

# LEGAL ADVICE

**A Guide to  
Domestic Partnership,  
Marriage, Separation,  
Divorce and Registered Partnership**

In cooperation with the

**afz** Autonomous  
Women's Centre



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**Legal certainty:**

All information provided in this brochure is for better orientation and subject to change! It is recommended that personal legal advice be sought for specific questions.

This brochure does not replace personal legal advice!

Therefore we provide free-of-charge counselling.

Make an appointment!

Free of charge and confidential - for women, by women

Autonomous Women's Centre: 0732 / 60 22 00

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„The Women’s Office of the City of Linz provides information about separation and divorce, and assists women living in Linz with finding qualified cooperation partners. Many women feel insecure about the legal situation. The new edition of the brochure Legal advice - a Guide to Domestic Partnership, Marriage, Separation, Divorce and Registered Partnership offers an up-to-date overview of the legal framework for relations and separations.“

A handwritten signature in black ink, appearing to read 'Luger'.

**Klaus Luger**

Mayor of the state capital Linz



„The support of women in difficult circumstances is one of the diverse tasks of the Women’s Office. There is often a lack especially of competent and clear basic legal information about separation or divorce. This brochure is a guide to the current legal framework, offering not only legal information but also contacts and practical advice for women concerned enabling them to deal with the crisis.“

A handwritten signature in black ink, appearing to read 'Eva Schobesberger'.

**Mag.ª Eva Schobesberger**

City Councillor for Women’s Issues

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## Dear readers!

This brochure is a guide through the ‚legal jungle‘, offering essential information about domestic partnership, marriage and same-sex (registered) partnership. The focus, in particular, is on the legal consequences of separation, divorce and dissolution of a registered partnership.

The last edition from 2013 already explained the changes the amending Act 2013 on Children and Name Change brought. This edition focuses on what has changed in custody and contact rights, and gives an insight into future changes caused by the inheritance law reform 2017. NEW: chapter 2 is dedicated to the voluntary pension splitting among parents.

The short overview offers an insight into the topics marriage and family law and offers answers to questions such as What are my entitlements? What matters? Can I actually ‚afford‘ to get divorced? ! points out frequently asked questions as well as incorrect legal information. Please note that this brochure does not, and does not try, to replace personal legal advice!

We hope to provide you an insight into your rights and obligations with this guide.

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#### **Consultations by prior telephone appointment!**

accessibility by phone:

Mon - Fri 9 am – 12 noon,

Thu 1 pm – 4 pm



Online counselling: [www.frauenzentrum.at](http://www.frauenzentrum.at)

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# 1 DOMESTIC PARTNERSHIP

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Austrian law offers no general legal definition of domestic partnership. Case law defines a domestic partnership as a long-term quasi-marital community based on a shared living arrangement, sexual and economic partnership. Austrian law usually refers to the domestic partnership of heterosexual couples, some domestic partnership-specific terms, however, are now also applied to homosexual partners.

With the coming into force of the federal law on registered partnership<sup>1</sup> (Registered Partnership Act, known in German as Eingetragene Partnerschaft-Gesetz – EPG) on 1 January 2010, same-sex partners can register their partnership. The legal effect of the registered partnership goes far beyond a mere domestic partnership, and is a legal marriage-like framework for same-sex partners (for more information about registered partnership go to page 31ff).

By contrast, a domestic partnership has a poor legal foundation. Therefore, a partnership contract can help to define to a certain extent property and maintenance rights. This is essential if, for instance, the partners build a house together or buy an apartment. An agreement, nevertheless, is also recommended when one partner (in most cases the woman!) stops working or reduces working hours (part-time job) in order to care for the children.

Without such an agreement, the partner managing the household is not entitled to spouse maintenance.

**Tip:** find more information about the voluntary pension splitting, also for non-married parents, on page 11.

There is currently no legal inheritance law for partners. On 1 January 2017, a regulation came into force which defines an extraordinary inheritance law for partners. The partner, therefore, has the right to inherit in case

- there are no legal heirs such as children, spouses, registered partners, parents or siblings and

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<sup>1</sup> In Austrian Law, the term ‚eingetragene Partnerschaft‘ (called registered partnership in English) is defined by the ‚Eingetragene Partnerschaft- Gesetz – EPG‘, the Registered Partnership Act. The term refers to women as well as men.

# DOMESTIC PARTNERSHIP

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- the partner has been living with the spouse in the common household for three years before its death (unless a common household was not possible for serious reasons, e.g., health issues).

**Tip:** Partners living in a domestic partnership should make private financial provisions in case of death. It is therefore advisable to take out life insurance and endowment insurance in addition to the testament.

## Which are the legal provisions for a domestic partnership?

- ➔ for more information about the custody of children of unmarried parents go to page 20ff
- ➔ Artificial insemination in a domestic partnership  
(§ 2 Reproductive Medicine Law Amendment Act 2015 – FMedRÄG 2015)
- ➔ Tenancy law specifies inheritance by right of representation after death of the partner. Requirements are that the partners moved together to the accommodation or lived there together for at least three years. This law also applies to same-sex partners.
- ➔ Since 2002 the purchase of common residential accommodation is also allowed for non-married couples (whether they be homosexual or heterosexual) under the Residential Accommodation Act. Law assumes a fixed 50:50 quota.

**Tip:** If partners split financing differently (e.g. 20:80), it is recommended to sign an additional contract regulating the actual division share to avoid later disputes in case of separation or death.

- ➔ The Austrian General Social Insurance Act ASVG lays down provisions for a co-insurance of the partner, if the partners have had a common household for at least ten months, and the partner to be co-insured has run the household ever since without payment. Co-insurance is also possible for same-sex couples.

Co-insurance is free of charge if the co-insured person is caring for one or several under-age children living in the same household at this point of time, or used to care for a child for at least four years. Please contact your health insurance for further information!



# DOMESTIC PARTNERSHIP

- ➔ In line with the Act on Unemployment Insurance, the partner who is not working can receive a family bonus on top of the paid unemployment benefit. Please contact the AMS (Public Employment Service) for further information!
- ➔ The income of the partner is credited to the income limit for emergency assistance, which often means that it is not granted.

**Tip:** It is still recommended to apply for it as the emergency assistance application is considered a free-of-charge continued pension insurance.

- ➔ In criminal proceedings the partner has the right to refuse to make a statement. This also applies even after the end of the domestic partnership. Since 2010 the same applies to the statement of witness in civil proceedings.
- ➔ Inheritance law: for more information about the extraordinary inheritance law for partners see page 7.

## **Basic principles of the compensation of services after dissolution of a domestic partnership**

As opposed to divorce, there are no specific regulations for the division of property or the compensation for mutual claims in case of dissolution of a domestic partnership. The division of property and compensation of services in a domestic partnership is therefore a civil matter. That applies irrespective of whether the partnership to be dissolved may be homosexual or heterosexual.

