**Attachment - Excerpts from the Law on procedure in family cases (translation)**

**Chapter 3
Recognition and Enforceability of Foreign Judgments in Marital Matters**

**Section 107
Recognition of Foreign Judgments in Marital Matters**

(1) Judgments annulling, terminating, or dissolving a marriage, or declaring a legal separation, or establishing the existence or non-existence of a marriage between the participants in a foreign country shall only be recognized when the *Land* justice administration department has established that the prerequisites for recognition are fulfilled. If a court or a public authority of the state of which both spouses were citizens at the time of the judgment reached a decision, recognition shall not be dependent upon such an establishment by the *Land* justice administration department.

(2) The justice administration department in the *Land* in which one spouse has his place of usual residence shall have jurisdiction. If neither spouse has a place of usual residence in Germany, the justice administration department of the *Land* shall have jurisdiction in which a new marriage or life partnership is to be entered into; the *Land* justice administration department may request proof that the marriage or life partnership entered into has been registered. When no other basis for jurisdiction exists the Berlin *Land* justice administration department shall have jurisdiction.

(3) The *Land* governments may transfer the authority of the *Land* justice administration department in accordance with these provisions to one or more of the presidents of the Higher Regional Courts by way of statutory instrument. The *Land* governments may transfer the power in the first sentence by way of statutory instrument to the *Land* justice administration department.

(4) A decision shall be made upon application therefor. The application can only be filed by a person who credibly demonstrates a legal interest in the recognition.

(5) If the *Land* justice administration department rejects the application, the applicant may apply for a decision from the Higher Regional Court.

(6) If the *Land* justice administration department establishes that the prerequisites for recognition are fulfilled, a spouse who had not submitted the application may apply for a decision from the Higher Regional Court. The decision of the *Land* justice administration department shall become effective upon notification to the applicant. However, the *Land* justice administration department may determine in its decision that such decision shall first become effective after a certain period of time has passed.

(7) Jurisdiction shall lie with a civil panel of the Higher Regional Court in the district of which the *Land* justice administration department has its seat. An application for a judicial decision shall not have suspensive effect. Parts 4 and 5 and sections 14 (1) and (2) and 48 (2) shall apply *mutatis mutandis*.

(8) The above provisions shall be applicable *mutatis mutandis* to an application that seeks to establish that the prerequisites for recognition are not fulfilled.

(9) The establishment that the prerequisites are or are not fulfilled shall be binding upon courts and administrative authorities.

(10) If on 1 November 1941 a German family register (marriage register) contained a notation based upon a foreign decision concerning an annulment, termination, dissolution, separation, or the existence or non-existence of a marriage, the notation shall be equivalent to recognition pursuant to these provisions.

**Section 108
Recognition of Other Foreign Judgments**

(1) With the exclusion of judgments in marital matters, foreign judgments shall be recognized without the requirement of a particular proceeding.

(2) Participants who have a legal interest therein may apply for a decision on the recognition or non-recognition of a foreign judgment that does not involve property law. Section 107 (9) shall apply *mutatis mutandis*. As to the recognition or non-recognition of the adoption of a child, however, sections 2, 4, and 5 of the Act on the Effect of Adoptions according to Foreign Law (*Adoptionswirkungsgesetz*; AdWirkG) shall be applicable when the adopted person at the time of the adoption had not yet reached the age of 18.

(3) Local jurisdiction for a decision on an application in accordance with subsection (2) sentence 1 shall lie with the court in the district of which at the time of the filing of the application:

1.  the person opposing the application or the person that the decision on the application relates to has his usual place of abode or

2.  if there is no local jurisdiction pursuant to no. 1, interest in the establishment became known or the need for care arose.

This jurisdiction shall be exclusive.

**Section 109
Impediments to Recognition**

(1) Recognition of a foreign judgment shall be excluded:

1.  when the courts of the other state do not have jurisdiction under German law;

2.  when a participant, who did not comment on the main action and claims that the document initiating the proceeding was improper or that notification was untimely so that he could not properly exercise his rights;

3.  when the judgment is incompatible with a judgment issued or recognized earlier in Germany, or when the proceedings at the basis of such judgment are incompatible with proceedings that were previously pending here;

4.  when recognition of the judgment would lead to a result that is obviously incompatible with significant principles of German law, in particular when recognition is incompatible with fundamental rights.

(2) Section 98 (1) no. 4 shall not proscribe recognition of a foreign judgment in a marital matter when a spouse has his place of usual residence in the state in which its courts decided. If a foreign judgment in a marital matter is recognized by the states of which the spouses are nationals, section 98 shall proscribe recognition of the judgment.

(3) Section 103 shall not proscribe recognition of a foreign decision in a life partnership matter when the country that maintains the register recognizes the judgment.

(4) Recognition of a foreign judgment relating to:

1.  matters concerning family disputes;

2.  an obligation of care and support in the community of the life partners;

3.  governance of the legal relationship as to the joint residence and household objects of the life partners,

4.  decisions pursuant to section 6 sentence 2 of the Act on Registered Life Partnerships in conjunction with sections 1382 and 1383 of the Civil Code, or

5.  decisions pursuant to section 7 sentence 2 of the Act on Registered Life Partnerships in conjunction with sections 1426, 1430, and 1452 of the Civil Code

shall also be excluded when reciprocity is not guaranteed.

(5) An examination of the legitimacy of the foreign judgment shall not take place.