality applies to the information needed to determine where the child and one parent are registered and the other parent is not registered in the country.

When reviewing the parents' agreement, the social welfare committee must ensure that issues of custody, residence and access are sufficiently investigated.

The Social Welfare Board's decision according to the second or third paragraph may not be appealed. *Law (2021:528)* .

Section 17 a */Enters into force I: 2025-07-01/* Parents can, according to Chapter 13, Section 6, second paragraph, of the Social Services Act (2025:400), receive help in reaching agreements on custody, accommodation and access.

The social welfare committee in the municipality where the child is registered will consider whether an agreement between the parents pursuant to Section 6, Section 14a, second paragraph, or Section 15a, third paragraph, should be approved.

If it can be assumed that confidentiality applies to the information needed to determine where the child is registered, the social welfare committee in a municipality where one of the parents is registered may also consider whether

an agreement referred to in the second paragraph should be approved. If it can be assumed that confidentiality also applies to the information needed to determine where the parents are registered, such an agreement may be approved by the social welfare committee in the municipality chosen by the parents. The same applies if it can be assumed that confidentiality applies to the information needed to determine where the child and one parent are registered and the other parent is not registered in the country.

When reviewing the parents' agreement, the social welfare committee must ensure that issues of custody, residence and access are sufficiently investigated.

The Social Welfare Board's decision pursuant to the second or third paragraph may not be appealed. *Act (2025:402)* .

Section 17 b If a social welfare committee has approved a custody agreement, a notification of the content of the agreement shall be sent on the same day to

1. The Swedish Tax Agency,
2. if the agreement concerns a child who has reached the age of 15: the Central Student Aid Board,
3. The Swedish Social Insurance Agency. *Act (2004:797)* .

Section 17 c /Expires U:2025-07-01/ In order for the court, when the parents do not agree on the merits, to be allowed to take up a claim for custody, residence or access for consideration in a case pursuant to Section 5, 14 a or 15 a or in a divorce case, a parent who makes such a claim must have participated in an information meeting referred to in Chapter 5, Section 3 a of the Social Services Act (2001:453). The information meeting must have taken place within one year before the claim is made. The requirement to participate in an information meeting does not apply when a claim for custody, residence or access has already been taken up for consideration in the case.

A claim that may not be accepted for consideration according to the first paragraph may still be accepted if there are special reasons.

If the requirement to participate in information conversations prevents a request for custody, residence or access from being considered, the court shall dismiss all requests for custody, residence and access in the case. *Act (2021:528)* .

Section 17 c */Enters into force I:2025-07-01/* In order for the court, when the parents do not agree on the merits, to be allowed to take up a claim for custody, residence or access for consideration in a case pursuant to Section 5, 14 a or 15 a or in a divorce case, a parent who makes such a claim must have participated in an information meeting referred to in Chapter 13, Section 5 of the Social Services Act (2025:400). The information meeting must have taken place within one year before the claim is made. The requirement to participate in an information meeting does not apply when a claim for custody, residence or access has already been taken up for consideration in the case.

A claim that may not be accepted for consideration according to the first paragraph may still be accepted if there are special reasons.

If the requirement to participate in information conversations prevents a request for custody, residence or access from being considered, the court shall dismiss all requests for custody, residence and access in the case. *Act (2025:402)* .

Section 18 */Expires U:2025-07-01/* According to Chapter 5, Section 3 of the Social Services Act (2001:453), parents can receive help in reaching an agreement on issues of custody, residence and access through collaborative discussions.

In cases concerning custody, residence or access, the court may instruct the social welfare committee or another body to arrange collaborative discussions in the child's best interests with the aim of reaching an agreement between the parents.

If the court issues an order in accordance with the second paragraph, it may declare that the case shall be stayed for a certain period of time. The same applies if cooperation talks have already been initiated and continued talks can be assumed to be beneficial. If there are special reasons, the court may extend the set period. *Act (2001:456)* .

Section 18 */Enters into force I: 2025-07-01/* According to Chapter 13, Section 6, first paragraph, of the Social Services Act (2025:400), parents can receive help in reaching an agreement on issues of custody, residence and access through collaborative discussions.

In cases concerning custody, residence or access, the court may instruct the social welfare committee or another body to arrange collaborative discussions

in the child's best interests with the aim of reaching an agreement between the parents.

If the court issues an order pursuant to the second paragraph, it may declare that the case shall be stayed for a certain period of time. The same applies if cooperation talks have already been initiated and continued talks can be assumed to be beneficial. If there are special reasons, the court may extend the set period. *Act (2025:402)* .

Section 18 a The court may instruct a mediator to try to get the parents to reach an amicable solution that is consistent with the best interests of the child. A mediator shall have relevant education and professional experience and be suitable for the assignment. The court may provide the mediator with further instructions on what he or she must observe when carrying out the assignment.

The mediator shall, within the time limit set by the court, submit a report on the measures that have been taken. The time limit may not exceed four weeks. However, the court may extend the time limit if there are conditions for reaching a consensual solution.

The mediator is entitled to reasonable compensation for work, time wasted and expenses required by the assignment. The court decides on the compensation. The compensation is paid from public funds.

Act (2021:528) .

Section 19 The court shall ensure that issues of custody, residence and access are sufficiently investigated.

Before the court decides a case or matter concerning custody, residence or access, the social welfare committee shall be given the opportunity to provide information. If the committee has access to information that may be of importance for the assessment of the issue, the committee is obliged to provide such information to the court.

If an investigation is needed in addition to what is stated in the second paragraph, the court may instruct the social welfare committee or some other body to appoint someone to carry it out. The court may provide guidelines for the investigation and shall determine a specific time within which the investigation must be completed. The time may not be set longer than four

months. If there are special reasons for this, the court may extend the time. The court shall ensure that the investigation is conducted expeditiously.

Unless it is inappropriate, the person conducting the investigation must hear the child and present the child's views to the court and submit proposals for decisions.

The child may be heard before the court, if special reasons justify it and it is obvious that the child cannot be harmed by being heard. *Law (2021:528)* .

Section 19 a If, in a case or matter concerning custody, residence or access, it is necessary to assess the risk of harm to the child, the court shall obtain an expert opinion from a licensed psychologist. *Act (2024:1174)* .

Section 20 In cases or matters concerning custody, residence or access, the court may, if necessary, decide on custody, residence or access for the time being until the matter has been decided by a judgment or decision that has become final or the parents have reached an agreement on the matter and the agreement has been approved by the social welfare committee.

Before a decision under the first paragraph is issued, the opposing party shall be given the opportunity to state their views on the matter. The court may obtain information from the social welfare board on the matter. Before the social welfare board provides information, it shall, unless it is inappropriate, hear the parents and the child. If the court has issued a decision that is still in force when the case or matter is to be decided, the court shall reconsider the decision.

A decision under this section may be enforced in the same way as a judgment that has become final. However, the decision may be changed by the court at any time. *Act (2021:528)* .

Section 20 a The social welfare committee may, in proceedings concerning custody, residence or access under this chapter, hear a child without the consent of the guardian and without the guardian being present. *Act (2021:528)* .

Section 20 b Despite confidentiality pursuant to Chapter 26, Section 1, first paragraph, of the Public Access and Secrecy Act (2009:400), a social welfare committee that has access to information that may be of importance for the assessment of a question of custody, residence or access is obliged to provide such information at the request of a social welfare committee that, pursuant to

Section 17 a, is to examine whether an agreement between the parents can be approved or that is to provide information or carry out an investigation pursuant to Section 19 or 20. The same applies when the information is requested by the person whom the social welfare committee has appointed to carry out an investigation pursuant to Section 19. *Act (2021:528)* .

Section 21 In cases or matters concerning custody, residence or access, the court may, in connection with the delivery of a judgment or decision in the matter and if there are special reasons, at the request of a party, order the opposing party to surrender the child under penalty of a fine. If a fine has been imposed in connection with a decision referred to in Section 20, first paragraph, the court may order that the order shall apply immediately.

A decision on an injunction pursuant to the first paragraph may only be appealed in connection with an appeal of the judgment or decision on custody, residence or access.

A question of imposing a fine imposed shall be examined by the court upon application by the party who has requested the injunction. The case shall be handled in accordance with the Court Proceedings Act (1996:242).

Act (2006:458) .

Section 22 In cases or matters concerning custody, residence or access, the second and third paragraphs apply in relation to legal costs instead of Chapter 18, Sections 1-7 of the Code of Judicial Procedure.

Each party shall bear its own legal costs. However, a party may be obliged to reimburse the other party's legal costs in whole or in part if he or she has acted in a manner referred to in Chapter 18, Section 3 or 6 of the Code of Judicial Procedure or if there are other special reasons.

If a party is required to pay the other party's legal costs in whole or in part under the second paragraph and the party's representative, agent or counsel has acted in a manner referred to in Chapter 18, Section 3 or 6 of the Code of Judicial Procedure and thereby caused the costs in whole or in part, he or she may be ordered to pay the costs together with the party. The court may decide on this even if no party requests it.

This section also applies when the case or matter is being handled in a higher court. *Act (1998:319)* .

Chapter 7. On maintenance obligations

Section 1 The parents shall be responsible for the maintenance of the child in accordance with what is reasonable having regard to the child's needs and the parents' combined financial capacity. When the parents' maintenance obligation is determined, the child's own income and assets and the child's social benefits shall be taken into account, taking into account what follows from the regulations on these.

The maintenance obligation ends when the child turns eighteen. If the child goes to school after this time, the parents are obliged to pay maintenance for the time the child is in school, but not until the child turns twenty-one. Schooling includes studies in primary or secondary school and other comparable basic education.

The parents shall share in the costs of the child's maintenance, each according to their ability. *Law (2001:1136)* .

Section 2 A parent shall fulfil his or her maintenance obligation by paying maintenance to the child if the parent

1. does not have custody of the child and does not permanently live with the child, or
2. has custody of the child jointly with the other parent but the child permanently lives with only the other parent.

Maintenance payments are determined by judgment or agreement.

The guardian may represent the child in matters concerning maintenance, even if the guardian has not reached the age of majority. Guardians also have the right to represent the child. Maintenance agreements can be concluded even before the child's birth.

In cases concerning child maintenance, everyone who may represent the child in accordance with the third paragraph shall be given the opportunity to express their views.

Act (1996:1031) .

Section 2 a A parent who is liable for maintenance support pursuant to Chapter 19 of the Social Insurance Code is deemed to have fulfilled his

maintenance obligation up to the amount paid in maintenance support to the child. *Law (2010:1203)* .

Section 3 When maintenance allowance is determined in accordance with Section 2, the person liable for maintenance may reserve an amount for his own or another's maintenance in accordance with the second to fourth paragraphs.

The reserved amount for the person liable for maintenance includes all ordinary living expenses. The cost of housing is calculated separately according to what is reasonable. The other living expenses are calculated based on a standard amount. The standard amount is 120 per year.

percent of the applicable price base amount according to Chapter 2, Sections 6 and 7

Social Insurance Code.

If there are special reasons, an amount may be reserved for maintenance for a spouse with whom the person liable for maintenance permanently lives. Another person with whom the person liable for maintenance permanently lives is considered a spouse, if they have children together. The reserved amount is determined in accordance with the second paragraph. However, the normal amount is 60 percent of the price base amount.

Regardless of what otherwise applies to a parent's maintenance obligation for two or more children, the person liable for maintenance for each child at home may reserve an amount that, together with what is paid to the child by or on behalf of the other parent, constitutes 40 percent of the applicable price base amount for the year.

However, the court may determine a different reservation amount if the circumstances of the particular case so require.

Act (2010:1203) .

Section 4 If a parent who is required to pay maintenance allowance under Section 2 has had the child with him/her for a continuous period of at least five full days or has had the child with him/her for at least six full days during a calendar month, the parent may, when fulfilling his/her maintenance obligation, be credited with a deduction for each full day of the child's stay of 1/40 of the maintenance allowance calculated for the calendar month applicable during the stay. However, no such deduction may be made for maintenance allowance that is due later than six months from the end of the calendar month in which the stay ended. The total amount of deductions

credited to the parent at one time shall, if it ends in a penny, be rounded down to the nearest lower kronor.

When calculating the number of full days according to the first paragraph, the day on which the child's stay ends is counted as a full day. However, this does not apply if the stay begins and ends during the same day.

If there are special reasons, the court may order other conditions for the right of deduction than those specified in the first and second paragraphs.

However, against the objection of a party, such an order may not be issued for the period before the action has been brought.

The parent liable for maintenance is not entitled to a deduction when the maintenance allowance has been determined taking into account that he or she substantially fulfils his or her maintenance obligation by having the child with him or her. *Law (2005:464)* .

Section 5 A person who permanently lives with another person's child and with the parent who has custody of the child is liable to pay maintenance to the child, if he or she is married to the parent or has a child of his or her own with the parent. If there are special reasons, the maintenance obligation remains even after the child has moved away from home.

The maintenance obligation is determined in the same way as for a parent according to Section 1, but does not apply to the extent that the child can receive maintenance from the parent with whom the person liable for maintenance does not live. *Law (1978:853)* .

Section 6 If someone other than the person who is required to pay maintenance under Section 2 neglects his maintenance obligation, the court may order the defaulting party to pay maintenance to the child. *Act (1978:853)* .

Section 7 Maintenance allowance is paid in advance for each calendar month.

Agreements that maintenance payments for the future shall be paid in a lump sum or for periods longer than three months are valid only if the agreement is in writing and witnessed by two people. If the child is under 18 years of age, the agreement must also be approved by the social welfare committee in the municipality where the child or his or her guardian is permanently resident or,

if neither of them is permanently resident in Sweden, by the social welfare committee in the municipality of Stockholm.

The court may determine a method of payment other than that specified in the first paragraph, if there are special reasons.

Maintenance allowance in the form of a lump sum shall be paid to the social welfare board if the child is under the age of 18. For the amount that has been paid, the board shall ensure that an annuity for the child that is adjusted to the maintenance obligation is purchased from an insurer, unless the agreement prevents this or the board finds that the amount can be used in some other appropriate way for the child's maintenance.

Payment in violation of this section does not relieve the obligation to pay maintenance in the prescribed manner. *Act (2018:1288)* .

Section 8 An action for the determination of maintenance allowance may not be granted for a period longer than three years prior to the date on which the action was brought, unless the person liable for maintenance agrees to this. *Act (1978:853)* .

Section 9 The right to claim determined maintenance allowance is lost five years after the originally applicable due date, unless otherwise provided for in the second or third paragraph.

If attachment for maintenance has taken place before the time specified in the first paragraph or if the person liable for maintenance has been declared bankrupt due to an application made before this time, payment for the claim may be taken from the attached property or obtained in bankruptcy even thereafter.

If an application for corporate restructuring has been made before the time specified in the first paragraph, the maintenance allowance may be claimed within three months of the decision to terminate the corporate restructuring being announced. If the maintenance allowance is covered by a debt settlement in an approved restructuring plan, the claim may be claimed within three months of the debtor's obligations under the debt settlement being fulfilled. If attachment for the maintenance allowance has taken place or a bankruptcy application has been filed within the time specified now, the second paragraph applies.

Agreements that conflict with this section are invalid. *Law (2022:966)* .