When the relationship ends and no contractual arrangement of property rights exists, it is usually the person that can provide evidence of positions and contributions who is better off in the end. The owner is the one who purchased the object. The tenant is the one who is indicated in the rental contract - the other person must move out. Anyone who is not mentioned in the rental contract may only take over the apartment if agreed by the landlord.

The maintenance of the household cannot be claimed after the separation of the domestic partners. Law considers this a favour whose purpose is fulfilled and thus cannot be claimed. A claim is only possible with an employment contract.

Therefore everyday life expenses (food, rent, utility costs, and even vacation costs) are not compensated for after separation.

# DOMESTIC PARTNERSHIP

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If, for instance, the running costs were borne predominantly by one partner, and the other one invested the money mainly in a house, the person bearing the running costs cannot claim compensation in case of a separation.

**Tip:** Make sure to divide running costs evenly during the domestic partnership!

## What can be claimed in case of separation?

If one partner invested money in the construction of a house which belongs to the other one, the money can only be claimed by the non-owner with written evidence. It is therefore recommended never to pay cash, but to transfer the money and to clearly indicate the purpose. If one partner (physically) helps to construct a house which is owned by the other one, only the minimum salary as regulated by the collective agreement can be claimed for the work.

**Tip:** It is recommended to stipulate the entitlement to compensation by contract in case of separation.

**Note:** If one partner is the only owner of the house or apartment, then the other one does not participate in the appreciation of the property. Only invested money and work can be claimed

- ❗ Matrimonial law does not apply here - even not if the domestic partnership was three, five or ten years long. Even after a certain period, a domestic partnership does not have the same status as marriage.
- ❗ Therefore protective family laws are not applied, as the division of marital property of daily use of the matrimonial home after a divorce!
- ❗ The possibility of a voluntary pension splitting is also provided for non-married parents (see page 11)!

## 2 TIP: PENSION SPLITTING BETWEEN PARENTS

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The voluntary pension splitting was introduced in 2005 for parents aiming to balance or at least ease the loss of pension rights for the years spent with children. Married as well as non-married parents can choose pension splitting, independent on whether they live in the same household.

Each parent who works and does not care predominantly for the child can transfer up to 50% of the pension credits acquired so far to the pension account of the parent that cares (predominantly) for the child. This applies to the first four years after the birth of the child (five years in case of multiple birth).

**NEW:** The Austrian Federal Government is currently discussing pension reforms which could result in an increase of pension splitting years, which remains voluntary, from four to seven years. The reform could also result in a splitting for a maximum period of 14 years (for all children together).

**NOTE:** There was still no draft legislation regarding the pension reform the day the new edition of the legal advice brochure was published!

Even with pension splitting, however, contributions can never be higher than the highest annual contribution basis. Pension credits which were not acquired through employment cannot be transferred. This includes unemployment benefit.

**IMPORTANT:** The application for pension splitting must be filed at the Pension Insurance Institution of the transferring parent at most until the child has reached its 7th birthday.

# 3 MATRIMONIAL LAW

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## 3.1. MARRIAGE

Marriage is founded by a mutually binding contract between two individuals of different sex. Spouses are obliged to a comprehensive partnership, to live together, as well as to faithfulness, respectful treatment and to assist each other.

The obligation to provide support includes the mutual obligation to offer each other psychological and physical support in difficult situations in life, such as illness, financial and professional problems.

Furthermore, it obliges the stepparent to assist the spouse in providing custody of their children in a reasonable manner.

The spouses shall mutually arrange their matrimony, in particular the housekeeping, the earning of a living and care for the children, with consideration for each other and with the aim of a full balance of their contributions (known as ‚Gleichbeteiligungsgrundsatz‘ in German).

Couples often disagree especially when it comes to the maintenance of the household. It is generally the obligation of the spouse who is not working to manage the household. The other partner is obliged to support. However, it must be considered, on the one hand, to which extent it is feasible to provide support in addition to a full-time job for the working partner, and, on the other hand, the burdens of household maintenance and childcare for the stay-at-home partner.

**!** Personal situations and the occupational stress are always to be considered. If both work, they must find an agreement.

# MATRIMONIAL LAW

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## **DIGRESSION: Law of names**

The amending Act 2013 on Children and Name Change allows for children (and thus whole families) to have a double name derived from both surnames of the parents. Spouses may choose a common surname: either one of their names, or the spouse can put its own surname before or after the common surname.

What is new is that the surnames of both spouses may be chosen as a hyphenated double name. They are allowed to, altogether, use two parts of these names. The partners must agree on the sequence of the names.

If they don't determine a common family name, they keep their previous surnames. The new law of names came into force on 1 April 2013. Already married couples have the chance to change their family names since 1 September 2013. This also applies to children who were born before 1 April 2013.

The child's family name is generally to be determined by agreement by the parents who are both entrusted with custody. In case the parents don't agree on a family name or no family name is determined for the child, it will have the surname of the mother. If one parent is solely entrusted with custody, this parent has the right to define the name.

# MATRIMONIAL LAW

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## 3.2. SEPARATION

Separation means dissolution of the joint household. Marriage, though, is still valid. The separation can be done by consent, but if there is no consent, moving out from the matrimonial home can be a severe matrimonial offence, and cause of divorce as it may be seen as unfounded and malicious abandonment.

**Tip:** Spouses can make a separation agreement. This protects from the accusation of unfounded and malicious abandonment at a later divorce procedure. The agreement may also specify in whose household a child shall mainly be taken care of after separation. In addition, maintenance claims (of spouses and children) as well as rights of contact with the children may be regulated in the agreement.

### 3.2.1. TEMPORARILY SEPARATED HOUSING

The temporarily separated housing in accordance with § 92, sect. 2, of the Austrian General Civil Code (ABGB/Allgemeines Bürgerliches Gesetzbuch) is a provisional conflict resolution. The prerequisite is that a further co-existence with the partner is unreasonable, e.g. due to dangerous threat, assault or violence.

According to the case-law, a psychological impairment after living with the spouse in the same place is only a strong reason for a temporarily separated housing if there is a threat of permanent damage to health with pathological significance. Other important personal reasons are alcoholism and adulterous relationships in the matrimonial home if there is the risk of permanent health damage if staying there.

The application for separated housing can be filed at the local responsible district court. The court does not only judge the behaviour in the past, but also the current and ongoing behaviour, considering the effect of the whole situation on the family as well as the welfare of the child.

**!** **Note:** An application for separated housing does not result in the approval of leaving the matrimonial home for good. The court can only agree to a temporary move.

# MATRIMONIAL LAW

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## 3.3. TYPES OF DIVORCE

### 3.3.1. DIVORCE BY CONSENT (§ 55a MATRIMONIAL LAW)

This type of divorce requires that the domestic partnership between the spouses has been dissolved for a minimum period of six months and that the marriage has broken down irretrievably. The dissolution of the domestic partnership does (not) only mean that the partners are living in different homes, but also that they don't exercise their conjugal rights and obligations (see page 12). In other words, the spouses live their lives independently from each other.

