



## RECOGNITION OF A CHILD

### AFTER A COURT DECISION DEFEATING THE LEGAL FATHER

#### General requirements:

##### *For the court decision*

Kindly address your questions regarding that procedure directly to the local Filipino authorities (the Regional Trial Court where you live) and try to seek advice from a lawyer who previously worked on a similar case (ask him to show you the decision).

Pay particular attention on the description of the PETITION: you must request the judge for judicial approval in defeating legal paternity of the husband. Indeed, we want him to confirm that husband shall not be considered as legal father (e.g. because of his physical separation from the wife, DNA not matching...).

Once the procedure is over, you will have to present :

- 1) Fully legalized and translated COURT DECISION (read carefully the information on our section LEGALIZATION).
- 2) Fully legalized and translated ENTRY OF FINAL JUDGMENT / CERTIFICATE OF FINALITY / FINAL DECREE – several possible names (read carefully the information on our section LEGALIZATION).

##### *For the recognition of the child*

Once the judge has declared that the husband shall not be considered as the legal father, leaving the possibility for the biological father to exercise his rights, you will have to present :

- 3) Fully legalized and translated Birth Certificate (read carefully the information on our section LEGALIZATION).
- 4) Fully legalized and translated notarized AFFIDAVIT OF CONSENT from the mother (read carefully the information on our section LEGALIZATION). The Embassy will provide you with a template upper request.
- 5) Copy of the passport of both parents.

## Procedure:

To be sure all conditions are fulfilled, please send the Birth Certificate, the Court Decision and the national number of the father via email at [manila@diplobel.fed.be](mailto:manila@diplobel.fed.be) for a first assessment (attachment in pdf format, no more than 8 MB by email). We will then guide you accordingly...

If you are registered with the Embassy, **submit your 5 original documents at the consular counter** (not the legalization counter) for us to build a case to be submitted to the Belgian SPF Foreign Affairs for authorization. Once received the confirmation that the file is complete and we can proceed, we will invite you to the Embassy for the signature of the act of recognition according to Belgian laws, explaining you the eventual prior requirements (payment).

Once it is signed here in Manila, the paternal filiation will be then officially established on the date of the signature. To know if the child obtains the Belgian nationality on that same date, kindly read the information on our section NATIONALITY. If so, we will proceed with the creation of the data in the national register. All documents will be kept in the child's file.

If you are still registered in Belgium, **the documents listed above must be brought in original to your municipality**. Pay attention to clearly request from the Belgian civil status officer the SIGNATURE OF AN ACT OF RECOGNITION OF PATERNAL FILIATION TOWARDS A CHILD. Because the child lives in the Philippines, that municipality isn't competent indeed for the registration of your child. You have to explain as well the same presumption of legal paternity in the Philippines and in Belgium, showing the Court Decision as a proof that it is solved already according to the Filipino laws. But don't confuse them and stick to the official establishment of the paternal filiation with legal consent of the mother.

Once it is signed there in Belgium, the paternal filiation will be then officially established on the date of the signature. To know if the child obtains the Belgian nationality on that same date, kindly read the information on our section NATIONALITY. If so, the Embassy in Manila will register and proceed with the creation of the data's in the national register provided you bring us back :

- the act of paternal recognition signed in Belgium.
- full copy of the 5 documents listed above.
- Fully filled-in, dated and signed registration form for minor signed by both parents (click on FORMS in *Quick Links*).
- Copy of the child Filipino passport.
- Residence Certificate from your barangay in the Philippines as official proof of address (full details – included zip code – to be mentioned) on the name of the child.

All documents will be kept in the child's file.

You can come to the Embassy for that registration any time during opening hours. It is not necessary to schedule an appointment. If you cannot come in person, you may send a representative with an authorization letter. The registration of a child is free of charge.