

*A parental plan* in case of termination  
of informal relationships?  
A comparative study

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Parental plan:  
*proposed in the Dutch Bill*

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- Contains arrangements with regard to:
  - Care and education
  - Consultation and exchange of information
  - Financial contributions

## Parental plan: *proposed in the Dutch Bill*

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### ➤ **Included:**

- 35.000 children - formal relationships  
(marriage, registered partnership)

### ➤ **Excluded:**

- 18.000 children - informal relationships

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## Parental plan:

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Should there be a distinction between:

- children of formal relationships  
and
- children of informal relationships?

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## Results of comparative research:

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Parental agreement required:

- \* Austria
- \* Portugal
- \* Slovenia
- \* Serbia

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Austria and Serbia:

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Parental agreement required on:

Child's residence

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## Portugal:

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Parental agreement required on:

- Child's residence
- Contact with the non-residential parent
- Child maintenance

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## Slovenia:

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Parental agreement required on:

- Parental responsibility
- Education of the child
- Child maintenance
- Contact with the non-residential parent
- Child's residence
- Providing the child with information

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## Common features:

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- NO formal precondition for termination of informal relationships

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- NO formal precondition for termination of informal relationships
- Control of fulfilment is not possible
- Formal precondition for continuation of joint parental responsibility
- *De facto* continuation of joint parental responsibility without any agreement
- *Lex imperfecta*

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## Reasons for requiring a parental agreement:

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- Precondition for continuation of joint parental responsibility (all four countries);

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- Further equalisation of marriage and durable cohabitation (Slovenia and Serbia);

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- Precondition for continuation of joint parental responsibility (all four countries);
- Facilitation of good communication between separated parents (all four countries);
- Further equalisation of marriage and durable cohabitation (Slovenia and Serbia);
- Avoidance of legal discrimination between marital and extramarital children (Slovenia and Serbia).<sup>17</sup>

## Final conclusion:

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- *Obligatory* parental plan in case of termination of informal relationships:  
not feasible
- Promoting and facilitating *voluntary* parental plan:  
feasible and desirable