It also requires that the married couple has agreed on the consequences of the divorce such as:

- ➔ **Custody and common place of habitual residence of joint under-age children**
- ➔ **Contact regulation for the parent who does not mainly care for the child**
- ➔ **Maintenance for children**
- ➔ **Maintenance for spouses**
- ➔ **Division of the marital property of daily use, the marital savings and debts**

The married couple must submit together an application for divorce by consent at the responsible district court (previous common residence). In most district courts consultations are only possible by prior appointment.

Please contact the service point of the Regional Court Linz (Tel. 05/760121–12300). Telephone appointments from Monday to Friday 13:00 - 15:30.

The divorce agreement can be submitted at court in written or oral form.

Prior to divorce by consent, parents must confirm at court that they „received counselling regarding the specific needs of minors resulting from a divorce by a suitable person or institution“. This is also known as ‚Elternberatung‘ (parent counselling) and required by § 95 sect. 1a Außerstreitgesetz (Noncontentious Proceedings Act) since 1 February 2013.

**Important!** It is not possible anymore to get divorced by consent without prior parent counselling. Courts usually demand confirmation of counselling.

# MATRIMONIAL LAW

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The Federal Ministry ([www.justiz.gv.at](http://www.justiz.gv.at)) provides an online list of organizations and individuals who deem themselves suitable to offer parent counselling required by § 95 sect. 1a Außerstreitgesetz.

A divorce court hearing is usually determined four to six weeks after application. The hearing offers the chance to submit the consequences of divorce agreement orally or to discuss, correct or add points to agreements which were submitted in writing. Both spouses are asked if they actually want to get divorced. If they confirm their wishes, the divorce is pronounced and legally binding after a time for appeal of fourteen days. The divorce application can still be withdrawn until the end of this term.

In case the divorce agreement was submitted in writing, the parties have the right to waive the right to appeal and the divorce is immediately legally binding. In this case, however, the divorce application cannot be withdrawn anymore at a later time.

**Tip:** If the married couple wants to get divorced by consent, but is unable to agree on the consequences of divorce, DIVORCE MEDIATION may help to solve the conflict. At first, two independent mediators (a lawyer and a psychologist) develop a mutual consequences of divorce agreement together with the couple. This serves as a basis for the divorce agreement at court.

Mediation requires free will of both parties and full financial disclosure in a fair way.

**!** In most cases, divorce by consent may be the fastest and cheapest way to get divorced, but not always an advantage.

Careful when considering a waiver of maintenance, as this can result in the loss of social benefits!

Therefore, a personal consultation in advance is highly recommended!

## 3.3.2. FAULT-BASED DIVORCE (§ 49 MATRIMONIAL LAW)

A spouse can petition for divorce if the marriage has broken down so irretrievably as the result of a serious matrimonial offence on the part of the other that restoration of the marriage cannot be expected. The petition can be filed within six months after knowledge of the matrimonial offence which resulted or contributed to the breakdown at the responsible district court.



# MATRIMONIAL LAW

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## **Possible matrimonial offences:**

Unfounded/malicious abandonment of the matrimonial home, unfaithfulness, extra-marital relationship, alcohol abuse, violence or abuse (of the partner or the children), humiliation and insults, violation of the obligation of maintenance, lack of interest in spending free time together, etc.

Law speaks of an irretrievable breakdown of marriage when there is no mental, emotional and physical unity between the married couple. This, nevertheless, can apply to one spouse only, in particular when the defendant acted culpably such that the petitioner cannot stay married whatsoever.

Example: The father abuses the daughter - the mother petitions for divorce. The petitioner must give evidence of the alleged matrimonial offences. There is the chance that the defendant submits a counterclaim, accusing in turn the partner of a matrimonial offence. Court has the obligation to judge the total behaviour of the parties, if necessary, during a period of even more than six months.

**!** The fault-based divorce still exists! Unfaithfulness, physical violence and infliction of serious emotional suffering are severe matrimonial offences! Fault is an essential criterion for maintenance claims for spouses and compensation for divorce procedure fees (more information under Refund on page 38).

### **3.3.3. DIVORCE BECAUSE OF DISSOLUTION OF THE JOINT HOUSEHOLD AFTER THREE YEARS (§ 55 MATRIMONIAL LAW)**

The joint household is dissolved when the spouses have no shared living arrangement, sexual or economic partnership.

If the couple has been living apart for at least three years, either spouse may petition for divorce on the grounds that the marriage has broken down irretrievably. For this kind of divorce, fault is secondary.

#### **Defendant's right of objection:**

The defendant can demand at court that the petition for divorce is rejected in case the petitioner is responsible for the breakdown (f.ex. unfounded abandonment of the matrimonial home), AND if a divorce would impact the defendant more severely than the petitioner in case of continuation of the marriage.

# MATRIMONIAL LAW

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Possible reasons are the financial situation or illness. The court must consider these reasons, as well as age, health of the spouses and duration of the marriage.

In reality, actually, only especially severe cases are rejected. In either case, the petition for divorce must be approved after six years of separation.

! This type of divorce is supposed to protect especially those women who have been working part-time or not at all for a long time as they were responsible for maintenance of the household and childcare, and are therefore entitled only to a small pension AND depend fully on WIDOW'S BENEFIT. If one spouse depends on the pension and was abandoned, he or she should by no means petition for divorce to avoid a reason which may lead to divorce!

## **During the procedure, there are two crucial steps for the defendant:**

The defendant has to file an application such that

1. the petitioner (only or mainly) is at fault for the breakdown of the marriage (fault application, known in German as ‚Verschuldensantrag‘)
2. fault according to § 61 sect. 3 EheG (matrimonial law) is pronounced.

If the court comes to such a decision, the defendant has the same rights to alimony as during marriage. As a result, court does not check after divorce if the spouse entitled to alimony is capable of working. When the person liable to provide maintenance deceases, the widow's or widower's benefit is not calculated based on the alimony paid until the end or defined in the divorce agreement, but following the ‚40% to 60% method‘ as its the case for marriages.

Please contact the responsible Pension Insurance Institution PVA for further information!

This privileged form of maintenance and pension law is applied in case:

- ➔ the marriage lasted for at least 15 years AND
  - ➔ the entitled person was at least 40 years old when the divorce decree came into force
- OR is unable to work
- OR one legitimate common child is entitled to orphan's benefit.