Section 10 A judgment or agreement on maintenance may be adjusted by the court if a change in circumstances so requires. For the period before the action has been brought, however, adjustment may be made against the objection of a party only in such a way that unpaid contributions are reduced or removed.

Maintenance agreements may also be adjusted by the court if the agreement is unreasonable in view of the circumstances at the time of its conclusion and the other circumstances. However, a decision to repay received support may only be issued if there are special reasons.

If a maintenance allowance that has been determined and is paid continuously has not been changed to the amount in any other way than as referred to in Section 1 of the Act (1966:680) on the Amendment of Certain Maintenance Allowances, the court may, for the period after the action has been brought, reconsider what has been determined regarding the maintenance, without the need to invoke grounds for adjustment under the first or second paragraphs.

A judgment or agreement on maintenance allowance for a period until the child has reached a certain age does not constitute an obstacle to examining the issue of allowance for the period thereafter. *Act (1978:853)* .

Section 11 has been repealed by *law (1996:1031)* .

Section 12 An action for child maintenance shall be brought before the court in the place where the defendant has his or her domicile. Such an issue may also be raised in connection with proceedings to establish paternity of a child, matrimonial proceedings, proceedings concerning the custody of a child or proceedings concerning the residence of a child.

If it can be assumed that confidentiality applies to the information needed to determine the defendant's domicile, a maintenance action may also be brought by the court in the place where the plaintiff is domiciled. If it can be assumed that confidentiality also applies to the information needed to determine the plaintiff's domicile or if the plaintiff is not domiciled in the country, the case may also be brought by the Stockholm District Court.

If there is no competent court according to the first or second paragraph, the case will be heard by the Stockholm District Court.

Act (2021:528) .

Section 13 Two or more cases concerning the obligation of a person to pay child support may be heard in one trial, if this is useful for the investigation or examination. In such a case, a court which, according to Section 12, is competent to hear one of the cases may, without prejudice to the said section, also hear the other one or more cases, if the action in the cases is brought before the court and it is appropriate for the cases to be heard there.

The court may decide to re-separate cases that have been joined in accordance with the first paragraph.

Has the right to decide which of several men is the father of a child, an action for maintenance may not be finally heard before the paternity issue has been decided by a judgment that has become final. *Law (1978:853)* .

Section 14 Maintenance allowance may be determined at different amounts for specific parts of the maintenance period.

Child support may not, against the objection of the person liable for maintenance, be determined for a period after the child has reached the age of eighteen, before it can be reliably assessed whether a maintenance obligation exists thereafter.

Act (1996:1031) .

Section 15 In cases concerning child support, the court may, until the matter has been decided by a judgment or a decision that has become final, decide on the maintenance as is reasonable. However, an obligation to pay support may only be imposed on someone if there are probable grounds for the obligation to pay support. If the issue of maintenance has been raised in connection with a case to establish paternity of a child, a decision on the obligation to pay support may not be issued if several men are in agreement in the case.

Before a decision under the first paragraph is issued, the opposing party shall be given the opportunity to state his/her position on the matter. If the court has issued a decision, it shall reconsider it when the case is decided.

A decision under this section may be enforced in the same way as a judgment that has become final. However, the decision may be changed by the court at any time. *Act (2000:174)* .

Section 16 If someone has undertaken, by means of a written document witnessed by two persons, to pay maintenance to a child for whom paternity is

to be established for a period until the results of a blood test to establish paternity are available, the provisions on enforcement based on the document shall apply as regards enforcement based on an obligation to pay maintenance under this Code.

Regarding the commitment according to the first paragraph, the provisions of law or other statute shall otherwise apply, as applicable, in cases where the court has issued an order for child support pursuant to section 15. *Act (1979:339)* .

Section 17 Regarding the right of a person who has paid maintenance allowance to receive compensation from public funds, there are provisions in the Act (1969:620) on compensation in certain cases for maintenance allowances paid. *Act (1979:339)* .

Section 18 If a man has incurred costs for the maintenance of a child because he has been regarded as or assumed to be the child's father, but it is established that another man is the father of the child, the former is only entitled to compensation from the latter for the costs if there are special reasons. *Act (1979:339)* .

Section 19 In cases concerning child maintenance, the following deviations from Chapter 18 of the Code of Judicial Procedure apply if the child loses the case.

If there are special reasons, it may be ordered that each party shall bear its own legal costs. If there are no such reasons and the child has been represented in the proceedings by a parent who permanently lives with the child, the parent shall be ordered to reimburse the opposing party's legal costs instead of the child. *Act (1985:358)* .

Section 20 What is stated in sections 12, 15 and 16 concerning the establishment of paternity also applies to the establishment of parenthood pursuant to Chapter 1, Section 9. What is stated in Section 18 concerning a man also applies to a woman who is to be considered a parent pursuant to Chapter 1, Section 9. *Act (2005:434)* .

Chapter 8 has been repealed by law (1973:802) .

Chapter 9. On the incapacity of minors

Section 1 Anyone under the age of eighteen (a minor) is a minor and may not dispose of his or her own property or undertake obligations to a greater extent than follows from what shall apply by law or conditions in the event of acquisition by gift, will or beneficiary designation in the case of

- insurance,
- pension savings in accordance with the Act (1993:931) on individual pension savings, or
- savings in a PEPP product as referred to in Regulation (EU) 2019/1238 of the European Parliament and of the Council of 20 June 2019 on a pan-European personal pension product (PEPP product). *Act (2022:1747) .*

Section 2 The right of minors to take up employment or other work is stipulated in Chapter 6 of the *Act (1974:236) .*

Section 2 a A minor with his own household may, for the daily management or upbringing of children belonging to the household, enter into such legal acts as are customarily undertaken for these purposes.

However, a legal act referred to in the first paragraph is not binding on the minor if the person with whom the legal act was concluded realized or failed to realize that what was acquired through the legal act was not required.

If the minor abuses the authority granted to him under the first paragraph, the court may, upon application by the guardian, deny him authority. Such a decision may be revoked upon application by the guardian or the minor if circumstances have changed.

The court's decision pursuant to the third paragraph shall be published without delay in the Swedish Post and Internal Gazette and local newspaper. *Act (1977:658) .*

Section 3 A minor shall have sole control over what he has acquired through his own work after he has reached the age of sixteen. The same applies to the return on such property and what has taken the place of the property.

The guardian may, with the consent of the chief guardian, take possession of property referred to in the first paragraph, to the extent deemed necessary with regard to the upbringing or welfare of the ward. Before consent is given, the chief guardian shall provide the ward with an opportunity to express his views.

Section 3 a has been repealed by *law (1974:236)* .

Section 4 If a minor has received property by gift, will or beneficiary designation in insurance, pension savings under the Act (1993:931) on individual pension savings or savings in a PEPP product as referred to in Regulation (EU) 2019/1238 of the European Parliament and of the Council, on the condition that the minor himself shall be allowed to dispose of the property, Section 3, second paragraph, shall also apply to such property. However, the consent of the chief guardian is only required if the minor has reached the age of sixteen. Before giving consent, the chief guardian shall give the prisoner or his or her heirs the opportunity to express their views, if this can be done without significant inconvenience or major loss of time. *Act (2022:1747)* .

Section 5 A minor who carries on a business with consent pursuant to Chapter 13, Section 13 or Chapter 14, Section 14, second paragraph, may enter into such legal acts as fall within the scope of the business. What has now been said does not apply, however, to legal acts referred to in Chapter 13, Section 10. *Act (1994:1433)* .

Section 6 If a minor has entered into an agreement without the required consent, the person with whom the agreement was concluded may withdraw from the agreement as long as it has not been approved or duly performed. If he knew that the agreement was concluded with a minor, he may not, however, unless he had reason to assume that the minor had the authority to conclude the agreement, withdraw from it during the time that may have been set for approval at the time of its conclusion or could otherwise be reasonably estimated to be required for this. The person with whom the minor has taken service or other work may not withdraw from the agreement in this regard as long as this is fulfilled by the minor.

Notification whereby the agreement is withdrawn may also be made to the minor himself.

Section 7. If a contract entered into by a minor without the required consent is not valid, each party shall return what he has received or, if this is not possible, pay compensation for its value. However, unless otherwise provided in the second paragraph, the minor shall not be obliged to pay such compensation to a greater extent than what he has received has been used for reasonable maintenance or is otherwise found to have brought him benefit.

If, when concluding a contract, the minor has misled the party with whom the contract was concluded by providing false information about his or her competence, he or she shall, if the contract is not valid, be obliged to pay compensation for the loss caused by the contract to the extent deemed reasonable.

If the procedure is punishable, compensation shall be payable in accordance with what generally applies to damages due to a crime.

Section 8 Money that a minor has deposited with a bank after he or she has reached the age of sixteen may be paid out to the minor. The bank may not pay out the money to the guardian without the minor's consent.

If the guardian has received the chief guardian's permission to handle money referred to in the first paragraph and has presented proof of this, the bank may pay the money to the guardian but not to the minor.

The first and second paragraphs also apply to money that has been deposited with a credit market company and a foreign company that operates banking or financing operations from a branch in Sweden. *Law (2020:1027)*

Chapter 10. About guardians

Section 1 A person who is a minor or who has a guardian may not be a guardian. *Act (1988:1251)* .

Section 2 For children who are under the custody of both parents, these are the guardians. If one of the parents is not permitted to be the guardian according to Section 1 or is relieved of guardianship, the other is the guardian of the child.

For children who are under the custody of only one of their parents, that parent is the sole guardian. *Act (1988:1251)* .

Section 3 The person or persons who have been appointed as specially appointed guardians are also guardians of the minor. The same applies to the person who has been appointed as temporary guardian.

However, if special reasons justify it, someone other than the specially appointed guardian or the temporary guardian shall be appointed as guardian. In such a case, sections 6 and 7 apply.

What is stated in this section regarding specially appointed guardians shall also apply to the person who is a guardian according to the first paragraph. *Act (2021:528)* .

Section 4 has been repealed by *law (2014:377)* .

Section 5 If a minor does not have a guardian, the court shall appoint one.

If a guardian has been appointed in accordance with the first paragraph because the father or mother is a minor, the appointment shall be valid until the father or mother has reached the age of majority. *Act (1994:1433)* .

Section 6 A man or woman who is upright, experienced and otherwise suitable shall be appointed as guardian.

For minor siblings, the same person shall be appointed guardian, unless there are special reasons against it. *Law (1994:1433)* .

Section 7 If, after the death of the parents, a guardian is to be appointed for a minor and the parents or one of them has indicated who they wish to be the guardian, this person shall be appointed unless it is inappropriate. *Act (1994:1433)* .

Section 8 When circumstances so require, several guardians may be appointed for the minor.

If the person or persons who are to be guardians by law cannot appropriately exercise the guardianship alone, co-guardians shall be appointed. *Act (1988:1251)* .

Section 9 A guardian has the right to be relieved of guardianship upon request. However, this does not apply if the guardianship is exercised by the parents or one of them and there are special reasons against the guardian being relieved. *Act (1994:1433)* .

Section 10 A guardian shall be dismissed if the guardian, in exercising the guardianship, is guilty of abuse or neglect, if the guardian becomes financially insolvent and is therefore unsuitable to be a guardian, or if the guardian is no longer suitable as a guardian for any other reason. *Act (1988:1251)* .

Section 11 If the guardian dies and there is no one who is legally required to be the guardian, the person who has the estate in his or her care shall without delay report the situation to the chief guardian for the municipality where the minor has his or her domicile. *Act (1994:1433)* .

Section 12 Has been repealed by *law (1994:1433)* .

Section 13 Questions concerning the appointment or dismissal of guardians shall be heard by the district court in the place where the minor is registered. If the minor is not registered in Sweden, the district court in the place where the minor resides shall be the competent court.

If there is no court with jurisdiction according to the first paragraph, the Stockholm District Court has jurisdiction. *Law (2006:557)* .

Section 14 In matters concerning the appointment of a guardian, the court shall provide the chief guardian with the opportunity to submit a proposal for a person who is suitable for the assignment. *Act (1988:1251)* .

Section 15 No one may be appointed as a guardian or dismissed from a guardianship without having been given the opportunity to express his/her opinion. *Act (1988:1251)* .

Section 16 If a final decision cannot be made immediately in a matter concerning the appointment of a guardian, the court may, if the minor's affairs require immediate care, appoint a guardian for the period until the matter is decided. *Act (1988:1251)* .

Section 17 If the question arises of dismissing a guardian in accordance with Section 10 and a final decision cannot be made immediately, the court may, if delay would endanger the minor, decide that the guardian shall be relieved of his or her duties until the matter is resolved.

Before the court issues a decision pursuant to the first paragraph, the guardian shall be given an opportunity to express his/her opinion, unless delay is dangerous. *Act (1988:1251)* .

Section 18 An application for the appointment or dismissal of a guardian may be made by the chief guardian, guardian, custodian, the minor himself, if he or she has reached the age of sixteen, as well as by his or her spouse or cohabitant and closest relatives. The court shall also raise the issues referred to in this section on its own initiative, when there is reason to do so.

In a matter referred to in the first paragraph, the court shall give a minor who has reached the age of sixteen an opportunity to express his or her opinion, if this is possible. *Act (1994:1433)* .

Chapter 11. On good men and stewards

About good man

Section 1 If a guardian is unable to exercise the guardianship due to illness or for any other reason, or if the guardian is separated from exercising it in accordance with Chapter 10, Section 17, the chief guardian shall appoint a good man to take care of the minor's affairs in the guardian's place.

When the court, pursuant to Chapter 10, Section 17, removes a guardian from the exercise of the guardianship, the court may appoint a guardian ad litem pursuant to the first paragraph.

There are provisions on guardianship for minor foreign citizens and minor stateless persons in Chapter 4, Section 3 of the Act (1904:26 p. 1) on certain international legal relationships concerning marriage and guardianship and in the Act (2005:429) on guardianship for unaccompanied minors. *Act (2005:430)* .

Section 2 If a guardian or the guardian's spouse or cohabitant and the minor have a share in an undivided estate, the chief guardian shall appoint a guardian to safeguard the minor's rights in the estate during the estate settlement as well as during the division and distribution of the estate or the conclusion of an agreement on cohabitation in an undivided estate.

The chief guardian shall also appoint a guardian ad litem when a person who has a guardian, guardian ad litem or trustee is to perform a legal act or is a party to a lawsuit and needs assistance but cannot be represented by the

guardian, guardian ad litem or trustee in accordance with Chapter 12, Section 8. If legal action has been brought, the court may appoint a guardian ad litem.

The chief guardian shall also, in cases other than those referred to in the first or second paragraph, appoint a guardian for a person who has a guardian, trustee, guardian or administrator, in matters where the individual has an interest that conflicts with the interest of such a representative or his or her spouse or cohabitant. The chief guardian shall make such an appointment if requested by the guardian, trustee, guardian, guardian or administrator or the person whom he or she represents in such capacity or if it is otherwise appropriate. *Act (1994:1433)* .

