



Act relating to Children and Parents (the Children Act)

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

Law | Date: 06/04/2017 | [Ministry of Children and Families](#)

(<http://www.regjeringen.no/en/dep/bfd/id298/>)

Act relating to Children and Parents.

Last amended in September 2019

Chapter 1. Notification of birth

Section 1. *Notification of birth*

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

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

Notification shall also be given when the child is stillborn.

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

Section 1 a. (Repealed by the Act of 21 June 2013 No. 64)

Chapter 2. The child's parents

Section 2. *Maternity*

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

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

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

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

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

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

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

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

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

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

Paternity may also be declared by returning the form provided by the Norwegian Labour and Welfare Administration (NAV); see section 11, second paragraph.

NAV must send the form by registered mail or by means of electronic communication if a secure method is adopted to ensure that the form is received. The declaration shall only apply when it is made by the person whom the mother has named as the father of the child or when the mother has accepted the declaration in writing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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