# MATRIMONIAL LAW

FOR EXAMPLE:

**Normal fault-based divorce (§ 49 EheG) / Divorce by consent:**

*A divorced woman receives a monthly maintenance of 150 Euros. This is the amount the PVA uses to calculate the widow's benefit in case the person liable to provide maintenance deceases.*

**Divorce after a (minimum) 3-year separation. In the divorce decree, the husband is stated as the guilty party (§ 55 sect. 1 iVm. § 61 sect. 3 EheG):**

*The woman receives a monthly maintenance of 150 Euros. The husband deceases. The PVA uses the '40% to 60% method' to calculate the widow's benefit when the person liable to provide maintenance deceases (widow's or widower's benefit = 40% to 60% of the pension entitlement of the deceased spouse).*

**! This applies to all types of divorce:**

- ➔ It is not obligatory to have a lawyer in the first instance, but it is advisable to be represented by a lawyer, as people often underestimate the financial effects of a divorce.
- ➔ The case falls within the competence of the district court at the (previous) common place of habitual residence.
- ➔ Applications and petitions can be submitted on the district court day (every Tuesday from 8 am to 12 noon) at the responsible family judge. Appointments at some courts only by prior telephone appointment: Tel.: 05/760121 – 12300.
- ➔ Only because a couple lives apart from each other for several years, it is not automatically divorced. Divorce requires a decree/settlement - and is only implemented after application or petition at court!

# MATRIMONIAL LAW

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## 3.4. DIVORCE ISSUES

### 3.4.1. CHILDREN AND CUSTODY IN GENERAL

This includes:

**CARE:** Maintenance of health and physical welfare as well as actual parental control.

**EDUCATION:** Development of physical, intellectual, mental and moral strengths; promotion of aptitudes and capabilities, education, etc.

**ASSET MANAGEMENT:** if, for instance, the child has an accident and receives damages for pain, then the money must be invested and increased in the best possible way.

**LEGAL REPRESENTATION :** REPRESENTATION in the above mentioned and other matters of the under-age child.

#### **Children with married parents:**

During marriage both parents are entrusted with custody for their children = shared custody. Generally, each parent can make decisions for the child independent from the other one, and has the right to represent the child even if the other parent does not agree.

*Examples: registration for kindergarten, school, sign exams, write excuse if the child misses classes, etc.*

**!** Parents are requested to take decisions together.

There are nevertheless acts of representation which require the agreement of both parents, *for instance change of religion, early interruption of an apprenticeship, change of name (no clear legal framework).*

The parents have to consider the child's wish in matters of care and education. But that also depends on what the under-age child wants and if it is able to reason.

*Example: a thirteen year old girl prefers playing football instead of playing the violin - this wish has to be considered.*

Emancipated minors (from 14 years of age) can independently submit applications for care, education and contact rights at the responsible guardianship court.

# MATRIMONIAL LAW

*Examples: the child wants to visit a certain high school, the parents disagree. The child doesn't want to live any longer with the mother, but move to the father's apartment instead. The child doesn't want to be visited by the other parent anymore.*

*Parental custody extinguishes on coming of age of the child, hence when it turns 18.*

## **Children whose parents are not married when they are born:**

- ➔ Legally, the mother is solely entrusted with custody - even if she lives together with the father of the child. Parents, nevertheless, can agree on shared custody (see below).
- ➔ The recognition of paternity is a prerequisite for all financial claims of the child against the father (f.ex. maintenance for children).
- ➔ Children whose parents are not married have the same legal rights as legitimate children and have the same legal relationship with their parents. That means that the child has a right to maintenance, contact rights, heritage, dowry, etc. Since 1 April 2013, unmarried parents can choose a common family name for the child.

**!** **NEW:** Since 1 February 2013, unmarried parents can choose shared custody the civil registry office. Requirements are that they are both present and make a personal statement. The registrar is obliged to explain the parents the legal effects. The declarations of both parents must coincide. After a period of eight weeks, during which each parent can withdraw its statement without giving any reason, shared custody is legally binding. In doing so, a court proceeding is not required. Shared custody, nevertheless, can still be determined in court.

Parents who don't live in a joint household, must stipulate one parent who cares predominantly for the child.

## **3.4.2. CUSTODY IN CASE OF SEPARATION / DIVORCE**

The fact that parents separate during marriage and the child lives mainly with the father or the mother does not change shared custody. At the end of the domestic partnership, however, the parents must inform court within a reasonable period of time with whom the child will mainly live (**domicile parent**). The other parent has a right to have reasonable personal contact with the child.

# MATRIMONIAL LAW

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**Divorce** generally has no influence on shared custody, unless the parents agree on or court solely entrusts one parent with custody. If the parents wish to maintain shared custody after divorce, they need to agree at court with whom the child will mainly live (domicile parent).

In case of **dissolution of a domestic partnership** and shared custody, shared custody still applies (as is the case with divorce). Parents must present an agreement at court defining which parent is mainly responsible for the child's care in his household after separation.

It is generally the domicile parent who has exclusive rights to determine the child's place of residence. In case of a move, however, the other parent must be informed in advance and get the chance to voice an opinion. If the move would endanger the child's welfare, the court can prohibit the move.

Since 1 February 2013, stepparents and other major relatives (f.ex. adult stepbrothers and stepsisters) living in the same household with the parent who has custody are obliged to protect the welfare of the child. These persons also have a right of representation, which means that they can represent the parent who has custody in matters of daily life to the extent this is required by circumstances. *Examples: excuse the stepchild from PE or picking it up from kindergarten.*

In order to protect and safeguard the welfare of the child, it is possible to apply at family court for the transfer of sole custody both during marriage and after separation of marriage or domestic partnership.

*Example: The mother moves out because the husband was violent, so she can apply for sole custody even though they are married.*

A parent who is not entrusted with custody always has a right to information, to raise an opinion as well as child visiting rights.

## **MODIFICATION OF CUSTODY:**

A legal custody procedure is necessary when the parents don't inform court within a reasonable period after divorce or separation about custody agreements or with whom the child will mainly live (domicile parent), but also if one parent applies for the transfer of sole custody to him or her or for a contribution to custody (shared custody).

# MATRIMONIAL LAW

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A legal custody procedure is necessary when the parents don't inform court within a reasonable period after divorce or separation about custody agreements or with whom the child will mainly live (domicile parent), but also if one parent applies for the transfer of sole custody to him or her or for a contribution to custody (shared custody).

Court can provide a so-called period of the interim parental responsibility of at least 6 months. During this test period, the present custody determination is maintained. The court instructs a parent to predominantly provide for the child's care and provides for a sufficient right of contact for the other parent such that the person is also able to take care of the child and its education. After expiration of this term (which can also be increased), the court provides a definitive determination of custody and defines which parent is mainly responsible for the upbringing of the child.

This decision is exclusively based on the welfare of the child. But it is also essential that the parent can still care for the child, and is also capable to do so. It is also important if the parent has acted responsibly so far, and if alimony was paid.

If custody is definitely determined, each parent, to the extent the circumstances have materially changed, may apply for a new determination of custody regulation at court.

**IMPORTANT:** The domicile parent generally has the right to determine the child's residence. As long as there is no decision on custody, it is only allowed to move abroad if the other parent agrees or court approves.