Section 3 The chief guardian shall appoint a guardian ad litem,

1. if, in the event of a death, there is an heir known by name who resides in an unknown or remote location and is therefore unable to safeguard his or her rights in the estate and administer his or her share in it,

2. if, in the event of a death, it cannot be determined whether the deceased has left behind any heir who is entitled to inherit before the General Inheritance Fund or before or together with any other known heir, or if there is knowledge of an heir after the deceased but knowledge of both the heir's name and his or her place of residence is lacking, and it is due to such a circumstance that the rights of an unknown heir are safeguarded and his or her share in the estate is administered,

3. if a testator resides in an unknown or remote location or is unknown and his or her rights therefore need to be observed in accordance with the provisions on heirs,

4. if it is otherwise required that the rights of an absentee be safeguarded or that of an absentee be property is managed,

5. if, according to a provision in a will or other legal document, it depends on a future event who the property will be or the property will only be acquired with ownership rights at a later date and it is required that the future owner's rights are safeguarded or the property is managed on behalf of the future owner, or

6. if property, in accordance with what is specifically prescribed, is to be placed under the care and management of a trustee referred to in this chapter.

The chief guardian shall appoint a guardian ad litem pursuant to the first paragraph after notification or when the need becomes known in another way.

If a guardian is required for a person entitled to an estate, the person in charge of the estate shall notify the chief guardian.

Legal acts that a good man has undertaken with the support of an appointment under this section are valid, even if the property to which the appointment referred accrues to someone whom the good man was not appointed to represent. *Act (1994:1433)* .

Section 3 a In the cases specified in Chapter 18, Section 1, first paragraph, of the Swedish Marriage Code and Chapter 20, Section 2, first paragraph, of this Code, a guardian shall be appointed by the court. *Act (1994:1433)* .

Section 4 If someone, due to illness, mental disorder, weakened health or similar circumstances, needs help in safeguarding his or her rights, managing his or her property or providing for his or her person, the court shall, if necessary, decide to arrange for a guardianship for him or her. Such a decision may not be made without the consent of the person for whom the guardianship is to be arranged, unless the individual's condition prevents his or her opinion from being obtained.

When the court issues a decision pursuant to the first paragraph, the court shall at the same time appoint a guardian ad litem to carry out the task. If a guardian ad litem is to be appointed in any other case on the basis of a decision pursuant to the first paragraph, the appointment shall be issued by the chief guardian. *Act (1994:1433)* .

Section 5 A legal act that a good man has undertaken outside his appointment is not binding on the person to whom the appointment refers. A legal act that has been undertaken without his consent within the framework of the appointment is also not binding on the person to whom the appointment refers, unless the person was unable to express his opinion due to his condition or this could not be obtained for some other reason.

If the good man has, within the framework of the appointment, entered into a legal act that is customarily undertaken for the purpose of daily management, consent from the person he represents shall be deemed to exist, unless the person has expressed otherwise to the person to whom the legal act was directed before the legal act. *Act (1988:1251)* .

Section 6 If a legal act that a bona fide person has undertaken does not become binding in accordance with Section 5, the bona fide person is obliged

to compensate a third party in good faith for any damage that he has suffered. This does not apply, however, if the legal act lacks binding effect against the person on whose behalf it has been undertaken as a result of some special circumstance, of which the bona fide person was not aware and of which the third party could not reasonably assume that the bona fide person would be aware. *Act (1988:1251)* .

About trustees

Section 7 If someone who is in a situation as specified in Section 4 is unable to care for themselves or their property, the court may decide to arrange for a trusteeship for them. However, a trusteeship may not be arranged if it is sufficient that a guardianship is arranged or that the individual receives assistance in some other, less intrusive way.

The trusteeship shall be adapted to the individual's needs in each specific case and may be limited to specific property or matters or property exceeding a certain value.

The court may leave it to the chief guardian to determine the scope of the assignment in more detail.

When the court issues a decision pursuant to the first paragraph, the court shall at the same time appoint a trustee to carry out the assignment. If a trustee is to be appointed in any other case due to a decision pursuant to the first paragraph, the appointment shall be issued by the chief guardian. *Act (1994:1433)* .

Section 8 Despite a trustee appointment pursuant to Section 7, the person referred to in the appointment has the right to

1. enter into a contract for service or other work,
2. dispose of what he or she has acquired through his or her own work after the trustee has been appointed, as well as the return on such property and what has taken the place of the property, and
3. dispose of what he or she receives after the trustee has been appointed by gift, will or beneficiary designation in the case of insurance, pension savings pursuant to the Act (1993:931) on individual pension savings or savings in a PEPP product as referred to in Regulation (EU) 2019/1238 of the European Parliament and of the Council, on the condition that the property shall not be subject to the trustee's disposal.

If there are special reasons for this, however, the court may prescribe that the trusteeship shall also cover the circumstances referred to in the first paragraph. *Act (2022:1747)* .

Section 9 Within the framework of the trusteeship, the trustee has sole control over the individual's property and represents the individual in all matters covered by the assignment.

A person who has an administrator is not authorized to perform legal acts on behalf of another. *Act (1988:1251)* .

Section 10 With the consent of the trustee, the individual may undertake legal acts himself, even in a matter covered by the trusteeship. The provisions of Chapter 9, Sections 6 and 7, apply to minors regarding the effect of agreements that the individual has entered into without consent. *Act (1988:1251)* .

Section 11 An individual is not bound by a legal act that a trustee has undertaken outside of his or her appointment. In such a case, the trustee is obliged to compensate a third party in good faith for any damage that has been caused to him or her. *Act (1988:1251)* .

Common provisions

Section 12 A person of sound judgment, experience and otherwise suitable shall be appointed as a trustee or administrator. If the individual proposes a particular person as trustee or administrator, that person shall be appointed if he or she is suitable and wishes to undertake the task. The same applies if a trustee is to be appointed to guard the rights of a minor or absent person in an estate and the deceased has indicated who the deceased wishes to be the trustee.

Before someone is appointed as a trustee or administrator, his or her suitability shall be checked to the extent necessary.

A person who is a minor or who has a guardian may not be a good man or a guardian. *Law (2014:886)* .

Section 13 When circumstances justify it, several trustees or administrators may be appointed for the individual. *Law (1994:1433)* .

Section 14 If several trustees or administrators are liable for damage caused to a third party, they shall be jointly and severally liable for compensation.

Liability for compensation shall ultimately be distributed between those responsible according to their respective degrees of fault. If someone lacks the means to pay their share, the liability of the others for the deficiency shall be determined on the same grounds. *Act (1994:1433)* .

Section 15 An application for the appointment of a guardian pursuant to sections 1-4 or a trustee may be made by a guardian, by the person to whom the application relates, if he or she has reached the age of 16, and by his or her spouse or cohabitant and closest relatives. An application for the appointment of a guardian pursuant to section 4 or a trustee may be made by those mentioned above, by a future power of attorney and by the chief guardian.

An application for the appointment of a trustee may also be made by a bona fide person referred to in Section 4.

When there is reason to do so, the court shall of its own motion address questions regarding the arrangement of a guardianship under section 4 or a trusteeship. The chief guardian has the same obligation when it comes to the appointment of a guardian or trustee. *Act (2017:311)* .

Section 16 In cases concerning the appointment of a guardian or trustee for someone who has reached the age of 16, the court or the guardian shall give this person an opportunity to express his or her views, if possible.

In cases concerning the arrangement of a guardianship under section 4 or a trusteeship, the court shall also obtain statements from the individual's spouse or cohabitant, children and future power of attorney, the chief guardian and the care institution, unless this is unnecessary. Statements shall also, if necessary, be obtained from other relatives and from the municipal committee or committees that perform tasks within the social services and the committee or committees that exercise the region's management of care activities. The person to whom the application relates shall be heard orally, if this can be done without harm to him or her and it is not obvious that he or she does not understand what the matter is about. However, the court may refrain from hearing the individual orally if he or she has made the application or consented to the appointment or if there are other special reasons.

The second paragraph also applies in cases with the chief guardian regarding the appointment of a guardian ad litem pursuant to Section 4 or a trustee.

Authorities and institutions specified in the second paragraph are obliged to provide such information as may be of importance in the case. *Act (2019:838)* .

Section 17 Before the court arranges for a trusteeship, it shall obtain a medical certificate or other equivalent report on the individual's state of health. This also applies in cases of arranging a trusteeship pursuant to Section 4, when the individual has not given his or her consent.

The Government or the authority designated by the Government may issue further regulations regarding such an investigation as referred to in the first paragraph.

Act (1994:1433) .

Section 17 a The court may instruct the chief guardian to obtain statements pursuant to Section 16, second paragraph, and investigations pursuant to Section 17.

At the request of the court, the chief guardian shall submit a proposal for a guardian or administrator, unless there are special reasons against it.

If a question about arranging a trusteeship according to Section 4 or a trusteeship arises with the chief guardian, the chief guardian may obtain statements according to Section 16, second paragraph, and an investigation according to Section 17. If the chief guardian applies for such an arrangement, what has been obtained shall be submitted to the court together with the application. The chief guardian shall then also submit a proposal for a trustee or trustee. *Act (2014:886)* .

Section 18 If a final decision cannot be made immediately in a matter concerning the arrangement of a guardianship or trusteeship pursuant to Section 4, the court may decide to arrange a guardianship or trusteeship for the period until the matter is finally decided, if the individual's affairs require immediate care or a delay would clearly entail danger to the individual's person or property. Such a decision may also be made for a minor to be effective from the day on which he or she reaches the age of eighteen.

If a final decision cannot be made immediately in a matter concerning the appointment of a guardian or administrator, the chief guardian may appoint a guardian or administrator for the period until the matter is finally decided, if the matter is urgent for a reason as stated in the first paragraph.

Before a decision is made pursuant to the first or second paragraph, the person to whom the application relates shall have been given the opportunity to express his or her views, if this can be done without significant loss of time and without prejudice to him or her.

A decision under the first paragraph may be changed by the court at any time. The chief guardian may change a decision under the second paragraph at any time. *Act (1994:1433)* .

Section 19 If a trustee or administrator is no longer needed, the trusteeship or administration shall cease. A trustee who has been appointed in accordance with Section 3, paragraphs 1-5, shall be dismissed as soon as the person to whom the appointment relates requests it. When a trustee or administrator has completed his or her assignment, he or she shall immediately report this to the Chief Guardian.

A trustee or administrator has the right to be dismissed from his or her position upon request. If the trusteeship or administration is to continue, the trustee or administrator is, however, obliged to remain in office until a new trustee or administrator has been appointed, unless otherwise provided in Section 19 a. *Act (2014:886)* .

Section 19 a The obligation under Section 19, second paragraph, to remain as a trustee or administrator does not apply if a trustee who has been appointed under Section 4 or an administrator has reasonable cause to be dismissed before a new trustee or administrator has been appointed.

If a dismissal occurs pursuant to the first paragraph, the trusteeship or trusteeship shall cease if the chief guardian has taken all reasonable steps to find someone else who is suitable and willing to undertake the assignment. *Act (2014:886)* .

Section 19 b A decision to terminate a trusteeship pursuant to Section 4 or a trusteeship and a decision to dismiss a trustee or trustee pursuant to Section 19 a shall be made by the court. In other cases, the chief guardian shall make a decision to terminate a trusteeship and to dismiss a trustee or trustee. *Act (2017:311)* .

Section 20 A trustee or administrator who is guilty of abuse or neglect in the performance of his duties or who becomes financially insolvent and is therefore unsuitable for the duties or who is no longer suitable to hold the

duties for any other reason shall be dismissed. The decision on dismissal shall be made by the chief guardian.

If a question arises about dismissing a trustee or administrator in accordance with the first paragraph and a final decision cannot be made immediately, the chief guardian may decide that the trustee or administrator shall be removed from his or her position until the matter is resolved, if delay would entail danger for the person to whom the trusteeship or administration relates. *Act (1994:1433)* .

Section 21 An application for the dismissal of a trustee or administrator and for the termination of trusteeship or administration may be made by any of those referred to in Section 15, first paragraph, or by the trustee or administrator.

The court or the guardian may also voluntarily raise issues referred to in the first paragraph and which they are competent to decide.

In a matter under this section, the court or guardian shall give the individual an opportunity to express his or her views, if possible. *Act (1994:1433)* .

Section 22 If a trustee or administrator dies, the person who has the estate in his care shall without delay report the situation to the chief guardian who has supervision over the trusteeship or administration. *Law (1994:1433)* .

Section 23 The court is obliged to examine whether the scope of a trusteeship under Section 4 or a trusteeship should be adjusted if any of those specified in Section 15, first paragraph, or the trustee or trustee applies for it. The court may also conduct such an examination without an application.

Before the court issues a decision pursuant to the first paragraph, the guardian or trustee, the chief guardian and the individual shall be given the opportunity to express their views.

If a final decision cannot be given immediately, the court may issue a decision on the matter for the period until the matter is decided, if delay would endanger the individual. In the case of such a decision, the provisions of section 18, third and fourth paragraphs, apply.

In matters of guardianship pursuant to sections 1-3, the chief guardian shall consider whether the scope of the guardianship should be adjusted. The

provisions in the first and third paragraphs shall also apply when the chief guardian handles questions regarding such adjustment. *Act (1994:1433)* .

Section 24 Before the court or the chief guardian appoints someone as a guardian or administrator or dismisses someone from such an assignment, he or she shall be given an opportunity to express his or her views. If the decision is in accordance with Section 20, second paragraph, the guardian or administrator shall be given an opportunity to express his or her views, unless there is a danger of delay. *Act (1994:1433)* .

Section 25 The competent court in matters concerning trusteeship pursuant to Section 4 or trusteeship is the district court in the place where the individual is registered. If the individual is not registered in Sweden, the competent court is the district court in the place where the individual resides.

The competent guardian in matters of guardianship according to sections 1, 2 and 4 or the Act (2005:429) on guardianship for unaccompanied minors and in matters of trusteeship is the guardian for the municipality where the individual is registered. If the individual is not registered in Sweden, the guardian for the municipality where the individual resides is the competent guardian.

If there is no competent court pursuant to the first paragraph or no competent chief guardian pursuant to the second paragraph, the Stockholm District Court and the chief guardian for the Municipality of Stockholm are the competent court and the competent chief guardian, respectively.

Act (2006:557) .

Section 26 If, during the investigation of a deceased estate, the question of appointing a guardian ad litem pursuant to Section 3 arises, the matter shall be referred to the chief guardian for the municipality where the deceased was domiciled or, if the deceased was not domiciled in Sweden, to the chief guardian for the municipality of Stockholm. If a guardian is otherwise to be appointed pursuant to Section 3, the matter shall be taken up by the chief guardian for the municipality where the person for whom the guardian is to be appointed has property or where the need for a guardian has otherwise become apparent.

Other issues concerning guardianship according to Section 3 are addressed by the chief guardian who has appointed a guardian. *Act (1994:1433)* .

Section 27 The court shall immediately publish a decision on the arrangement or termination of a trusteeship in the Swedish Post and Interior Gazette. Such publication shall also be made of a decision on the adjustment of the scope of a trusteeship pursuant to Section 23. *Act (1994:1433)* .

Chapter 12. General provisions on the activities of guardians, trustees and administrators

Guardian's obligations

Section 1 Guardians shall manage the assets of persons with disabilities and represent them in matters relating to the assets.

