The Counselling Process and Confidential Birth

Before birth

A pregnant woman seeks advice and wishes to give birth anonymously. Initial advice is available from the ‘pregnant women in distress’ support hotline – anonymous & safe or online at www.geburt-vertraulich.de. We refer you free of charge to the nearest counselling centre and show you how to get in touch with them: An appointment with a counsellor can be made quickly during normal opening hours.

The counselling meeting
Examining the crisis situation, accepting the woman and her situation, offering appropriate help – including help that allows the woman to retain her identity. → Section 2 paragraph 4 of the SchKG

If the woman no longer requires anonymity:
- a) Finding ways to live with the child or
- b) providing the woman with information about adoption

If a):
Offering help: application to a foundation where applicable, residential help, further advice steps

If b):
Referral to an adoption agency

If the woman wishes to remain anonymous:
Providing information about the possibility of a confidential birth in cooperation with the adoption agency → Section 25 paragraph 1 (1) and paragraph 4 of the SchKG. Providing information about: the process as a whole, legal consequences, the rights of the child and the father, what it means to know about your origins, the adoption process, requirements for taking the child back at a later time, the process regarding the child’s access to the proof of origin from the age of 16 and the family court procedure. → Section 25 paragraph 2 SchKG

Before it is sent to the BAFzA, the envelope of the proof of origin must contain the following:
Explanation that content is proof of origin
Information: pseudonym of the woman, date and place of birth of the child, name and address of the obstetrics clinic or the midwife, name and address of the counselling centre
The letter must be sealed so that it cannot be opened without being noticed. → Section 26 paragraph 3 SchKG

The youth welfare office makes arrangements regarding child custody, appointment of a legal guardian and the search for suitable adoption applicants / a suitable foster home.

1 It would be desirable for the woman to provide additional information that could be of interest to the child (e.g. course of the pregnancy, state of health, family circumstances).
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After birth

The obstetrics clinic (or midwife) notifies the registry office about the birth (registration of birth) → Section 18 PStG:
Pseudonym of the mother, desired first name of the child, gender of the child, date, time and place of birth.

The obstetrics clinic / midwife notifies the counselling centre (in writing) of the date and place of birth using the mother’s pseudonym. → Section 26 paragraph 6 SchKG

The registry office chooses the child’s surname → Section 26 paragraph 7 SchKG and notifies the family court of the birth → Section 168a paragraph 1 FamFG

The registry office notifies the Federal Office of Family Affairs and Civil Society Functions (BAFzA) of the child’s first name and surname using the mother’s pseudonym. → Section 26 paragraph 7 SchKG

The registry office notifies the Federal Office of Family Affairs and Civil Society Functions (BAFzA) of the child’s first name and surname using the mother’s pseudonym. → Section 27 paragraph 1 SchKG

The counselling centre sends the proof of origin (including information about the birth) to the BAFzA. → Section 27 paragraph 1 SchKG

The counselling centre sends the proof of origin (including information about the birth) to the BAFzA. The legal guardian can view them at any time. → Section 26 paragraph 8 SchKG

The counselling centre only uses the mother’s pseudonym when recording the consultation case (for the annual report about the relevant state authority to the BAFzA). → Section 33 SchKG

The family court appoints a legal guardian for the child, because the mother’s parental custody is suspended. → Section 167a BGB

The BAFzA notes down the child’s first name and surname on the proof of origin and safely stores it. → Section 27 paragraph 2 SchKG

The legal guardian makes a decision about the placement of the child, if possible taking into account the wishes the mother has expressed during counselling. → Section 36 paragraph 1 (4) in conjunction with Section 5 paragraph 2 (1) SGB VIII

The youth welfare office takes the child into its care. → Section 42 paragraph 1 SGB VIII

The counselling centre sends the mother’s messages for the child to the adoption agency, and in the case of non-adopted children (foster children) to the BAFzA. The legal guardian can view them at any time. → Section 26 paragraph 8 SchKG

2 | The competent authority varies from one federal state to another (e.g. registry office, local authority or senate).
3 | address BAFzA: Federal Office of Family Affairs and Civil Society Functions, Von-Gablenz-Straße 2-6, 50679.
### The Counselling Process and Confidential Birth

**After birth**

From the time the child has reached the age of 15, the mother (using her pseudonym) can make a declaration at a counselling centre that the child’s right of inspection (from the age of 16) conflicts with her own interests. She must disclose the child’s place and date of birth. The **counselling centre** refers the mother to help services and discusses with her possible ways of averting the feared dangers in order to resolve the concerns as much as possible. It informs the mother about what happens next, especially that the child can assert its right to inspection by judicial process. → Section 31 paragraph 2 SchKG

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<tr>
<th>Once the child has reached the age of 16, it has the right to view the proof of origin or request copies (right of inspection).</th>
<th>→ Section 31 paragraph 1 SchKG.</th>
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<tr>
<td>If the mother continues to have concerns, the <strong>counselling centre</strong> informs the BAFzA about the mother’s declaration and the person of trust to be named by her (authorised person).</td>
<td>If the mother has not previously expressed concerns or if she no longer has the concerns she expressed in the past, the child must be granted access to the proof of origin. → Section 31 paragraph 1 SchKG</td>
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<td>The <strong>counselling centre</strong> immediately informs the BAFzA about the mother’s statement, her person and the person of trust named by her. → Section 31 paragraph 3 (4) SchKG.</td>
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<td>In this case, the <strong>BAFzA</strong> must not grant the child access to the proof of origin. → Section 31 paragraph 4 SchKG</td>
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<td>The child may assert its right to inspection before the family court. The <strong>BAFzA</strong> may not grant the child access until the family court procedure is completed. → Section 31 paragraph 4 SchKG</td>
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### FAMILY COURT

The child, the person of trust of the mother (still under her pseudonym) and the BAFzA take part in the family court proceedings. → Section 32 paragraph 3 (1) of the SchKG. If the application is rejected, the child may file another application to the family court no earlier than three years after the final court decision. → Section 32 paragraph 5 SchKG

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