**!** In order not to come into conflict with the Convention on the Civil Aspects of International Child Abduction<sup>2</sup>, it is recommended in case of shared custody to obtain consent from the other parent if you are interested in moving abroad with the child.

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<sup>2</sup> The object of the Hague Convention on the Civil Aspects of International Child Abduction (CCAICA) is to secure the prompt return of children wrongfully removed to or retained in any Contracting State.

# MATRIMONIAL LAW

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## 3.4.3. CONTACT RIGHTS

The personal contact between the parent who does not mainly care for the child and the child serves the development of a stable relationship between parent and child.

Contact rights include the DUE GOVERNANCE CLAUSE. Both parents should avoid making offensive statements about or set the child against the other parent. The parent who does mainly care for the child should support its relationship with the other parent instead of influencing it in a negative manner.

Parents can actually also agree on contact rights between themselves, thus independently from authorities or courts. But as they are often unwilling to talk to each other, a written agreement at the youth welfare office or court is necessary. An application for court arrangement of contact rights can be submitted at the responsible family court (district court of the place of habitual residence of the child).

Contact right regulations are reversible, for example if the well-being of the child is compromised.

Contact rights are stipulated for each case and in the best interest of the child based on its age and the quality of the relation with the parents, as well as the job situations and geographical distance.

### **Contact rights principles:**

Small children up to two or three years should see the other parent at short intervals, but during a shorter period. For example, twice a week, each time 2 to 3 hours. If the child also has a good relation with that parent, overnight stays are possible or can be prepared.

The older the child, the longer the intervals between and duration of the visits. If the parent has the right to see the child every 14 days on the weekend, the parent should get an extra day during the week (at least the one without weekend visit) in order to play a part in the child's everyday life.

If the child goes to school, visits usually take place every 14 days (often Friday afternoon till Sunday evening) - with an extra visit during the week.



# MATRIMONIAL LAW

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Either way, visiting rights should also be arranged for school and public holidays (Christmas, Easter, semester and summer break) as well as on the child's birthday.

To guarantee the welfare of the child, contacts shall include as far as possible leisure time (weekends) as well as the child's daily care (caring for the child in everyday life, like bringing the child to bed for a afternoon nap and to school during the week, do homework together), giving the parent with contact rights the chance to take responsibility and educate the child. This can also ease the burden on the parent caring for the child!

Grandparents also have visiting rights, as long as they don't disturb the parents' family life and relationship with the child. Third parties to whom the child relates most closely, such as half-brothers and sisters and ex-partners of the parents, also have a right to personal contact if they are emotionally attached to the child and a contact would be beneficial to the welfare of the child.

- ! With the new law related to parent and child, the child's right to personal contact can be enforced even if the parent is not interested in seeing him or her, provided that this is in the best interest of the child.
- ! If the parent who is liable to provide maintenance fails to do so, he or she in general does not lose contact rights. But in the future custody procedures will be decided, among others, based on the regular payment of alimony.

## **New procedure regulations:**

In especially difficult custody and contact right cases, children up to 13 years of age are entitled to a support who is their person of contact and speaks on behalf of them at court. This service was established in 2010.

Based on the new law related to parent and child, since 1 February 2013, families can receive additional support in order to ease conflicts and accelerate family law procedures. The family court assistance is often offered by court: social education workers and psychologists accompany and support families during the legal procedure and try to reach a mutual agreement.

Court can appoint mediators to monitor the implementation of the contact regulation. They accompany the pick-up and return of the child at visits to make sure they are done properly, and support parents in reaching a mutual agreement.

# MATRIMONIAL LAW

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## 3.4.4. MAINTENANCE FOR CHILDREN (ALIMONY)

Maintenance for children serves to fully cover the needs of the child. This includes food, clothing, medical care, shared accommodation costs, education and spare-time activities, just to mention a few.

Each parent who does not care predominantly for the child in the household is obliged to pay maintenance. The parent who educates, looks after and takes care of the child (known as domicile parent) contributes to maintenance by payment in kind. Care includes, among others, accommodation, personal hygiene, preparation of food, cleaning of the clothes, supervision and care during illness.

Upon separation or divorce, maintenance can be claimed at the responsible youth welfare office or at court (judicial assistant) by application for determination of child support payments. Children coming of age who are not self-dependent have a right to claim maintenance themselves.

Maintenance for children is calculated based on a certain percentage of the average net income of the parent liable to provide maintenance (special payments are divided equally over twelve months = monthly net income x 14 : 12).

0 – 6 years	16%	10 – 15 years	20%
6 – 10 years	18%	from 15 years of age	22%

Possible obligations of the person liable to provide maintenance for other children must be considered. There is a 1% deduction for every other child under the age of 10, 2% for every child over the age of 10. Obligation of maintenance for (ex-) spouses is to be considered with 0 to 3%.

Extraordinary, urgent expenses may require special payments which exceed monthly maintenance. Special payments which are necessary for the child's existence generally must be made, however, evidence of the costs is always required.

SPECIAL PAYMENTS FOR: braces and dental treatments, health care costs, for instance logopaedic treatment or physio therapy.

NO SPECIAL PAYMENTS FOR: kindergarten costs, skiing class or equipment, private school fees (unless the parent liable to provide maintenance agrees).

# MATRIMONIAL LAW

Dependent on the taxable income of the person liable to provide maintenance, family allowance is considered in the calculation of maintenance payments and possibly reduces them. This depends not only on the taxable income level but also the level of maintenance payments.

**Tip:** Access [www.jugendwohlfahrt.at](http://www.jugendwohlfahrt.at) - Werkzeuge, - Familienbeihilfenrechner for calculation (German only).

**For specific questions about maintenance for children, we recommend a personal consultation!**

for instance, about obligation of maintenance during

- ➔ military or community service
- ➔ voluntary social year
- ➔ university or technical college studies
- ➔ apprenticeship

## 3.4.5. MAINTENANCE FOR SPOUSES

Spousal maintenance is possible both during marriage and after separation/divorce.

For gainfully employed persons, maintenance is calculated based on the average net income, including extra working hours, tips and investment income (for instance from rents). Special payments (13th and 14th salary) are fully taken into account.

The salary of self-employed persons is calculated based on the company's average net profit (after deduction of taxes and duties) of the last three business years. If personal drawings, however, exceed the profit, it must be assumed that personal drawings are the case (f.ex. cash drawings, private use of the company car).

**Calculation based on the percentage value:**

- ➔ If one spouse has no income (f.ex. because the person is responsible for child-care), maintenance is calculated with 33% of the person's income liable to provide maintenance (simplified calculation: monthly net income x 14 : 12, plus any other income). There is a 4% deduction for every other child entitled to maintenance.

# MATRIMONIAL LAW

*Example: housewife with two children, man has a net income of 1400 Euros x 14: 12 = 1633 Euros x 25% (33% – 8%) = 408 Euros maintenance for the spouse.*

➔ If both have an income, the additional maintenance corresponds to 40% of the overall income, minus the own income of the person entitled to maintenance. Other obligations of maintenance are to be considered.