This does not apply to assets that legally minors themselves have control over or that they have acquired through a gift, will or beneficiary designation in insurance, pension savings according to the Act (1993:931) on individual pension savings or savings in a PEPP product as referred to in Regulation (EU) 2019/1238 of the European Parliament and of the Council, provided that the property is managed by someone other than the guardian, without the guardian having any discretion, and with a statement of who is to exercise the management (special management). If special management is arranged, the person exercising the management shall submit an annual report on the management to the guardian.

The guardian otherwise represents the minor when this is not required by law to be done by someone else. *Act (2022:1747)* .

Obligations of trustees and managers

Section 2 Good men and trustees shall, to the extent required by their appointment, safeguard the rights of the persons they represent, manage their assets and provide for their person.

Even if it is not stated in the appointment, the trustee's or administrator's mandate does not include assets that have been placed under special administration. If special administration is arranged, the person exercising the administration shall submit an annual report on the administration to the trustee or administrator, if it falls within the scope of the trustee's or administrator's mandate to receive such a report.

Good men and trustees are not authorized to represent the individual in matters of entering into marriage, confirming paternity, making a will or similar matters of a distinctly personal nature. *Law (2017:311)* .

Common provisions

Section 3 Guardians, trustees and administrators shall diligently fulfill their obligations and always act in the manner that best benefits the individual. *Law (1994:1433)* .

Section 4 An individual's funds shall be used to a reasonable extent for his or her maintenance, education and other benefits. Funds not used for such purposes shall be invested in such a way that there is sufficient security for their holdings and that they yield a reasonable return.

Further provisions on how the administration shall be carried out are found in Chapters 13-15 of the Act (1994:1433) .

Section 5 Guardians, trustees and administrators shall continuously keep accounts of their administration and make notes of their actions in general. Parents are, however, obliged to keep accounts and make notes only to the extent that may be considered necessary with regard to the extent of the property and the circumstances in general. *Act (1994:1433)* .

Section 6 Guardians, trustees and administrators shall ensure that money and securities belonging to the individual are kept so that they are not mixed with assets that the representative otherwise manages.

If the individual owns valuable documents or otherwise has rights based on such documents, the guardian, trustee or administrator is responsible for ensuring that the necessary registrations and notifications are made. *Act (1994:1433)* .

Section 7 In important matters, the guardian shall, if appropriate, hear the minor, if he or she has reached the age of 16, and the minor's partner.

Guardians and trustees have corresponding obligations in relation to the individual and the individual's spouse or cohabitant. The meaning of consent in certain cases from the guardian is set out in Chapter 11, Section 5. *Act (2014:377)* .

Section 8 If a legal act or proceeding arises between a minor and the guardian, the guardian's spouse or cohabitant or someone the guardian

represents, the guardian does not have the right to represent the minor. If siblings have the same guardian, the guardian may, however, represent the minors in the event of a division of inheritance between them, if they do not have conflicting interests.

A trustee or administrator does not have the right to represent the individual if a question of legal action or litigation arises between the individual on the one hand and the trustee or administrator, his or her spouse or cohabitant, or someone he or she represents on the other hand.

If a guardian, trustee or administrator has entered into an agreement in violation of the first or second paragraph, Chapter 9, Section 7, first paragraph, applies in matters of liability for compensation and reimbursement. *Act (1994:1433)* .

Supervision by the chief guardian

Section 9 The activities of guardians, trustees and administrators are under the supervision of the chief guardian.

Guardians, trustees and administrators are obliged to provide the chief guardian with the information about their activities that the chief guardian requests. *Act (1994:1433)* .

Agreement without the consent of the guardian

Section 10 If a guardian, trustee or trustee has entered into an agreement on behalf of the individual without obtaining the consent of the chief guardian, despite the fact that consent is required under Chapters 13-15, the other party may not withdraw from the agreement if the guardian, trustee or trustee requests the chief guardian's consent within one month of the agreement being entered into and no other reservation has been made. If the chief guardian does not give his consent, the other party may withdraw from the agreement, unless otherwise agreed.

If a guardian, trustee or administrator has entered into an agreement that entails indebtedness for the individual without obtaining the consent required under Chapter 13, Section 12, first paragraph 1 or Chapter 14, Section 13, first paragraph 1, the other party may not withdraw from the agreement after it has been fulfilled.

Act (2008:910) .

Section 11 If an agreement referred to in Section 10 does not become effective, Chapter 9, Section 7, first paragraph, shall apply with regard to the obligation to pay compensation and compensation. *Act (1994:1433)* .

Multiple guardians, trustees or trustees

Section 12 If a person's property is to be administered by more than one guardian, trustee or administrator, the representatives shall exercise the administration jointly. However, the chief guardian may decide that the administration of the assets shall be distributed in a certain way between the representatives or that certain assets shall be administered by one of them alone. In connection with the court appointing a representative, the court may also issue such a decision.

If those who exercise the administration jointly cannot agree on a certain measure, the opinion supported by the chief guardian shall apply. If it is a matter of a measure that requires the chief guardian's consent, consent may be given to the measure even if there are divided opinions. The chief guardian shall, however, give all those who have a part in the administration an opportunity to express their views before the chief guardian decides on the matter. *Act (1994:1433)* .

Provision of security

Section 13 If the chief guardian finds reason to do so, the guardian, trustee or administrator shall provide security for the property under management. The chief guardian shall examine the security and determine how it shall be stored. In other respects, Chapter 2, Section 25 of the Enforcement Code shall apply. *Act (1994:1433)* .

Damages

Section 14 Guardians, trustees and administrators are obliged to compensate for damage that they have caused to the individual intentionally or through negligence.

If several guardians, trustees or administrators are liable, they are jointly and severally liable for the compensation. The liability for compensation shall ultimately be distributed between those liable according to the degree of fault of each. If someone lacks the means to pay their share, the liability of the others for the deficiency shall be determined on the same grounds. *Act (1994:1433)* .

Section 15 An action for compensation under Section 14 shall be brought within three years of the documents specified in Chapter 16, Section 8 having been handed over to the person authorised to receive accounts for the administration. If the action is not brought within the said period, the right to sue is lost. This does not apply if the representative has been guilty of criminal conduct.

Act (2008:910) .

Fees and reimbursement of expenses

Section 16 Appointed guardians, trustees and administrators are entitled to a reasonable fee for the assignment and compensation for the expenses that have been reasonably incurred for the fulfillment of the assignment.

Decisions on fees and reimbursement of expenses are made by the chief guardian. The chief guardian also determines the extent to which fees and reimbursement of expenses are to be paid with funds belonging to the individual.

Unless there are special reasons to the contrary, fees and compensation for expenses, including the fees and taxes payable on them, shall be paid from the individual's own funds to the extent that his or her estimated income during the year in which the assignment is performed exceeds 2.65 times the price base amount pursuant to Chapter 2, Sections 6 and 7 of the Social Insurance Code or his or her assets during the same year exceed twice the price base amount.

Fees and compensation for expenses relating to the care of someone's rights in an undivided estate shall be paid from the estate's funds, unless special reasons dictate otherwise.

Fees and compensation for expenses that are not to be paid from the individual's or the deceased's estate's funds shall be paid by the municipality. *Law (2010:1203) .*

Section 17 Parents who are guardians are, if there are special reasons, entitled to a fee for the administration of the minor's property. They are also entitled to compensation for expenses that have been reasonably incurred in the administration.

Decisions on fees and reimbursement of expenses are made by the chief guardian. The amounts shall be paid from the minor's funds or, in the case of estate administration, from the assets of the estate. *Act (1994:1433)* .

Chapter 13. Guardianship of parents

Parental discretion

Section 1 When the parents of a minor are guardians, they decide how assets under their management shall be used or invested, unless otherwise provided for in this Code or other legislation.

If one of the parents is prevented from taking part in decisions on the administration of the minor due to absence, illness or any other reason and cannot be postponed without inconvenience, the other parent shall decide alone. However, this parent may not make decisions of significant importance alone, unless the best interests of the minor clearly require it.

If only one of the parents is a guardian, the provisions regarding parents apply to him or her.

In matters concerning the care of a minor's rights in the estate of a deceased person or other undivided estate, the provisions of Chapter 15 of *the Act (1994:1433)* apply .

Control of the management of certain property

Section 2 When the value of a minor's assets, which are to be managed by the parents, through inheritance, gift, appreciation or in any other way, has exceeded eight times the applicable price base amount according to Chapter 2, Sections 6 and 7 of the Social Insurance Code, the provisions of Sections 3-7 apply to the management.

These provisions also apply to property that, under the condition that its management shall be under the control of the guardian (special guardian control), has accrued to the minor

1. by inheritance or will,
2. by gift, provided that the donor has notified the guardian of the gift in writing, or
3. by beneficiary designation in the event of

- insurance in the event of death,
- pension savings in accordance with the Act (1993:931) on individual pension savings, or
- savings in a PEPP product as referred to in Regulation (EU) 2019/1238 of the European Parliament and of the Council.

Property that has replaced such property and returns from the property are equated with property specified in the second paragraph. *Act (2022:1747)* .

Section 3 Within one month after the value of a minor's assets exceeds the amount specified in Section 2, first paragraph, the parents shall submit a list of the minor's property to the chief guardian.

If property has been transferred to a minor with conditions of special supervision by the guardian pursuant to Section 2, second paragraph, the parents must submit a list of the property to the guardian within one month thereafter.

The lists shall be submitted on the basis of honor and conscience. *Act (1994:1433)* .

Section 4 Documents of value other than those mentioned in Section 5, first paragraph, shall be sold and claims collected as soon as practicable, unless it is in the minor's best interest to retain the documents of value or for the claims to remain outstanding.

Movable property other than that mentioned above and not covered by Section 10 shall be sold at an appropriate time, unless the property is of use or has special value to the minor or the minor's family or the property should be retained for some other special reason. *Act (1994:1433)* .

Section 5 The assets of the minor may, without the consent of the guardian, be invested in

1. debt securities issued or guaranteed by the state or municipality,
2. debt securities issued by the Swedish Ship Mortgage Fund or by a bank or by a credit market company pursuant to the Banking and Financing Business Act (2004:297) or by a foreign banking company or another foreign credit institution that is subject to public regulation that is substantially consistent with that which applies to banks or other credit institutions in this country, with the exception of debentures or other debt securities that entail the right to payment only after the issuer's other creditors, or

3. units in a securities fund referred to in the Securities Funds Act (2004:46) or in a foreign mutual fund company that is subject to public regulation that is substantially consistent with that which applies to securities funds in this country.

Furthermore, the assets of the minor may, without the consent of the guardian, be lent against security of a lien on the basis of a mortgage on real property within sixty percent of the most recently determined assessed value. *Act (2013:562)* .

Section 6 If the guardian agrees, the minor's assets may be invested in shares and may also be invested in any other way than as specified in Section 5.

Regarding the purchase of real estate, etc., there are provisions in Section 10. *Act (1994:1433)* .

Section 7 Money that is not invested in accordance with Section 5, 6 or 10 and that does not need to be used immediately shall be made interest-bearing by being deposited with a bank or credit market company. In connection with an investment in accordance with Section 5 or 6, however, money may be transferred to an account with a securities company, even if no interest is agreed upon. *Act (2008:910)* .

Bank funds

Section 8 Money that has been deposited with a bank or credit market company in accordance with Chapter 16, Section 11 or with information to the bank or credit market company that it is to be under special supervision by the chief custodian may not be withdrawn without the chief custodian's consent. *Act (2004:422)* .

Cancellation or relaxation of controls

Section 9 The chief guardian shall decide that the provisions in Sections 4-7 shall no longer apply if the value of the minor's assets has fallen to an amount that is less than four times the applicable price base amount according to Chapter 2, Sections 6 and 7 of the Social Insurance Code and there is no particular reason to allow the control to continue.

A decision pursuant to the first paragraph does not apply to property that has accrued to the minor under conditions of special guardianship control.

If, taking into account the circumstances of the parents and the minor or otherwise, there are special reasons, the chief guardian may decide on an exemption from sections 3-7 in whole or in part. *Act (2010:1203)* .

Real estate etc.

Section 10 On behalf of the minor, parents may only, with the consent of the primary guardian,

1. acquire real estate or a right of use to such property by purchase, exchange or gift, unless the transfer of a tenancy right to a residential apartment is involved,
2. enter into an agreement for the right of use to someone else's real estate, unless the transfer of a residential apartment or a temporary lease of minor economic significance is involved,
3. sell or exchange real estate or a right of use to such property, unless the transfer of a residential apartment is involved, or
4. mortgage, rent out or in any other way grant real estate or a leasehold right with a right of use.

Consent to a measure referred to in the first paragraph, 1 or 2, shall be given unless the acquisition or agreement can be considered inappropriate with regard to the nature of the property, the minor's age and future needs or other circumstances.

Consent to a measure referred to in the first paragraph 3 or 4 may only be given if the measure is appropriate taking into account the nature of the property and the minor's age, future needs and total assets.

The provisions on the right of use also apply to easements and rights to electrical power, if the right has been granted by agreement.

Consent under this section is valid for six months from the date the consent was given. *Act (1994:1433)* .

Disposal of property

Section 11 Parents may not give away the minor's property, unless it is a matter of personal gifts whose value is not disproportionate to the minor's financial circumstances.

With the consent of the guardian, parents may use the minor's income to support relatives or others close to the minor. *Act (1994:1433)* .

Taking out loans etc.

Section 12 On behalf of the minor, parents may only, with the consent of the primary guardian,

1. take out loans or undertake any other legal act that entails placing the minor in debt,
2. enter into a surety bond, or
3. pledge the minor's property as security for the minor's or someone else's bond.

If the measures referred to in the first paragraph fall within the scope of a business that the parents, with the consent of the primary guardian, run on behalf of the minor, consent is only required in the case of a mortgage of real estate or a land lease.

Consent is not required in the case of government loans taken out to provide the minor with assistance with education or housing.

Consent may only be given if the measure is needed to secure the minor's other property or can be considered necessary for the minor's education or livelihood, or if there are other special reasons for the measure. *Act (2008:910)* .

Movement

Section 13 Parents may not allow anyone under the age of sixteen to run a business.

If the minor has reached the age of sixteen, the parents may only allow him or her to run a business that entails an accounting obligation according to the Accounting Act (1999:1078) with the consent of the primary guardian. Without the consent of the primary guardian, the parents may not themselves run such a business on behalf of the minor.

Consent may only be given if the minor's financial and personal circumstances are such that, taking into account the nature of the business, it is appropriate for consent to be given. *Act (1999:1080)* .

Accounting for certain property

Section 14 Parents shall, before 1 March each year, submit an annual statement to the guardian regarding the management of the property referred to in Section 2 and such property covered by the provisions on consent under Section 10 during the previous year. The annual statement shall be submitted on the basis of honour and conscience.

The annual accounts shall state

1. the property and its value at the beginning and end of the period to which the account relates,
2. liabilities relating to the property at the same times, and
3. income from the property and expenses that have been paid with the property or its returns. *Act (1994:1433)* .

Section 15 If the minor has reached the age of eighteen or the parents have been dismissed as guardians before then, they shall submit a final statement to the chief guardian within one month thereafter regarding property referred to in Section 2 and such property covered by the provisions on consent pursuant to Section 10. A final statement shall also be submitted within one month when a condition pursuant to Section 2, second paragraph, concerning special chief guardian control has been revoked or the chief guardian has decided pursuant to Section 9, first paragraph, that the chief guardian control shall cease.

