



Reykjavik 8 november 2012

Chief Judge Mats Sjösten

Varberg City Court

Sweden

# Outline

- Joint Custody against a parent's will – the law and its applications in Sweden

## Chapter 6, section 5, paragraph one The Swedish Children and Parents code

- Is the child in the custody of both parents or one of them, and want either of them to get a change in custody, the court shall [according to what is best for the child], order that custody should be joint or entrusted to one of the parents.

## Chapter 6, section 5, paragraph 2 The Swedish Children and Parents code

- *In determining whether custody should be joint or entrusted to one of the parents the court shall attach particular importance to parents' ability to cooperate in matters concerning the child. The court may not order joint custody if both parents oppose it.*

## Chapter 6, section 2 a, paragraph one The Swedish Children and Parents code

- *The Child's best interests shall be conclusive for all decisions on custody, residence and contact.*

## Chapter 6, section 2 a, paragraph 2 The Swedish Parents and Children code

- *In determining what is the best for the child it shall be attached particular importance to the*
  - *the risk that the child or another family member are subjected to abuse or that the child being unlawfully abducted or retained or otherwise ill-treated, and*
  - *the child's need for a close and good contact with both parents.*

## Chapter 6, section 2 a, paragraph 3 The Swedish Children and Parents code

- *Consideration shall be given to the child's wishes with regard to the child's age and maturity.*

# Questions

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# Thank you!

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