*Example: The woman has a net income of 800 Euros, the man has a net income of 1400 Euros, they have two children entitled to maintenance:*

*1.400 Euros x 14: 12 = 1.633 Euros*

*800 Euros x 14: 12 = 933 Euros*

*Family income 2.566 Euros x 32% (40% – 8%) = 821 Euros  
minus the own income of the woman 933 Euros*

*The woman is therefore not entitled to maintenance.*

❗ Spouses are generally entitled to maintenance during marriage. After divorce, there is only a right to maintenance if the other one was only or mainly at fault for the divorce (see below for exceptions).

❗ Even in case of a divorce by consent, the spouses can agree on maintenance (even if no party is mainly responsible for the separation).

There is, however, also the possibility of maintenance independent of fault, such that even the spouse at fault for the breakdown of the marriage is entitled to maintenance. This requires that the married couple organized its married life by mutual consent. Maintenance is calculated based on specific needs.

**Legislation mentions two case groups, which are explained here as an example:**

1) In agreement with the man, the woman stops working in order to take care of the children. At the time of divorce, she takes care of their two-year-old child. ->She is entitled to temporary spouse maintenance until the child turns five.

2) In agreement with the man, the woman doesn't work anymore after the child is born until the children move out. She is 48 years old when they get divorced. Due to a lack of work. experience and training, and because of her age, she has no sufficient employment opportunities at that moment. -> She is entitled to temporary spouse maintenance, limited to 3 years for the time being.

# MATRIMONIAL LAW

- ❗ Spouse maintenance after divorce does not cover health insurance. Comprehensive self-insurance must be applied for within six weeks after divorce is legally binding, otherwise a waiting period of three months must be expected.
- ❗ The person is only entitled to maintenance after divorce as long as he or she does not marry again or enters into a registered partnership (see page 31ff). If the person enters a new domestic partnership, he or she is no longer (or temporarily not) entitled to maintenance.

## 3.4.6. DIVISION OF THE MARITAL PROPERTY OF DAILY USE, THE MARITAL SAVINGS AND DEBTS

Included in the division is:

### **Marital property of daily use:**

Movable and immovable property such as household equipment (furniture, etc.) and the matrimonial home.

### **Marital savings:**

Assets of any kind intended for realisation.

*For example: savings, building savings deposits, severance pay and life insurance claims acquired during marriage. Pension schemes are generally not divided.*

### **Debts:**

Debts that are connected with the marital life expenditure, the marital property of daily use or the marital savings are to be estimated in the division.

Asset values brought into the marriage (properties, house or apartment) and inheritances are generally excluded. Anything which was gifted by a third party is only included in the division if it was given to both spouses. Donations from relatives (f.ex. parents) in doubt go to the spouse who is rather related to the presenter.

Excluded from the division are objects which were purchased with assets that a spouse brought into the marriage, inherited or which he/she received as a gift from a third party (surrogate) as long as the surrogate can be clearly defined. An increase in value of objects

# MATRIMONIAL LAW

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which are excluded from division (investment in a house inherited by the spouse) - as well as profit from these objects are only included in the division if the profit was gained with help of the other spouse (f.ex. increase in value of an owner-occupied flat gained through investment during marriage).

As soon as divorce is legally binding, both parties can apply at court for a division of assets within one year, provided a division (by mutual agreement) has not been realised so far.

## **Limitation of liability in case of debts:**

If both spouses are liable as principal debtors for a credit, the contract can be changed by court decision such that one spouse is obliged to pay as main debtor and the other one turns deficiency guarantor. The creditor (f.ex. the bank) can only approach the guarantor if distraint has been carried out unsuccessfully on the main debtor or is hopeless right from the beginning.

The modified contract limits liability, but the deficiency guarantor still runs the risk that he/she has to pay.

If someone applies for limitation of liability at court, the court has to send the decision to the bank, which in turn has to change the contract.

# 4 REGISTERED PARTNERSHIP

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## 4.1. REASONING AND LEGAL EFFECTS

The registered partnership<sup>3</sup> is a lasting domestic partnership with mutual rights and obligations, as is the case with marriage. It is founded by a mutually binding contract between two adults of the same sex. This contract must be registered at the local responsible district administration authority. Requirements are that the partners are both present and make a personal statement.

Registered partners are obliged to a comprehensive domestic partnership and a relationship built on trust, to live together, respectful treatment and to provide support.

As in marriage, the partners shall mutually arrange their registered partnership, in particular housekeeping and earning of a living with a full balance of their contributions (known as ‚Gleichbeteiligungsgrundsatz‘ in German).

Registered partners usually keep their names but they can apply for a name change. It is possible to take the surname of the partner or that both partners choose a double name. Name changes are in the responsibility of the district administration authority.

### **Registered partnership and children**

The amending Act 2013 on Adoption made it possible for same-sex couples to adopt the biological child of the partner (known as **stepchild adoption**).

Since 1 January 2016 same-sex couples also have the right to adopt other children (who are not the child of one or another). This means that heterosexual and homosexual couples have the same legal prerequisites to adopt a child. **Artificial insemination** is also possible in a registered partnership.

Regardless if the partners adopt a (step)child or not, registered partners are obliged to act in the best interest of the children of the partner living in the same household, and thus to assist

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<sup>3</sup> The term ‚registered partnership‘ is a legal term which is within the law and will therefore be used like that. The term partnership refers both to men and women (see FN1)..

# REGISTERED PARTNERSHIP

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the partner in providing custody as good as possible (assistance obligation). Legal effects of the registered partnership are generally the same as of marriage. This includes for instance:

- ➔ Maintenance for the partner managing the household during the partnership
- ➔ Labour and employment law, social insurance law
- ➔ Tax law
- ➔ Asylum and immigration law
- ➔ Inheritance law
- ➔ Pension for surviving dependents (also known as widow's/widower's benefit)

## 4.2. SEPARATION / DISSOLUTION OF THE REGISTERED PARTNERSHIP

Registered partners<sup>3</sup> are obliged to live together, as is the case with marriage. For more information about separation agreements and separated housing as co-existence with the partner is unreasonable, go to page 14. Unless the registered partnership is dissolved as one partner has died, dissolution requires a decision by court.

The different possibilities to dissolve a registered partnership are the same as of marriage:

### ➔ **Dissolution by consent (§ 15 sect. 5 EPG):**

Requires that the domestic partnership has been dissolved for a minimum period of six months, and that both partners agree that the partnership has broken down irretrievably. Dissolution must be applied for together at court! It also requires that registered partners agree on the effects of maintenance and property rights

### ➔ **Fault-based dissolution (§ 15 sect. 1 EPG):**

The dissolution of the registered partnership can be claimed at court if it has broken down irretrievably as the result of a serious fault on the part of the defendant (compare fault-based divorce on page 16).



