

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

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Parental plan:
proposed in the Dutch Bill

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

Parental plan:

proposed in the Dutch Bill

➤ **Included:**

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

➤ **Excluded:**

- 18.000 children - informal relationships

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Parental plan:

Should there be a distinction between:

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

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Results of comparative research:

Parental agreement required:

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

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Austria and Serbia:

Parental agreement required on:

Child's residence

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Portugal:

Parental agreement required on:

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

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Slovenia:

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:

- NO formal precondition for termination of informal relationships

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- Formal precondition for continuation of joint parental responsibility

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Common features:

- 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:

- 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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Reasons for requiring a parental agreement:

- 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).¹⁷

Final conclusion:

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