The final statement shall contain an account of the administration during the current year until the guardianship ended, the condition of special supervision by the chief guardian was revoked, or the chief guardian decided that supervision should end. The statement shall be submitted on the basis of honor and conscience.

What is said about annual accounts in Section 14, second paragraph, also applies to final accounts. *Act (1994:1433)* .

Section 16 If, taking into account the circumstances of the parents and the minor, the nature or value of the assets or the circumstances in general, there are special reasons, the guardian may exempt the parents from the obligation to submit annual accounts or final accounts or decide that such accounts may be submitted in simplified form. In the case of annual accounts, decisions may be issued for a specific year or until further notice.
Act (1994:1433) .

Section 17 If the parents report that they are prevented from submitting the list according to Section 3, annual statement or final statement to the chief guardian within the prescribed time, the chief guardian may set a new time for submission.
Law (1994:1433) .

Special decisions by the chief guardian in certain cases

Section 18 The chief guardian may order the parents to report on their administration in an annual statement or in another manner in addition to what follows from sections 14 and 15, if the minor requests it or if there are other special reasons. *Act (1994:1433)* .

Section 19 If for any special reason it is necessary to secure the administration, the guardian may

1. decide that sections 3-7 shall also be applied in cases other than those referred to in section 2,
2. limit the possibility of withdrawing money that has been deposited with a bank, credit market company or securities company, in addition to what follows from section 8,
3. decide that securities shall be kept and managed by a securities institution in accordance with the Securities Market Act (2007:528) or a corresponding foreign institution that is subject to public regulation that is essentially consistent with that which applies to securities institutions in Sweden,
4. by notification to a central securities depository, the person who keeps a register in accordance with Chapter 4, Section 11 of the Securities Funds Act (2004:46) or in accordance with Chapter 12 Section 5 of the Alternative Investment Fund Managers Act (2013:561) or those who have been registered as managers of financial instruments or units in securities funds or in special funds, restrict the parents' ability to dispose of rights that are registered in the central securities depository and financial instruments account keeping act (1998:1479) or in a corresponding foreign register or as referred to in the Securities Funds Act or the Alternative Investment Fund Managers Act, and
5. by notification to the person who is to pay money to the minor, decide that the money shall be deposited with a bank or credit market company.

If a decision is announced in accordance with the first paragraph 3, the parents must enter into an agreement with a securities institution on terms that the guardian has approved.

A securities institution is obliged to enter into a custody and management agreement as referred to in the second paragraph. The agreement may not be entered into on worse terms than those offered by the securities institution to other individuals in the same type of agreement. *Act (2016:43)* .

Certain measures upon termination of administration

Section 20 If the parents' administration ceases because the child has come of age, the parents shall immediately hand over the administered assets to him or her. If the parents' administration ceases because someone else is to take over the administration, the parents shall immediately hand over the administered assets to this person. *Act (1994:1433)* .

Section 21 When the parents' administration ceases, they shall keep their accounts and other documents relating to the administration available for inspection. If necessary, the chief guardian shall determine the time and place for such inspection.

After the time for bringing an action pursuant to Chapter 12, Section 15 has expired or, if an action has been brought, there is a judgment in the compensation issue that has become final, accounts and other documents relating to the administration shall be handed over to the person who is authorized to receive an account of the administration. *Act (1994:1433)* .

Death or bankruptcy of parents

Section 22 If one of the parents dies, the estate shall be responsible for ensuring that the property of the minor is accounted for and measures are taken to terminate the administration in accordance with this chapter, unless the administration is to be carried out by the other parent. What has now been said about the estate applies to the bankruptcy trustee if one of the parents is declared bankrupt. *Act (1994:1433)* .

Chapter 14. Care of property by appointed guardians, trustees and administrators

Property inventories

Section 1 Appointed guardians, trustees and administrators shall, within two months of their appointment, submit a list to the chief guardian of the property they manage. The list shall be submitted on the basis of honor and conscience.

A list submitted by a trustee appointed pursuant to Chapter 11, Section 1, need only include the movable property that the trustee has taken care of.

The obligation to submit a list does not apply when changing the appointed guardian, trustee or administrator.

In matters of safeguarding someone's rights in a deceased person's estate or other undivided estate, the provisions of Chapter 15 *of the Act (1994:1433)* apply .

Section 2 If the court has decided to extend the scope of a trustee's or administrator's mandate, the trustee or administrator shall, within one month of the decision, submit a list to the chief guardian of the property covered by the extended mandate.

The list shall be submitted on the basis of honor and conscience. *Act (1994:1433)* .

Property management

Section 3 In the case of property that is under the management of an appointed guardian, trustee or administrator, Sections 4 to 11 apply. *Act (1994:1433)* .

Section 4 Documents of value other than those mentioned in Section 5, first paragraph, shall be sold and claims collected as soon as reasonably practicable, unless it is in the individual's best interest to retain the documents of value or for the claims to remain outstanding.

Other movable property not covered by Section 11 shall be sold at an appropriate time, unless the property is of use or has special value to the individual or the individual's family or the property should be retained for some other special reason.

Act (2008:910) .

Section 5 The individual's assets may, without the consent of the guardian, be invested in

1. debt securities issued or guaranteed by the state or municipality,
2. debt securities issued by the Swedish Ship Mortgage Fund or by a bank or by a credit market company pursuant to the Banking and Financing Business Act (2004:297) or by a foreign banking company or another foreign credit institution that is subject to public regulation that is substantially consistent with that which applies to banks or other credit institutions in this country, with the exception of debentures or other debt securities that entail the right to payment only after the issuer's other creditors, or
3. units in a securities fund referred to in the Securities Funds Act (2004:46)

or in a foreign mutual fund company that is subject to public regulation that is substantially consistent with that which applies to securities funds in this country.

Furthermore, the individual's assets may be lent without the consent of the guardian against security of a lien on the basis of a mortgage on real property within sixty percent of the most recently determined assessed value. *Law (2013:562)* .

Section 6 If the guardian agrees, the individual's assets may be invested in shares and may also be otherwise invested in a manner other than that specified in Section 5.

Regarding the purchase of real estate, etc., there are provisions in Section 11. *Act (1994:1433)* .

Section 7 Money that is not invested in accordance with Section 5, 6 or 11 and does not need to be used immediately shall be made interest-bearing by being deposited with a bank or credit market company. In connection with an investment in accordance with Section 5 or 6, however, money may be transferred to an account with a securities company, even if no interest is agreed upon. *Act (2008:910)* .

Section 8 Money that has been deposited with a bank or credit market company may only be withdrawn with the consent of the guardian.

However, consent is not required when withdrawing

1. interest that has accrued during the current and previous years, or
2. money that needs to be kept available for the individual's maintenance or the care of his or her property if the appointed guardian, trustee or trustee has made a reservation at the time of deposit that they may be withdrawn without the consent of the chief guardian. *Act (2008:910)* .

Section 9 Has been repealed by *law (2008:910)* .

Section 10 If there are special reasons, the chief guardian may decide on exemptions from Sections 4-8 in whole or in part.
Act (2008:910) .

Real estate etc.

Section 11 On behalf of the individual, an appointed guardian, trustee or administrator may only, with the consent of the chief guardian,

1. acquire real estate or a right of use to such property by purchase, exchange or gift, unless it concerns the taking over of a tenancy of a residential apartment,
2. enter into an agreement on the right of use to someone else's real estate, unless it concerns the rental of a residential apartment or a temporary lease of minor economic significance,
3. sell or exchange real estate or a right of use to such property, unless it concerns the exchange of a residential apartment, or
4. mortgage, rent out or in any other way grant real estate or a leasehold right with a right of use.

Consent to a measure referred to in the first paragraph, 1 or 2, shall be given unless the acquisition or agreement can be considered inappropriate with regard to the nature of the property or other circumstances.

Consent to a measure referred to in the first paragraph 3 or 4 may only be given if the measure is appropriate taking into account the nature of the property and the individual's needs and total assets.

The provisions on the right of use also apply to easements and rights to electrical power, if the right has been granted by agreement.

Consent under this section is valid for six months from the date the consent was given. *Act (1994:1433)* .

Disposal of property

Section 12 An appointed guardian, trustee or administrator may not give away the individual's property, unless it is a matter of personal gifts whose value is not disproportionate to the individual's financial circumstances.

With the consent of the guardian, the individual's income may be used to support relatives or others close to the individual.

Law (1994:1433) .

Taking out loans etc.

Section 13 On behalf of the individual, an appointed guardian, trustee or administrator may only, with the consent of the chief guardian,

1. take out a loan or undertake any other legal act that entails placing the individual in debt,
2. enter into a surety bond, or

3. pledge the individual's property as security for the individual's or someone else's bond.

If the measures referred to in the first paragraph fall within the scope of a business that the deputy, with the consent of the chief guardian, runs on behalf of the individual, consent is only required in the case of a mortgage of real estate or a leasehold right.

Consent is not required in the case of government loans taken out to provide the individual with assistance with education or settlement.

Consent may only be given if the measure is needed to secure the individual's other property or can be considered necessary for his or her education or livelihood, or if there are other special reasons for the measure. *Act (2008:910)* .

Movement

Section 14 A trustee or manager may only allow an individual to conduct a business that entails an accounting obligation under the Accounting Act (1999:1078) with the consent of the chief guardian. Without the consent of the chief guardian, the trustee or manager may not conduct such a business on behalf of the individual. Consent may only be given if the individual's financial and personal circumstances are such that, taking into account the nature of the business, it is appropriate for consent to be given.

In the case of appointed guardians, Chapter 13, Section 13, *Act (1999:1080)* applies .

Accounting for managed property

Section 15 Appointed guardians, trustees and administrators shall, before 1 March each year, submit an annual report to the chief guardian on the administration of property under the deputy's administration during the previous year. The annual report shall be submitted on the basis of honor and conscience.

The annual statement shall state the individual's assets and liabilities at the beginning and end of the period to which the statement relates. Furthermore, a summary shall be made of income and expenses during the said period. The annual statement shall in particular state how much has been used for the individual's subsistence or other benefit. *Act (1994:1433)* .

Section 16 The chief guardian may decide that an appointed guardian, trustee or administrator shall, in a special order, account for the part of the individual's assets and liabilities that are not covered by the deputy's administration, to the extent that the assets and liabilities are known to the deputy. *Act (1994:1433)* .

Section 17 A guardian shall keep the chief guardian informed of any measures taken by the individual that may affect the guardian's administrative responsibility to a more significant extent. *Act (1994:1433)* .

Section 18 If the appointment of an appointed guardian, trustee or administrator has ended, the person resigning from the appointment shall, within one month thereafter, submit a final statement to the chief guardian regarding property that has been under his or her administration. The final statement shall contain an account of the administration during the current year up to the time the representation ceased. The statement shall be submitted on the basis of honor and conscience.

What is said about annual accounts in Section 15, second paragraph, also applies to final accounts.

If the court has limited the scope of a trustee's or administrator's assignment, a final statement must be submitted for the property that is no longer covered by the assignment.

If a trusteeship pursuant to Chapter 11, Section 1, ceases before the time for submitting an annual statement or final statement relating to the guardianship of the minor occurs, the final statement relating to the trusteeship may be limited to an account only of the measures taken by the trustee. Otherwise, an account of the administration shall be submitted by the guardian also for the period during which the trusteeship has lasted. *Act (1994:1433)* .

Section 19 If, taking into account the circumstances of the representative and the individual, the nature or value of the assets or the circumstances in general, there are special reasons, the chief guardian may exempt the representative from the obligation to submit annual accounts or final accounts or decide that such accounts may be submitted in simplified form. In the case of annual accounts, decisions may be issued for a specific year or until further notice. *Act (1994:1433)* .

Section 20 If an appointed guardian, trustee or administrator reports that he or she is prevented from submitting a list pursuant to Section 1 or 2, annual statement or final statement to the chief guardian within the prescribed time, the chief guardian may set a new time for submission.

Act (1994:1433) .

Special decisions by the chief guardian in certain cases

Section 21 If necessary to secure the administration, the guardian may

1. limit the possibility of withdrawing money that has been deposited with a bank, credit market company or securities company, in addition to what follows from Section 8,

2. decide that securities shall be kept and managed by a securities institution in accordance with the Securities Market Act (2007:528) or a corresponding foreign institution that is subject to public regulation that is substantially in line with that which applies to securities institutions in Sweden,

3. by notification to the person who is to pay money to the individual, decide that the money shall be deposited with a bank or credit market company, and

4. by notification to a central securities depository, the person who keeps a register in accordance with Chapter 4, Section 11 of the Securities Funds Act (2004:46) or in accordance with Chapter 12 Section 5 of the Alternative Investment Fund Managers Act (2013:561) or the person who has been registered as a manager of financial instruments or units in securities funds or in special funds, restrict the representative's ability to dispose of rights that are registered in the central securities depository and financial instruments account keeping act (1998:1479) or in a corresponding foreign register or as referred to in the Securities Funds Act or in the Alternative Investment Fund Managers Act.

If a decision is notified in accordance with the first paragraph 2, the representative shall enter into an agreement with a securities institution on terms that the chief guardian has approved.

A securities institution is obliged to enter into a custody and management agreement as referred to in the second paragraph. The agreement may not be entered into on worse terms than those offered by the securities institution to other individuals in the same type of agreement. *Act (2016:43) .*

Certain measures upon termination of administration

Section 22 When the mandate of an appointed guardian, trustee or administrator ceases, he or she shall immediately hand over the managed assets to the individual or, if someone else is to take over the management, to that person. *Act (1994:1433)* .

Section 23 When an appointed guardian, trustee or administrator resigns from his or her position, he or she shall keep his or her accounts and other documents relating to the administration available for inspection. If necessary, the chief guardian shall determine the time and place for such inspection.

After the time for bringing an action pursuant to Chapter 12, Section 15 has expired or, if an action has been brought, there is a judgment in the compensation issue that has become final, accounts and other documents relating to the administration shall be handed over to the person who is authorized to receive an account of the administration. *Act (1994:1433)* .

Death or bankruptcy of the deputy

Section 24 If an appointed guardian, trustee or administrator dies, the estate shall be responsible for ensuring that the individual's property is accounted for and measures are taken to terminate the administration in accordance with this chapter. If the deputy is declared bankrupt, the bankruptcy administrator shall fulfil these tasks.

If, taking into account the circumstances of the estate and the individual, the nature or value of the assets or the circumstances in general, there are special reasons, the chief guardian may exempt the estate from the obligation to submit annual or final accounts or decide that such accounts may be submitted in simplified form. *Act (2014:886)* .

Section 25 The estate of an appointed guardian, trustee or administrator is entitled to compensation for the expenses that have been reasonably incurred in fulfilling the tasks specified in Section 24. The provisions of Chapter 12, Section 16, otherwise apply to such compensation. *Act (2014:886)* .

Chapter 15. Protection of rights in estates, etc.

General provisions

Section 1 If a minor has a share in an estate or other undivided estate, the guardian shall safeguard the minor's rights in the estate in accordance with the provisions of this chapter.