# REGISTERED PARTNERSHIP

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➔ **Dissolution because of termination of the joint household after three years (§ 15 sect. 3 EPG):**

If the couple has been living apart for at least three years, either partner may claim dissolution on the grounds that the partnership has broken down irretrievably.

As opposed to matrimonial law, the defendant has no right of objection, which means that the petition for dissolution must be approved by court after three years of separation.

## 4.3. ISSUES AND CONSEQUENCES OF THE DISSOLUTION OF THE REGISTERED PARTNERSHIP

The only issues and consequences which need to be regulated in case of dissolution by consent are maintenance and the division of property of daily use of the partners, savings and debts.

The partner managing the household is generally entitled to maintenance already during the partnership. As a result of dissolution of a registered partnership, the following obligations of maintenance apply as defined in the Registered Partnership Act:

- ➔ Based on matrimonial law, the Registered Partnership Act defines that fault is an essential criteria for maintenance if one partner is only or mainly at fault for the separation of the registered partnership.
- ➔ If both partners are at fault to the same extent, court must award maintenance allowance to the partner who is not self-dependent within the scope of an equitable decision. The obligation of maintenance can be granted for a limited period of time.
- ➔ In case of dissolution by consent, the partners can agree on maintenance.

*For details on maintenance and the calculation, see page 27ff.*

*The terms of the division of assets (division of the property of daily use, savings and debts) were also defined based on matrimonial law, including the possibility of limitation of liability for debts of the partner.*

# REGISTERED PARTNERSHIP

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As long as the partners mutually agree on the division, a court order is not required. But if this is not the case, it is possible to apply for a division within one year after the dissolution of the registered partnership is legally binding.

**For more detailed information about the division of property in case of dissolution of a registered partnership, a personal consultation is highly recommended!**

# 5 LEGAL COSTS (effective 1 January 2016)

<b>Contact rights applications:</b>	free of charge
<b>Application for custody:</b>	free of charge
<b>Divorce by consent:</b>	
Divorce application:	279 Euros
Settlement procedure:	279 Euros*
	(usually divided among the parties)

\* If as part of a divorce settlement, a transfer of immovable property (real estate, apartment) or justification of other rights is made, costs increase to 418 Euros

<b>Petition for divorce:</b>	297 Euros
<b>Decision on maintenance for children:</b>	free of charge
<b>Maintenance for spouses:</b>	amount-dependent
<b>Application for division of property:</b>	320 Euros
<b>Application to establish the validity of separated housing:</b>	78 Euros

## LEGAL AID:

If one party is not able to cover the costs of the procedure without interfering with maintenance for oneself or the family, it is possible to apply for legal aid at the responsible court.

Legal aid exempts the party from legal costs as well as costs of testimonies, interpreters and legal experts. It also covers for a representation by a lawyer, if required.

It is the judge responsible in the case who decides on whether legal aid is granted.

The financial situation of the party which applied for legal aid is checked several times during the first three years after granting legal aid. If the income of the person has significantly increased, the advance must be paid back.

**!** Legal aid does not cover lawyer's fees of the other party should it win the case.

# 6 LAWYER'S FEES

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Lawyer's fees can generally be freely agreed with the lawyer (e.g. certain payment per hour, or, less common, a flat-rate fee). If there is no agreement, costs are calculated based on the Lawyers' Fees Act, general fee criteria or the Notary Fees Act.

The Lawyers' Fees Act is usually used for legal procedure services. It is the basis for the court to calculate costs the party which lost the case has to pay to the other party. If services provided by the lawyer, however, are not regulated in the act, the lawyer can calculate fees based on general honorary criteria. If services are provided which are regulated by the Notary Fees Act, for instance, the writing of contracts, this act will be used.

## Lawyers' Fees Act

The amount of the representation costs according to the Lawyers' Fees Act depends on the amount in dispute (calculation basis) and the provided service.

The amount in dispute depends on the amount of the claim: the bigger the amount in dispute, the higher the lawyer's fee. For procedures which are not about a financial claim (f.ex. a divorce procedure), the amount in dispute is defined by legislation: Marriage case: 4360 Euros.

The amount in dispute of a spousal or children maintenance case is based on an annual amount (example: the party claims for a monthly maintenance of 300 Euros, the amount in dispute is therefore  $12 \times 300 \text{ Euros} = 3600 \text{ Euros}$ ).

If several claims are asserted, the amount in dispute is summarized. For example:

litigious divorce (amount in dispute according to the Lawyers' Fees Act):	4360 Euros
Action for maintenance:	3600 Euros
Total amount in dispute:	7960 Euros

**Tip:** If substantial asset values are tried, e.g. properties, it is advisable to agree on the amount in dispute with the lawyer. It is, for example, possible to use a smaller amount as a basis to calculate the fee instead of the actual value of the asset.

# LAWYER'S FEES

The lawyer can actually demand a fee for every service provided in the interest of the client - not only the representation at court, but also phone calls to the client or authorities as well as the writing of letters. The applicable cost approach, also known as tariff line, also varies with the type of legal service. For example: a claim is calculated based on tariff line 3A, a phone call based on tariff line 8.

*Examples for litigious divorce costs (effective 1 January 2016):*

*Amount in dispute: 4360 Euros (no counterclaim submitted)*

<i>Claim:</i>	<i>154,90 Euros</i>
<i>Written pleading:</i>	<i>154,90 Euros</i>
<i>First hour of the litigious procedure: (half of the amount for every other hour)</i>	<i>154,90 Euros</i>
<i>Short pleading:</i>	<i>15,90 Euros</i>
<i>Appeal:</i>	<i>193,50 Euros</i>

Extra services such as conversations, phone calls or letters are not indicated individually on cost notes for court, but summed up in a fixed-rate. This fixed rate amounts to 60% for amounts in dispute up to 10170 Euros, and 50% for higher amounts in dispute. For most claims and court proceedings at another location than the law firm, it demands a double fixed-rate (if, f.ex., the law firm is located in Linz, but the proceedings is at the district court of Traun). For appeals and reactions to appeals the fixed-rate increases three times. If the hearing of appeal takes place at another location, the fixed-rate increases four times.

In the example mentioned before, it would mean that the claim and a procedure of one hour at the same location as the law firm would amount to:

<i>Claim:</i>	<i>154,90 Euros</i>
<i>plus 120 % fixed rate:</i>	<i>185,88 Euros</i>
<i>1 hour proceeding:</i>	<i>154,90 Euros</i>
<i>plus 60% fixed rate:</i>	<i>92,94 Euros</i>

*On top of the net costs, there is also the sales tax and possible cash expenditures.*

# LAWYER'S FEES

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The refund which the prevailing party is granted by court for extra services is a fixed rate. The lawyer, however, can decide if his or her fees are calculated based on a fixed rate, or if every extra service is calculated individually.

**Tip:** It is advisable to agree with the lawyer on the form of billing right at the first meeting. It can be helpful to demand interim billings in order to have a better overview of costs during the procedure.

## Refund

In a litigious civil procedure, for instance divorces or spouse maintenance procedures, the party which loses the case has to refund the costs of the winning party. Where a party succeeds only in part, the winning party is only refunded in proportion to the points of the case it actually won. If exactly half of the demanded amount is allocated to one party or court decides that both parties are at fault to the same extent, representation costs are divided equally between the parties.

There is usually no refund in non-contentious proceedings of maintenance for minors, custody or contact rights, etc.



## Autonomous Women's Centre

### OFFERS - for women, by women

#### Legal advice:

- ➔ Domestic partnership/civil partnership
- ➔ Preventive legal advice to guarantee an income for women
- ➔ Matrimonial law and family law (separation, divorce, etc.)
- ➔ Law related to parent and child (custody, contact rights, maintenance, etc.)
- ➔ Physical or sexual violence

#### Psychosocial counselling in case of:

- ➔ Problems in the relationship, during separation or divorce
- ➔ Personal crisis
- ➔ Experience with violence

Appointments for consultations only by prior telephone appointment!

Counselling is free of charge and confidential!

#### Psychosocial and legal support for victims in penal proceedings in case of:

- ➔ Physical violence
- ➔ Sexual violence
- ➔ Stalking (psycho terror)

Psychosocial support is also offered in civil proceedings which are connected to penal proceedings.

#### Preventive and education services:

- ➔ Self-defence classes
- ➔ Support groups
- ➔ Information and specialist lectures
- ➔ Workshops aiming to prevent sexual violence such as ‚Mit uns nicht!‘ (not with us!)

**Special library** The Autonomous Women's Centre Association is subsidized by:



## WOMEN'S OFFICE of the City of Linz

The Women's Office of the City of Linz represents the interests of the female population of Linz aiming at advancing gender equality in reality in all areas of social life.

The core task of the Women's Office is to implement concerns, needs and wishes of the female population of Linz at political level. The Women's Office of the City of Linz develops and support actions which counteract a structural disadvantage of women, like income inequalities. In order to establish gender equality, outdated role models must be replaced with a new awareness of women throughout society. There are specific actions to inform and raise the awareness for what women need among society. Networks of women are a point of contact for women-specific issues and represent all women living in Linz. Therefore they are subsidized. The staff of the Women's Office promotes networks in Upper Austria and beyond.

Discrimination of women still exists and is discussed on various days: the International Women's Day (8 of March), the International Day for the Elimination of Violence Against Women (25 of November) and the Equal Pay Day, the date on which women effectively start working for free.

**Access [www.linz.at/frauen](http://www.linz.at/frauen) for updated services.**

We look forward to welcome you or get in touch with you!

**Tel.: +43(0)732/7070-1191**

**Altes Rathaus, Hauptplatz 1, 4041 Linz**

**E-Mail: [frauenbuero@mag.linz.at](mailto:frauenbuero@mag.linz.at) – [www.facebook.com / FrauenStadtLinz](https://www.facebook.com/FrauenStadtLinz)**

Frauenbüro



LinZ  
verändert



# 7 IMPORTANT ADDRESSES FOR WOMEN in Linz

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➔ **Women's Office of the City of Linz**

Altes Rathaus, Hauptplatz 1, 4041 Linz  
Tel.: 0732 / 70 70–1191  
[www.linz.at/frauen](http://www.linz.at/frauen)  
E-Mail: [frauenbuero@mag.linz.at](mailto:frauenbuero@mag.linz.at)

➔ **Autonomous Women's Centre**

Starhembergstraße 10/2, 4020 Linz  
Tel.: 0732 / 60 22 00, appointment by phone  
[www.frauenzentrum.at](http://www.frauenzentrum.at)  
E-Mail: [hallo@frauenzentrum.at](mailto:hallo@frauenzentrum.at)

➔ **Youth and Family Counselling Centre of the City of Linz**

Rudolfstraße 18/1, 4040 Linz  
Tel.: 0732 / 70 70–2700, telefonische Voranmeldung  
[www.linz.at](http://www.linz.at)  
E-Mail: [inst.fjb@mag.linz.at](mailto:inst.fjb@mag.linz.at)

➔ **Office for Social Affairs, Youth and Family**

Neues Rathaus, Hauptstraße 1–5, 4041 Linz  
Tel.: 0732 / 70 70–2801  
[www.linz.at](http://www.linz.at)  
E-Mail: [sjf@mag.linz.at](mailto:sjf@mag.linz.at)

➔ **District court Linz**

Museumstrasse 10 (Eingang: Fadingerstraße 2), 4020 Linz  
Tel.: 050 / 76 01–0  
District court day: every Tuesday from 8 am to 12 noon  
appointment by phone

➔ **Bar association Upper Austria**

Gruberstraße 21, 4020 Linz  
Tel.: 0732 / 77 17 30–0, appointment by phone  
[www.oerak.at](http://www.oerak.at)  
E-Mail: [office@oerak.or.at](mailto:office@oerak.or.at)

# IMPORTANT ADDRESSES FOR WOMEN in Linz

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## **Violence against women and children:**

### ➔ **Protection against Violence Centre Upper Austria**

Stockhofstraße 40 (Eingang Wachrenergasse 2), 4020 Linz

Tel.: 0732 / 60 77 60

[www.gewaltschutzzentrum.at/ooe/](http://www.gewaltschutzzentrum.at/ooe/)

E-Mail: [ooe@gewaltschutzzentrum.at](mailto:ooe@gewaltschutzzentrum.at)

### ➔ **Autonomous Women's Centre**

**Women's emergency hotline Upper Austria –**

**Competence centre for sexual violence against women and girls**

Starhembergstraße 10/2, 4020 Linz

Tel.: 0732 / 60 22 00

[www.frauenzentrum.at](http://www.frauenzentrum.at)

E-Mail: [hallo@frauenzentrum.at](mailto:hallo@frauenzentrum.at)

### ➔ **Women's Shelter Linz**

Postfach 1084, 4021 Linz

Tel.: 0732 / 60 67 00

[www.frauenhaus-linz.at](http://www.frauenhaus-linz.at)

E-Mail: [office@frauenhaus-linz.at](mailto:office@frauenhaus-linz.at)

### ➔ **Ombudsman for Children and Young People Upper Austria**

Kärntnerstraße 10, 4021 Linz

Tel.: 0732 / 77 20 – 140 01

[www.kija-ooe.at](http://www.kija-ooe.at)

E-Mail: [kija@ooe.gv.at](mailto:kija@ooe.gv.at)

### ➔ **Child protection centre Linz**

Kommunalstraße 2, 4020 Linz

Tel.: 0732 / 78 16 66

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**Further helpful addresses and institutions can be found,  
among others, under [www.linz.at/frauen](http://www.linz.at/frauen)**