The provisions also apply to trustees and administrators, if the person they represent has a share in an estate and the care of the individual's rights as a co-owner is covered by the assignment.

If the individual is the sole partner or all partners have the same guardian, trustee or administrator and the estate is managed by the proxy, Chapter 13 or 14 of *the Act (1994:1433)* applies instead .

Time for division of property and inheritance

Section 2 If an agreement on cohabitation in an undivided estate is not concluded or such an agreement ceases to be valid, the guardian, trustee or administrator shall ensure that the division of the estate and the distribution of the estate due to death are carried out as soon as possible.

If the division of property is to take place for any reason other than death, the guardian, trustee or administrator shall ensure that the division of property is carried out as soon as possible. *Act (1994:1433)* .

Section 3 If an estate is not divided within six months of the date on which the inventory of the estate was carried out and an agreement on cohabitation in the undivided estate has not been entered into, the guardian, trustee or administrator shall, within this period, submit a report to the chief guardian on the reason why the estate has not been divided. Such a report shall thereafter be submitted every six months until the estate has been divided or an agreement on cohabitation in the undivided estate has been entered into, unless the chief guardian determines another time. *Act (1994:1433)* .

Participation of deputies in the administration

Section 4 A guardian, trustee or administrator who participates in a legal act on behalf of an individual in the administration of a deceased person's estate shall obtain the consent of the chief guardian to the legal act to the extent that applies in the administration of an estate pursuant to Chapter 13 or 14.

The representative is liable to creditors in the estate and others whose rights depend on the investigation in accordance with the rules of the Swedish Code

of Inheritance on the liability of co-owners of a deceased estate. *Act (1994:1433)* .

Distribution of property in the event of division of property and inheritance

Section 5 A guardian, trustee or administrator who takes part in a division of property or a parcel on behalf of an individual shall obtain the consent of the chief guardian to the distribution of the property.

A guardian, trustee or administrator may only transfer the individual's share in the estate with the consent of the chief guardian. *Act (1994:1433)* .

Waiver of inheritance or will

Section 6 A guardian, trustee or administrator may not waive an inheritance or will on behalf of an individual.

If the guardian agrees to the measure, however, the inheritance may be waived in accordance with Chapter 3, Section 9 of the Swedish Inheritance Code. *Law (1994:1433)* .

Agreement on cohabitation in an undivided estate

Section 7 Agreements on cohabitation in an undivided estate may only be entered into with the consent of the chief guardian.

The chief guardian may cancel an agreement pursuant to the first paragraph if this is necessary to safeguard the interests of the individual. If a surviving spouse who has participated in the agreement and who is also the representative of the individual remarries, he or she shall immediately notify the chief guardian. *Act (1994:1433)* .

Section 8 If an agreement on cohabitation is entered into in an undivided estate, the guardian, trustee or administrator shall, before 1 March each year, submit an annual statement to the chief guardian explaining the administration of the estate during the previous year. The annual statement shall state the estate's retained income and its total assets and liabilities at the end of the year.

If the guardian, trustee or trustee reports that there are obstacles to submitting the annual report to the chief guardian within the prescribed time, the chief guardian may set a new time for submission.

Act (1994:1433) .

Conducting an estate inventory in certain cases

Section 9 If the division of property is to take place for reasons other than death, the guardian, trustee or administrator is obliged to ensure that an inventory of the estate is carried out as soon as possible. A copy of the inventory shall be immediately submitted to the chief guardian.

Act (1994:1433) .

Sale of certain property

Section 10 If property in the estate of a deceased person which has been managed by a good man referred to in Chapter 11, Section 3 has accrued to the General Inheritance Fund, the General Inheritance Fund Act (2021:401) applies to the sale of the property. *Act (2021:402) .*

Chapter 16. Supervision of the activities of guardians, trustees and administrators

General provisions

Section 1 The chief guardian shall, in accordance with the provisions of this chapter, exercise supervision over the activities of guardians, trustees and administrators.

During supervision, the guardian shall in particular ensure that the individual's assets are used to a reasonable extent for his or her benefit and that the assets are otherwise invested so that there is sufficient security for their holdings and so that they provide a reasonable return.

Provisions on the election of chief guardians, etc. are found in Chapter 19 of the Act (1994:1433) .

Authorized guardian

Section 2 Supervision is exercised by the chief guardian for the municipality where the person who has a guardian, trustee or administrator is registered. If the individual is not registered in Sweden, supervision is exercised by the chief guardian for the municipality where the individual resides.

If a guardian has been appointed in accordance with Chapter 11, Section 3, in the investigation of a deceased estate, supervision is exercised by the chief guardian for the municipality where the deceased had his or her domicile. If it

is otherwise a question of guardianship in accordance with Chapter 11, Section 3, supervision is exercised by the chief guardian for the municipality where the guardian is registered.

If there is no competent guardian according to the first and second paragraphs, supervision is exercised by the guardian for the municipality of Stockholm. *Act (2006:557)* .

Audit of administration

Section 3 The chief guardian shall examine the activities of guardians, trustees and administrators based on the lists, annual accounts, final accounts and other documents and information regarding the administration that have been submitted.

The chief guardian or the person appointed by the chief guardian has the right to review the accounts and records referred to in Chapter 12, Section 5, as well as the valuable documents that the deputy keeps in his custody in connection with his assignment. The deputy shall keep these documents available at a time and place determined by the chief guardian. *Act (1994:1433)* .

Section 4 The chief guardian shall make a note of the audit carried out on lists, annual accounts, final accounts and documents in accordance with Chapter 15, Sections 3 and 8. *Act (1994:1433)* .

Remarks against the administration

Section 5 If the chief guardian, during the review or otherwise, finds reason to make a complaint against the administration, the deputy shall be given the opportunity to comment within the time determined by the chief guardian.

If a statement is not submitted within the prescribed time or if the chief guardian considers that the statement is not satisfactory, a note of the remark shall be made on the document examined.

The chief guardian shall also immediately consider whether a decision pursuant to any provision of Chapter 13 or 14 needs to be issued or whether the deputy should be dismissed or some other measure taken.

The deputy shall be notified of such a note and of the measure taken. *Act (1994:1433)* .

Section 6 If a remark that has been recorded in accordance with Section 5 means that the representative may be liable for damages to the minor or the

person to whom the assignment relates, the representative has the right to bring an action against the individual for freedom from liability for damages. *Act (1994:1433)* .

Right to access documents

Section 7 A minor who has reached the age of sixteen and who has a guardian or trustee has the right to access the documents relating to the representation and which are kept by the chief guardian. The individual's spouse or cohabitant and closest relatives also have such a right.

Act (1994:1433) .

Submission of documents at the end of the review

Section 8 After the chief guardian has examined the guardian's, trustee's or administrator's final account, the account and the lists, annual accounts and documents pursuant to Chapter 15, Sections 3 and 8, which are kept by the chief guardian, shall be handed over to the person authorized to receive accounts for the administration.

If the deputy is not obliged to submit a final statement when the deputyship ends, the chief guardian shall hand over the other documents specified in the first paragraph to the person authorised to receive accounts for the administration, if this person or the departing deputy requests it or the chief guardian has made a note of objection in accordance with Section 5 on the document.

If documents referred to in the first or second paragraph have been handed over to a new representative, the latter shall return the documents to the chief guardian within two months. The chief guardian shall inform the representative of this obligation in writing when the documents are handed over.

If a representative's administration has been approved by the individual or by a new representative before he or she has received the documents referred to in the first or second paragraph, the approval is without effect. *Act (1994:1433)* .

Obtaining opinions etc.

Section 9 Before the chief guardian decides whether consent should be given to an administrative measure of greater importance, the minor, if he or she has reached the age of sixteen, or the person who has a guardian or trustee, as well as the individual's spouse or cohabitant and closest relatives,

shall be given the opportunity to express their views, if this can be done without considerable loss of time.

The chief guardian may revoke consent if the conditions for consent no longer exist. *Act (1994:1433)* .

Section 10 Social welfare boards and other authorities are obliged to provide the chief guardian with the information needed for the chief guardian's supervisory activities upon request.

There are special provisions in law and ordinance regarding the obligation for authorities to notify the chief guardian of circumstances of importance to his or her supervisory activities.

Law (2008:910) .

Section 10 a A bank is obliged to provide the chief custodian with the information necessary for the chief custodian's supervisory activities upon request.

The first paragraph also applies to credit market companies, securities companies, Swedish central securities depositories, account operators, fund companies, AIF managers, depositaries and foreign companies that operate corresponding activities from a branch in Sweden. *Act (2020:1027)* .

Payment to bank and notification to the guardian in certain cases

Section 11 When a minor has received money in excess of a price base amount pursuant to Chapter 2, Sections 6 and 7 of the Social Insurance Code or with conditions of special supervision by the guardian, the person who arranges the payment from the estate on behalf of the minor shall deposit the funds with a bank or credit market company, stating that the funds may not be withdrawn without the guardian's permission.

What has now been said about the obligation to pay to a bank or credit market company shall also apply to

1. insurers when paying out insurance amounts to which the minor is entitled,
2. pension savings institutions when paying out in accordance with the Act (1993:931) on Individual Pension Savings,
3. PEPP savings institutions when paying out from savings in a PEPP product as referred to in Regulation (EU) 2019/1238 of the European Parliament and of the Council,

4. The Crime Victims' Authority when paying out compensation in accordance with the Criminal Damages Act (2014:322),
5. principals when paying out damages in accordance with Chapter 6, Section 12 of the Education Act (2010:800), and
6. authorities that pay out compensation in connection with claims for damages against the state.

If the payment relates to a periodic benefit, the obligation to pay to the bank or credit market company only applies when the first payment is made.

When a payment is made pursuant to the first or second paragraph, the person making the payment shall immediately notify the guardian and the chief guardian. Such notification shall also be made if a minor has received valuable documents by inheritance or will with a value exceeding the amount specified in the first paragraph or with the condition that the valuable documents shall be under special control of the chief guardian.

The provisions in the first to fourth paragraphs do not apply to payments of funds that the minor may manage himself. The second to fourth paragraphs also do not apply if payments are made from insurance that has been taken out within the framework of a business.

The provisions of this section also apply to payments or issuance of documents of value to someone for whom a trustee has been appointed with the task of managing property or for whom a trustee has been appointed. *Act (2022:1747)* .

The chief guardian's handling

Section 12 The chief guardian is obliged to keep lists and file files and to issue documents in accordance with regulations issued by the Government. *Act (1994:1433)* .

Penalty

Section 13 The chief guardian may, by way of a fine, order a guardian, trustee or administrator to fulfil his obligations under Section 3, second paragraph, or Section 8, third paragraph, of this chapter or under Chapter 12, Section 13, Chapter 13, 3, 14, 15 or 18, Section 21, Chapter 14, Sections 1, 2, 15, 16, 18 or 21, Section 23 or Chapter 15, Section 3 or 8. Before a fine is imposed, the chief guardian shall remind the deputy in writing of the obligation and the provisions that apply and give the deputy a reasonable time to submit a specified document or comply with a decision.

Questions about imposing a fine are heard by the district court. In matters of injunction and imposing a fine, the Fines Act (1985:206) otherwise applies.

In connection with the imposition of a fine, the court may impose a new fine. *Act (1994:1433)* .

Design of lists

Section 14 The Government or the authority designated by the Government may issue regulations on the more detailed format of the lists of deputies, annual accounts and final accounts and documents referred to in Chapter 15, Sections 3 and 8. *Act (1994:1433)* .

Chapter 17. Relatives' authority to take legal action in certain cases

The meaning of the authorization

Section 1 If it is obvious that someone, due to illness, mental disorder, weakened health or some similar condition, is no longer able to take care of their financial affairs, a relative is authorized to take ordinary legal actions for the individual related to their daily life.

The eligibility applies if the situation referred to in the first paragraph has occurred after the individual has reached the age of 18. It is the relative who must assess whether the eligibility applies.

Law (2017:311) .

Eligible relatives

Section 2 The entitlement under Section 1 applies in turn to

1. spouse or cohabitant,
2. children,
3. grandchildren,
4. parents,
5. siblings, and
6. nieces and nephews.

Two or more relatives under the same point represent the individual jointly. They can give each other power of attorney.

A person who declines the assignment, cannot be found, is a minor or has a guardian according to Chapter 11, Section 4 or a trustee shall not be taken into account in the application of this section. The same applies to a person who is represented by a future proxy holder or who is himself in a situation as referred to in Section 1. *Act (2017:311)* .

Scope of authority in certain cases

Section 3 The authority of a relative does not apply in matters where the individual is represented by a trustee in accordance with Chapter 11, Section 4, a trustee or a future power of attorney. *Act (2017:311)* .

Obligations of the relative

Section 4 The person who is competent pursuant to Section 2 shall, when fulfilling the task,

1. act in accordance with the individual's interests and in doing so take into account the individual's will or presumed attitude,
2. keep the individual's funds separate pursuant to Chapter 12, Section 6, first paragraph, and
3. document the measures taken in a manner appropriate to the circumstances.

The provisions of Chapter 12, Section 8, second and third paragraphs, regarding conflict of interest apply to those who are competent according to Section 2. *Act (2017:311)* .

Damages

Section 5 A relative who has claimed his or her authority is obliged to compensate for the damage that he or she has caused to the individual intentionally or through negligence. If several relatives are liable, Chapter 12, Section 14, second paragraph, applies. *Act (2017:311)* .

Section 6 If a legal act, which a relative has taken with reference to the authority under this chapter, due to a lack of authority, does not become binding, the relative is obliged to compensate a bona fide third party for the damage caused to him thereby. This does not apply, however, if the legal act lacks binding effect against the individual as a result of some special circumstance, of which the relative was not aware and of which the third party could not reasonably assume that the relative would be aware. *Law (2017:311)* .

Chapter 18. Has been repealed by *law (1988:1251)* .

Chapter 19. About chief guardians

Section 1 A chief guardian is elected for each municipality, unless otherwise provided for below.

Section 2 A municipality may decide that instead of a chief guardian there shall be a chief guardian board. What is prescribed elsewhere than in this chapter regarding chief guardians shall apply to such a board.

Section 16 contains provisions on a joint board of guardians for several municipalities. *Act (2006:557)* .

Section 3 Has been repealed by *law (1974:1038)* .

Section 4 Has been repealed by *law (1974:1038)* .

Section 5 The chief guardian shall be elected by the municipal council. A deputy shall be elected for the chief guardian.

Members and deputies of the Board of Supervisors shall be elected by the municipal council in the number determined by the council. However, the number of members may not be less than three.

The election of members and deputies of the Board of Trustees shall be proportional, if requested by at least as many voters as correspond to the number obtained if the number of all voters is divided by the number of persons to whom the election relates, increased by 1. There are special provisions regarding the procedure for such a proportional election.

If the deputies to the Board of Guardians are not appointed by proportional representation, the order in which the deputies are to be called to duty shall also be determined.

When the election of the chief guardian, members of the chief guardian board or substitutes has been held, it shall be reported immediately to the County

Administrative Board.

If the election has not been held in due time, the County Administrative Board shall ensure that the election is held as soon as possible. *Act (1994:1433)* .

Section 6 Has been repealed by *law (1974:1038)* .

Section 7 The Chief Guardian, member of the Chief Guardian's Board and deputy are elected for four years, counting from 1 January of the year following that in which elections for the municipal council throughout the country have taken place.

If the Chief Guardian, Deputy Chief Guardian or member of the Chief Guardian Board resigns, a by-election shall be held for the remaining part of the term of office.

If the member has been appointed in a proportional election, the council shall, as far as possible, ensure that the representation on the committee does not change. *Act (2022:631)* .

Section 8 A chief guardian, member of a chief guardian board and substitute shall have the right to vote in elections to the municipal council and be registered in the municipality. Anyone who is bankrupt or has a trustee may not hold such an appointment.

A person with legal experience in a district court may not be a chief guardian, a member of a chief guardianship board or a substitute within the jurisdiction, unless the Government grants permission to do so in a particular case.

A person who has an assignment as a chief guardian, member of a chief guardianship board or substitute may resign from the assignment only if he or she

1. has fulfilled such an assignment during the past four years,
2. has reached the age of sixty, or
3. states some other obstacle, which is approved by the municipal council. *Law (2018:412)* .

Section 9 A chief guardian, a member of the chief guardianship board or a substitute may, upon notification by the county administrative board, be dismissed by the court if it appears that he or she is not suitable. *Act (1994:1433)* .

Section 10 If both the chief guardian and his or her deputy are prevented from fulfilling their duties, the county administrative board may appoint a temporary substitute. *Act (1994:1433)* .

Section 11 From among the members of the Board of Supervisors, the municipal council shall appoint a chairman and a vice-chairman to serve during the period for which they have been elected as members.

If both the chairman and the vice-chairman are unable to attend a meeting of the Board of Guardians, the Board shall appoint another member to speak for the time being. *Act (1974:1038)* .

Section 12 Has been repealed by *law (1986:1143)* .

Section 13 If dissenting opinions emerge in a guardianship board in a matter under this Code, the provisions of Chapter 16 of the Code of Judicial Procedure on voting in civil cases shall apply. Section 30 of the Administrative Procedure Act (2017:900) contains provisions on the right to have a dissenting opinion recorded.

For each decision by a chief guardian or a chief guardianship board in a matter under this section, there shall be a document showing who made the decision, who was the rapporteur, and the date of the decision and its content.

A record of a guardian or guardianship board in a matter other than that referred to in this Code need only contain a list of those who have participated in the proceedings and the decision in the matter. *Act (2018:777)* .

Section 14 The Chief Guardianship Board may assign a member, a substitute who has been called to duty or a municipal official with the necessary competence to decide on behalf of the board certain groups of cases. The board shall state in its decision which types of cases the assignment covers. The Chief Guardian may correspondingly assign a municipal official with the necessary competence to decide on behalf of the Chief Guardian.

However, a petition or statement to the municipal council may not be decided in any other way than by the committee as a whole or by the chief guardian himself. The same applies to decisions under Chapter 11, Section 20 to dismiss or separate a trustee or administrator from the assignment and decisions to cancel an agreement on cohabitation in undivided property or to impose a fine.

If the person who has received an assignment referred to in the first paragraph finds that consent, permission, appointment, termination or dismissal should not be given or decided in a particular case, or if he or she considers the matter doubtful, the matter shall be referred to the committee or the chief guardian. A decision in a matter under this Code which has been made on the basis of an assignment referred to in the first paragraph need not be reported to the committee or the chief guardian. *Act (1995:1362)* .

Section 15 In matters of remuneration, fees, pensions and other financial benefits to the Chief Guardian, members of the Chief Guardian's Board and substitutes, the provisions in Chapter 4, Sections 12-18 of the Local Government Act (2017:725) shall apply . *Act (2017:727)* .

Section 16 What is prescribed regarding committees in the Local Government Act (2017:725) also applies, with the deviations that follow from this chapter, to the Chief Guardian Committee and, where applicable, Chief Guardians.

Municipalities may decide to have a joint guardianship board. Regulations on a joint board in the Local Government Act also apply to a joint guardianship board.

Act (2017:727) .

Section 17 The County Administrative Board shall exercise supervision over the activities of chief guardians and chief guardianship boards.

The County Administrative Board shall

- support the chief guardians and the chief guardianship boards in their activities with advice and thereby promote uniform application of the law, and
- ensure that the training of the chief guardians, members of the chief guardianship boards and substitutes is satisfactory.

Act (2008:910) .

Section 18 The Chief Guardian or the Chief Guardian Board is responsible for ensuring that guardians and trustees are offered the necessary training. *Law (2014:886)* .

Section 19 The chief guardian or the chief guardian board shall provide the county administrative board with the information that is necessary for the county administrative board to be able to keep statistics on the activities of the chief guardians and the chief guardian boards. *Law (2014:886)* .

Section 20 The Government shall issue regulations on which county administrative board or boards are responsible for the tasks in accordance with this chapter. The Government shall also issue more detailed regulations on what information the chief guardian or the chief guardianship board shall provide in order for the county administrative board to be able to keep statistics and what statistics the county administrative board shall keep. *Act (2014:886)* .

Chapter 20. Certain common provisions on the trial

Section 1 In cases concerning paternity, parenthood according to Chapter 1, Section 9, custody, residence, access and maintenance, Chapter 14, Sections 17 and 18 of the Marriage Code shall apply.

In proceedings conducted in accordance with the Act (1996:242) on Court Cases, the district court consists of a legally qualified judge. If there are special reasons with regard to the nature of the case, the district court may, however, consist of a legally qualified judge and three lay judges. *Act (2005:434)* .

Section 2 If the person against whom an action is brought under this Code resides in an unknown place, his rights in the matter shall be protected by a guardian ad litem in accordance with Chapter 11.

The same applies if he resides in a known place outside the kingdom but the summons or other documents in the case cannot be served on him or he fails to appoint a representative and there are special reasons to appoint a guardian ad litem.

In a matter concerning the arrangement of a trusteeship or the expansion of the scope of a trusteeship, where the individual clearly does not understand what the matter is about or would suffer harm from receiving the documents in the matter, the court shall appoint a good man according to Chapter 11 to represent the individual in the matter and safeguard his or her rights.

A good man referred to in the first or second paragraph shall consult with the person for whom he has been appointed, to the extent possible. *Law (1994:1433)* .

Section 2a In a case concerning the arrangement of a trusteeship or the expansion of the scope of a trusteeship, where no guardian has been appointed pursuant to Section 2, second paragraph, the court shall appoint a legal counsel to safeguard the individual's rights in the case. A legal counsel shall also be appointed if the person who has a trustee requests that the trusteeship be terminated or that its scope be restricted.

A legal counsel shall not be appointed if it is obvious that a counsel is not needed. *Act (1994:1433)* .

Section 2 b A person who has been appointed as a good man according to Section 2 or a legal counsel according to Section 2 a has, after a court's examination, the right to reasonable compensation from public funds for work, wasted time and expenses that the assignment has required. The cost shall remain with the state, unless the opposing party to whom the good man or legal counsel has been appointed should reasonably be ordered to reimburse the state for the cost. *Act (1988:1251)* .

Section 2 c of the Code of Judicial Procedure's provisions on the summoning of a party also apply to anyone who, in a capacity other than a witness or expert, is to be heard in a case or matter referred to in this Code. *Act (1988:1251)* .

Section 3 The court's decision regarding guardianship, trusteeship or administration may be appealed, in addition to the person specifically affected by the decision, by anyone who has the right to make an application in the matter. However, a person in whose place a trustee has been appointed pursuant to Chapter 11, Section 2, first or second paragraph, may not appeal a decision regarding such an appointment.

The court's decision to impose a fine pursuant to Chapter 16, Section 13, third paragraph, may only be appealed in connection with the appeal against the decision to impose the fine. *Act (1994:1433)* .

Section 4 The consent of the Chief Guardian to action concerning the property of an individual may only be requested by the guardian, the good man or the trustee. The decision of the Chief Guardian in such a matter may only be appealed by the deputy. The decision of the Chief Guardian pursuant to Chapter 9, Section 3 or 4, Chapter 13, Section 18 or 19 or Chapter 14, Section 21 may only be appealed by the deputy or by the individual, if he or she has reached the age of sixteen.

The decision of the chief guardian in cases referred to in Chapter 12, Section 12, second paragraph, may not be appealed.

The Chief Guardian's decision to impose a fine pursuant to Chapter 16, Section 13 may only be appealed in connection with the appeal against the court's decision to impose the fine. *Act (1994:1433)* .

Section 5 Has been repealed by *law (1994:1433)* .

Section 6 The decision of the Chief Guardian in a matter under this section may be appealed to the court. *Act (1994:1433)* .

Section 7 In a case or matter in which the chief guardian has brought an action, the court may, when there are grounds, award the chief guardian compensation from public funds for the work he has done in carrying out the case or matter and for necessary expenses.

The court shall also consider whether the compensation shall be repaid by the chief guardian's counterparty or remain with the State.

The chief guardian may engage a representative in cases or matters in which he is acting. *Act (1976:612)* .

Section 8 A decision issued by the chief guardian or the court in a matter concerning guardianship, trusteeship or administration under this Code shall apply immediately even if the decision is appealed. However, this does not apply to the chief guardian's decision to terminate an agreement on cohabitation in undivided property or the court's decision to impose a fine. *Act (1994:1433)* .

Section 9 In a case concerning the transfer of custody to one or two specially appointed guardians pursuant to Chapter 6, Sections 7-8 a or 10 e, or in a case before the social welfare board concerning such a transfer of custody, a public guardian shall be appointed for the child, unless it must be assumed that there is no need for guardianship.

In a case or matter referred to in the first paragraph, public assistance shall also be ordered for the child's guardian, unless it must be assumed that there is no need for assistance.

Act (2024:1174) .

Section 9 a In a case before the social welfare board, public counsel is appointed in accordance with Section 9 by the court that is competent to

examine the issue of transfer of custody. The Court Matters Act (1996:242) applies to the court's proceedings.
Act (2024:1174) .

Section 10 The person who is the child's public representative shall ensure that the child's right under Chapter 6, Section 2 b, first paragraph, to receive information and the opportunity to express their opinions is met.

The child's public representative may speak with the child without the consent of the guardian and without the guardian being present. *Act (2024:1174)* .

Section 10 a Only a person may be appointed as a public guardian for the child who, due to his or her knowledge and experience and also in other respects, is particularly suitable for the assignment.
Act (2024:1174) .

Section 10 b In a case concerning the transfer of custody, the person who is the public representative of the child shall be ordered to make a statement in writing and shall be summoned to a hearing as if he were the representative of a party. *Act (2024:1174)* .

Section 10 c The person who is the public representative for the child has the right to take part in the matter or case regarding the transfer of custody. *Law (2024:1174)* .

Section 11 Decisions that the district court has issued during the trial in matters referred to in Chapter 6, Section 18 a, third paragraph, or Section 20, Chapter 7, Section 15, Chapter 10, Section 16 or 17, or Chapter 11, Section 18 or Section 23, third paragraph, shall be appealed separately.

A decision pursuant to Chapter 6, Section 17 c, to take up a claim for custody, residence or access for consideration even though a parent has not participated in an information meeting may not be appealed. *Law (2021:528)* .

Section 12 The Court of Appeal's judgment or final decision in a maintenance case pursuant to Chapter 7 may not be appealed. The Court of Appeal may, however, allow the judgment or decision to be appealed if there are special grounds for a review of whether permission should be granted pursuant to Chapter 54, Section 10, first paragraph 1 of the Code of Judicial Procedure.

The first sentence of the first paragraph does not apply if any other part of the judgment is appealed.

The Court of Appeal's decision in matters referred to in Section 11 may never be appealed.

The same applies to matters that have first been handled by the chief guardian.

Act (1989:354) .

Sections 13-41 have been repealed by *law (1976:612) .*

Chapter 21. On the enforcement of judgments, decisions or agreements regarding custody, residence or access, etc.

Enforcement of judgments, decisions or agreements

Section 1 In enforcement, the best interests of the child shall be paramount. The child's views shall be given importance in relation to the child's age and maturity. *Law (2021:528) .*

Section 1 a Enforcement of a judgment or decision regarding custody, residence, access or transfer of children is sought from the district court in the place where the child is domiciled.

If it can be assumed that confidentiality applies to the information needed to determine the child's domicile, enforcement may also be sought from the district court in the place where the applicant or the opposing party is domiciled. If it can be assumed that confidentiality also applies to the information needed to determine the parties' domicile, enforcement may also be sought from the Stockholm District Court. The same applies if it can be assumed that confidentiality applies to the information needed to determine the child's and one party's domicile and the other party is not domiciled in the country.

If another district court is handling a case between the same parties regarding custody, residence or access, enforcement may also be sought from that district court.

If there is no other competent court, the question of enforcement shall be taken up by the Stockholm District Court. *Law (2021:528) .*

Section 1 b If a judgment or decision has not become final and it has not been specifically granted that enforcement may nevertheless take place, the court may not take measures pursuant to Sections 2-4. *Act (2021:528)* .

Section 1 c The provisions in this chapter concerning the competent court and the enforcement of a judgment or decision that has become final also apply to the enforcement of an agreement pursuant to Chapter 6, Section 6, Section 14 a, second paragraph, and Section 15 a, third paragraph. *Act (2021:528)* .

Section 2 Before the court decides on enforcement, it may instruct a member or deputy member of the social welfare committee or a social services official to work to ensure that the person who has care of the child voluntarily fulfills what is incumbent on him or her. Such an assignment may also be given to any other suitable person.

The person who has received an assignment according to the first paragraph shall, within the time determined by the court, submit a report on the measures that have been taken and what has otherwise been revealed. The time may not be set longer than two weeks. However, the court may extend the time if there are conditions for achieving voluntary compliance. *Act (2006:458)* .

Section 3 If the court decides on enforcement, it may, even without a motion, impose a fine or decide that the child shall be collected through the Police Authority. However, collection may only be decided in the cases and under the conditions specified in the second and third paragraphs.

If it is a judgment or decision regarding custody, residence or the handover of a child, the court may decide to retrieve the child if enforcement cannot otherwise take place or if retrieval is necessary to avoid the child suffering serious harm.

If it is a judgment or decision regarding contact between the child and a parent with whom the child does not live, the court may decide to collect the child if enforcement cannot otherwise take place and the child has a particularly strong need for contact with the parent.

Questions regarding the imposition of a penalty payment are examined by the court upon application by the party who has requested enforcement. *Law (2014:603)* .

Section 4 If the court decides on enforcement, it may also issue an order pursuant to Section 2. If the court has decided that the child shall be collected through the Police Authority, an order pursuant to Section 2 shall be issued, unless there are special reasons against it.

If there are special reasons, the court may, in order to facilitate the child's transfer, decide that the child shall be temporarily taken into care by the social welfare committee or in another appropriate manner. The court may decide that the taking into care shall be carried out through the Police Authority.

If the court decides on the enforcement of a judgment or a decision on access that has become final, the court may supplement or amend what has been decided on the practical arrangements for exercising access, if this is necessary for access to take place. *Act (2014:603)* .

Section 5 If the child has reached such an age and maturity that its will should be taken into account, enforcement may not be carried out against the child's will except when the court finds it necessary in the best interests of the child.

Act (2006:458) .

Section 6 The court shall refuse enforcement if it is obvious that enforcement is incompatible with the best interests of the child.

Act (2006:458) .

Transfer of children in other cases

Section 7 Even if a judgment or decision referred to in Section 1 a, first paragraph, does not exist, the child's guardian may, when the child is staying with someone else, request that the court decide on a measure to transfer the child to the guardian.

The court may refuse to take the requested measure if, in the best interests of the child, a review of the custody issue is necessary.

A measure pursuant to the first paragraph may not be decided if a ban on moving under the Act (1990:52) with special provisions on the care of young people applies to the child.

Otherwise, sections 1-6 apply. *Act (2022:949)* .

Section 8 The provisions of Section 7 also apply when parents, adoptive parents or specially appointed guardians have joint custody and one of them,

without any significant reason, arbitrarily removes or retains the child and the other requests redress. *Act (1994:1433)* .

Common provisions

Section 9 Collection, care and other measures concerning the child shall be carried out in a manner that is as gentle as possible for the child.

If the child should not be moved due to illness or if there is any other special obstacle, the measure shall be postponed.

Law (2006:458) .

Section 10 If there is a risk that the child will be taken out of the country or if the matter is urgent for other reasons, the court may immediately decide that the child shall be taken into care by the social welfare committee or in another appropriate manner. The court may decide that the taking into care shall be carried out through the agency of the Police Authority.

If a decision pursuant to the first paragraph cannot be awaited, the Police Authority may, regardless of whether any case is pending, take such immediate measures as can be taken without harm to the child.

The measure shall be immediately reported to the court, which shall without delay consider whether it shall stand.

If the court has issued a decision on custody pursuant to the first or second paragraph that is still in force when the matter is to be decided, the court shall reconsider the decision. *Act (2014:603)* .

Section 11 */Expires on 1 July 2025/* When a child is picked up and taken into care, someone who can support the child must be present. If there is a contact person for the child as referred to in the Social Services Act (2001:453), he or she should be called upon. In urgent cases, a measure required for the protection of the child may be taken without the presence of a person who can support the child.

If possible, a pediatrician, child psychiatrist or child psychologist shall participate in the collection and care.

Law (2006:458) .

Section 11 */Enters into force 1:2025-07-01/* When picking up and taking into care, someone who can support the child must be present. If there is a contact person for the child as referred to in the Social Services Act (2025:400), he or she should be engaged. In urgent cases, a measure required for the protection

of the child may be taken without a person supporting the child being present.

If possible, a pediatrician, child psychiatrist or child psychologist should participate in the collection and care.

Law (2025:402) .

Section 12 When deciding a matter under this chapter, the district court shall consist of a legally qualified judge and three lay judges. If the court considers it sufficient that one judge sit in court and the parties agree to it or the matter is of a simple nature, it may be decided by a legally qualified judge.

At a hearing, the child may be heard before the court if special reasons justify it and it is obvious that the child cannot be harmed by being heard.

If a party fails to appear at a hearing to which he or she has been summoned under penalty of perjury, the court may decide that the party shall be summoned to court either immediately or on a later date. *Law (2006:458) .*

Section 13 In matters of legal costs, Chapter 18 of the Code of Judicial Procedure

shall apply. If the case is dismissed because the parties have reached an amicable settlement or if there are other special reasons, the court may decide that each party shall bear its own costs.

Costs for carrying out assignments pursuant to Section 2, first paragraph, second sentence, for collecting a party to a meeting and for collecting or taking care of children shall be paid from public funds after a decision by the court. The court may, as is reasonable, decide that a party who has incurred costs for collecting or taking care of children shall pay the cost to the state in whole or in part. *Act (2021:528) .*

Section 14 Decisions that do not concern the imposition of a fine, compensation for a party's costs or the party's obligation to pay costs to the state shall apply immediately, unless otherwise decided.

Law (2006:458) .

Section 15 Decisions under this chapter on the transfer of children do not prevent the issue that has been decided from being re-examined when changed circumstances or some other special reason so requires. *Act (1983:485) .*

Section 16 In the court's handling of cases pursuant to this chapter, the Court Proceedings Act (1996:242) shall otherwise apply.
Act (2008:646) .

Transitional provisions

1976:612

- 1. This Act shall enter into force on 1 January 1977, when the Act (1969:618) on the Establishment of Paternity of Children Outside of Marriage shall cease to apply.
- 2. The action referred to in Chapter 3, Section 1, may not be brought if the right to a corresponding action due to older provisions has been lost before the entry into force of this Act

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1978:853

- 1. This Act enters into force, as regards Chapter 6, Sections 7, 9, 10 a and 12 and Chapter 20, Section 9, on 1 January 1979, as regards Chapter 7, Section 4, on 1 January 1980, and otherwise on 1 July 1979.

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- 5. A maintenance obligation determined under older provisions shall remain in force as provided for in the judgment or agreement.
 - 6. A maintenance obligation determined under older provisions shall be fulfilled in accordance with the new provisions.

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- 7. For contribution obligations that have been determined according to older provisions, the new provisions apply in terms of adjustment and review.
- If someone has entered into an agreement to pay a lump sum to the child pursuant to Chapter 7, Section 7, second paragraph, in its older wording, an action for adjustment pursuant to Chapter 7, Section 10, first paragraph, in its new wording may not, however, be brought in relation to the agreement.

8. The provisions of Chapter 15, Section 12, second paragraph, as amended, still apply if the testator has died before the entry into force.

1984:1139

This Act shall enter into force on 1 March 1985. However, the Act shall not apply to inseminations carried out before its entry into force.

If insemination has been performed on a woman before the Act came into force with the consent of her husband or another man who lived with her under conditions similar to marriage and it is probable, taking into account all the circumstances, that the child was conceived through the insemination, no action may be brought after the end of February 1986 for a declaration pursuant to Chapter 1, Section 2, first paragraph, that the man is not the father of the child or pursuant to Chapter 1, Section 4, third paragraph, that an acknowledgment of paternity made by the man has no effect against him.

1987:790

1. This Act enters into force on 1 January 1988.

2. If the husband has died before entry into force, Chapter 3, Sections 1 and 2 in their older version shall still apply.

1988:712

This Act shall enter into force on 1 January 1989. However, the Act shall not apply to in vitro fertilization performed before its entry into force.

If fertilization of the mother's eggs outside her body was carried out before the Act came into force with the consent of her husband or cohabitant and it is probable, taking into account all the circumstances, that the child was conceived through the fertilization, no action may be brought after the end of 1989 for a declaration pursuant to Chapter 1, Section 2, first paragraph, that the man is not the father of the child or pursuant to Chapter 1, Section 4, third paragraph, that an acknowledgment of paternity made by the man has no effect against him.

1988:1251

1. This Act shall enter into force on 1 January 1989.

2. A person who is declared incompetent according to older provisions at the time of entry into force shall until further notice be deemed to have a trustee according to Chapter 11, Section 7, as amended. In this regard, the guardian shall be deemed to be a trustee with the task of looking after the

individual's affairs without limitation of the task.

3. Appointment of a guardian that has been made according to older provisions shall be deemed to have been made according to the corresponding new provisions in Chapter 11.

1989:354

This Act enters into force on 1 July 1989. However, older provisions apply to decisions of the Court of Appeal that have been issued before entry into force.

1991:487

1. This Act shall enter into force on 1 July 1991.

2. Notification of joint custody with the pastorate that has not been registered before entry into force shall be examined by the tax authorities. In the case of appeals against decisions issued before entry into force, older provisions shall apply.

1992:1621

1. This Act shall enter into force on the date determined by the Government. (In force on 1 January 1994, 1993:1646).

2. In the case of acquisitions made before entry into force, the section in its older wording shall apply.

1994:1621

1. This Act shall enter into force on 1 January 1995.

2. The new wording of Chapter 19, Section 8 shall, however, be applied for the first time after the election in 1998.

3. Elections according to the new wording of Chapter 19, Section 7 shall take place for the first time in 1998.

4. The continuous term of office for those who have been elected according to older provisions shall be four years instead of three years.

1994:1963

This Act enters into force on 1 January 1995 and applies to maintenance payments for which the original due date was on 31 December 1991 or later.

1994:1433

1. This Act shall enter into force on 1 July 1995.

2. A person who has been appointed as a guardian for a minor before the

entry into force shall, if custody is included in the assignment, be considered as

a specially appointed guardian in accordance with Chapter

6. 3. If a minor has received a gift before the entry into force that is under the management of the parents or one of them, the gift funds shall, when applying the new provisions, be equated with such a gift as referred to in Chapter 13, Section 2, second paragraph 2, if the donor has made a written notification of the gift to the chief guardian before the entry into force.

4. The chief guardian may, before the entry into force, with effect from that time, issue decisions as referred to in Chapter 13, Section 19 and Chapter 14, Section 21.

If the guardian has notified such a decision, the deputy and the securities institution are also obliged to conclude an agreement on custody and administration in accordance with the specified provisions with effect from the entry into force, even before the entry into force.

5. Cases or matters under the Parental Code that are pending before a court or other authority that was competent under older provisions

at the time of entry into force shall also be processed there after the entry into force. 6. Older regulations on accounting and fees shall also apply after the entry into force, insofar as the time before that applies.

7. If an act or statute that has been decided by the Government refers to a regulation that has been replaced by a regulation in this Act, the new regulation shall apply instead.

1996:766

1. This Act enters into force on 1 September 1996.

2. If a trustee has been appointed in accordance with the Composition Act (1970:847) before entry into force, however, older provisions apply.

1996:1031

1. This Act enters into force on 1 February 1997.

2. If an action for maintenance has been brought before entry into force, older provisions shall apply regarding the social welfare board's right to bring an action on behalf of the child.

1997:353

This Act shall enter into force on 1 July 1997. Cases that have been initiated before the entry into force with the Chief Guardian of the Municipality of Stockholm in accordance with the provisions of Chapter 11, Section 25,

second paragraph, of the Parental Code in its older version shall be processed there even after the entry into force.

1997:990

This Act shall enter into force on 1 January 1998 but shall not apply in cases where the first decision in the matter has been made before that date. However, in cases brought before the Supreme Court from 1 January 1998 onwards, the National Tax Board shall conduct the public interest proceedings.

1999:1080

This Act enters into force on 1 January 2000. However, what is stated in Chapter 13, Section 13 and Chapter 14, Section 14 in their older version regarding the conduct of business that entails an obligation to keep accounts according to the Agricultural Accounting Act (1979:141) also applies thereafter until the end of the year 2000.

2001:1136

1. This Act enters into force on 1 January 2002.
2. Older provisions still apply to maintenance obligations that have definitively ceased before entry into force.

2002:251

1. This Act shall enter into force on 1 January 2003. However, the Act shall not apply to in vitro fertilization that has been carried out before the entry into force.
2. If in vitro fertilization of an egg from another woman has been carried out before the entry into force of the Act with the consent of her husband or cohabitant and if, taking into account all the circumstances, it is probable that the child was conceived through the insemination, no action may be brought after the end of 2003 for a declaration pursuant to Chapter 1, Section 2, first paragraph, that the man is not the father of the child or pursuant to Chapter 1, Section 4, third paragraph, that a confirmation of paternity that the man has submitted has no effect against him.

2003:645

This Act enters into force on 1 January 2004. Older provisions in Chapter 6, Section 16 still apply to appeals against decisions issued before entry into force. In these cases, however, the Swedish Tax Agency shall conduct the public action.

2004:49

1. This Act shall enter into force on 1 April 2004.
2. What is stated in Chapter 13, Section 5 and Chapter 14, Section 5 concerning units in a securities fund shall also apply to units in such a securities fund that is managed by a fund company that, with the support of Section 3 of the Act (2004:47) on the introduction of the Act (2004:46) on Investment Funds, operates in accordance with the Act (1990:1114) on Securities Funds.

2004:764

1. This Act enters into force on 1 January 2005.
2. Older provisions still apply if the marriage was entered into after an impediment assessment was requested before 1 January 2005.

2005:430

1. This Act enters into force on 1 July 2005.
2. A person who at the end of June 2005 was appointed as a specially appointed guardian for a child covered by the Act (2005:429) on Good Man for Unaccompanied Children shall also be considered to be the guardian of the child.

2005:434

1. This Act enters into force on 1 July 2005.
2. For children who have been conceived before entry into force, Chapter 1, Section 5 of the Parental Code in its older version applies.

2006:458

1. This Act enters into force on 1 July 2006.
2. Older provisions in Chapter 21 apply to cases concerning enforcement or the transfer of children in other cases that are pending in court at the time of entry into force.

2006:557

1. This Act shall enter into force on 1 July 2006.
2. Cases concerning guardianship, trusteeship and administration which, at the time of entry into force, are pending before a court or with a chief guardian who was competent under older provisions shall be handled there even after entry into force.
3. Cases within the framework of a chief guardian's supervision which, before entry into force, were initiated by a chief guardian who was competent under

older provisions shall be handled there even after entry into force.

4. The new wording of Chapter 12, Section 16 shall be applied when deciding to what extent fees and compensation for expenses attributable to the year 2006 shall be paid with funds belonging to the individual.

2008:910

1. This Act enters into force on 1 January 2009.

2. In the case of agreements entered into before entry into force, Chapter 12, Section 10 in its older version applies.

3. Older provisions in Chapter 12, Section 15 concerning the time for bringing an action for compensation shall apply when documents specified in Chapter 16, Section 8 have been handed over to the person authorised to receive the report before entry into force.

2010:862

1. This Act enters into force on 1 July 2011.

2. With regard to the principal's payment of damages relating to municipal adult education, adult education for the mentally disabled and Swedish language education for immigrants, Chapter 16, Section 11, in its older version, applies until the end of June 2012.

2014:377

1. This Act enters into force on 1 July 2014.

2. Older provisions apply when the minor has entered into marriage with the support of a permit pursuant to Chapter 15, Section 1 of the Marriage Code as amended before 1 July 2014.

2014:886

1. This Act enters into force on 1 January 2015.

2. The new provision in Chapter 11, Section 17 a, first paragraph, shall only apply to cases initiated at the district court after entry into force.

2018:1279

1. This Act enters into force on 1 January 2019.

2. The repealed Chapter 1, Section 6 still applies when an insemination has been performed before entry into force.

3. The older wording of Chapter 1, Section 8 still applies when an in vitro fertilization has been performed before entry into force.

2020:1027

1. This Act enters into force on 1 January 2021.

2. However, older provisions still apply to limited liability companies and economic associations covered by paragraphs 2 and 3 of the entry into force and transitional provisions to the Act (2020:1026) repealing the Act (2004:299) on deposit activities and deposits in such companies.

2021:528

This Act enters into force on 1 March 2022 with regard to Chapter 6, Section 17 c and Chapter 20, Section 11, and otherwise on 1 July 2021.

2021:783

1. This Act enters into force on 1 January 2022.
2. Older regulations still apply to confirmation of parentage of a child born before entry into force.

2022:631

1. This Act enters into force on 1 July 2022.
2. Older provisions still apply to members elected before entry into force.

2022:966

1. This Act enters into force on 1 August 2022.
2. Older regulations still apply to a composition that is concluded under the repealed Act (1996:764) on corporate restructuring.