

Children Act

No. 76, 27 March 2003

Entered into force on 1 November 2003. Amended by the Act No. 115/2003 (entered into force 30 Nov. 2003), the Act No. 50/2006 (entered into force 1 July 2006), the Act No. 65/2006 (entered into force 27 June 2006), the Act No. 69/2006 (entered into force 30 June 2006), the Act No. 54/2008 (entered into force 7 June 2008), the Act No. 65/2010 (entered into force 27 June 2010), 1. 77/2010 (entered into force 1 July 2010), the Act No. 162/2010 (entered into force 1 Jan. 2011), the Act No. 126/2011 (entered into force 30 Sept. 2011), the Act No. 61/2012 (entered into force 1 Jan. 2013) and the Act No. 144/2012 (entered into force 1 Jan. 2013).

Where in this Act reference is made to ‘the minister’ or ‘the ministry’ without specifying the relevant field, this applies to the **Minister of the Interior** or the **Ministry of the Interior**, which supervises the application of the Act. Information on the responsibilities covered by the ministries according to presidential decree may be found [here](#).

[Chapter I. Rights of the child.]¹⁾

¹⁾[L. 61/2012, Art. 1.](#)

■ [Art. 1. Rights of the child.

- Children have the right to live, develop and enjoy protection, care and other rights corresponding to their age and maturity and without discrimination of any type. Children may not be subjected to violence or harsh treatment of any type or to other degrading treatment.
- At all times, children’s best interests shall be given prior consideration when decisions are taken regarding their affairs.
- Children are entitled to express their opinions on all matters regarding them; fair consideration shall be given to their opinions in accordance with their age and maturity.]¹⁾

¹⁾[Act No. 61/2012, Art. 1.](#)

[Chapter I a]¹⁾ [Parents of children.]²⁾

¹⁾[Act No. 61/2012, Art. 3.](#) ²⁾[Act No. 65/2006, Art. 26.](#)

■ [Art. 1 a]¹⁾ Right of children to know their parents.

- Children have the right to know both their parents. Mothers shall be obliged to state the paternity of their children when the paternity rules of Article 2 do not apply [*cf.*, however, the second paragraph of Article 3 and the second paragraph of Article 6.]²⁾

¹⁾ [Act No. 61/2012, Art. 2.](#) ²⁾ [Act No. 54/2008, Art. 8.](#)

■ Art. 2. Paternity rules applying to the children of married couples and of parents

in registered cohabitations.

The husband of a child's mother shall be regarded as its father if it is born during their marriage. The same shall apply if the child is born so soon after the dissolution of the marriage as to make it possible that it was conceived during the marriage. This shall not apply, however, if the couple were judicially separated at the time of the child's conception or if the mother married or registered her cohabitation with another man prior to the birth of the child.

If, after the birth of a child, the child's mother marries a man whom she has declared to be the child's father, that man shall then be regarded as the child's father if the paternity of the child has not been established previously.

If the mother of a child and a man whom she has declared to be the father of the child legally registered their cohabitation prior to the birth of the child, that man shall then be regarded as the child's father. The same applies if the child's mother and a man whom she has declared to be the father register their cohabitation in the National Register at a later date, providing that the paternity of the child has not been established at that time

■ **Art. 3.** *Determination of paternity of children not covered by Article 2 [etc.]*¹⁾

If the paternity rules of Article 2 do not apply, the paternity of a child may be established by a man's admission of paternity (*cf.* Article 4), approval in accordance with Article 6 or the resolution of a court (*cf.* Chapter II). ...²⁾

[Article 6 applies regarding the parents of children conceived by assisted conception.]²⁾ [No paternity may be established for the child of a single woman when the child is conceived by assisted conception.]³⁾

¹⁾ [Act No. 65/2006, Art. 23.](#) ²⁾ [Act No. 65/2010, Art.19.](#) ³⁾ [Act No. 54/2008, Art. 8.](#)

■ **Art. 4.** *Admission of paternity.*

If the man whom a woman declares to be the father of her child admits his paternity of the child by means of a written declaration made before a district commissioner, before a judge in an action under Chapter II or by letter, he shall be regarded as the father of the child. If the declaration is made in a letter, the signature to the letter shall be confirmed by a district court attorney or a Supreme Court attorney or by two witnesses. It shall be stated there that the person making the declaration has signed his name, or acknowledged his signature, in the presence of the person or persons who confirm that it is his signature. The witnesses shall state their ID numbers or, as appropriate, their dates of birth and addresses.

[The ministry]¹⁾ may declare that an admission of paternity obtained abroad is of equivalent validity to one obtained in Iceland.

If the declared father is not legally competent, his declaration shall be made before a district commissioner or a judge with his legal guardian present.

If the mental condition of a man alleged to be the father of a child is such as to

make it uncertain whether he understands the significance of an admission of paternity, the matter shall be resolved by a court judgement.

If the mother states that she had sexual intercourse with more than one man during the possible period of the child's conception, the matter shall be resolved by a court judgement. This will not be necessary, however, if the results of a genetic test indicate unequivocally that a specific man, whom the mother has declared is probably the child's father, is its father. That man may admit to being the child's father.

If the results of a genetic test rule out the possibility that the man whom the mother has alleged to be a child's father could be its father, then the cost of the test which the district commissioner considered it appropriate to have made shall be paid by the State Treasury.

¹⁾ [Act No. 126/2011, Art. 371.](#)

■ **Art. 5.** ...¹⁾

¹⁾ [Act No. 65/2010, Art. 20.](#)

■ **Art. 6.** [*Parents of children conceived by assisted conception.*]¹⁾

[A woman who gives birth to a child conceived by assisted conception shall be regarded as its mother.

A woman who has given consent for her wife (female partner) to undergo assisted conception treatment under the Assisted Conception Act shall be regarded as the parent of the child conceived in this way. The same shall apply to women who have registered their partnership in the National Register.

A man who has given consent for his wife to undergo assisted conception treatment under the Assisted Conception Act shall be regarded as the father of the child conceived in this way. The same shall apply to a man and a woman who have registered their cohabitation in the National Register.

A man who donates sperm for use in assisted conception treatment of a woman other than his wife or cohabiting partner (*cf.* the third paragraph) under the Assisted Conception Act may not be identified by a court judgement as the father of the child conceived with his sperm.

A man who has donated sperm for a purpose other than that stated in the fourth paragraph shall be regarded as the father of a child conceived with his sperm unless the sperm has been used without his knowledge or after his death.]²⁾

¹⁾ [Act No. 65/2006, Art. 24.](#) ²⁾ [Act No. 65/2010, Art. 21.](#)

■ **Art. 7.** [*Registration of children in the National Register.*]¹⁾

Children shall be registered in the National Register immediately after birth.

Physicians or midwives who deliver children shall ask the mothers, if they are not married, about their paternity and record their declarations on this point. The declaration shall be signed by the mother and sent to [Registers Iceland].¹⁾ However,

the man named by the mother as the father of the child shall not be recorded as such in the National Register unless the paternity of the child is established in accordance with this Act. [The same applies to declarations by mothers where the second paragraph of Article 6 applies.]²⁾[The minister]³⁾ may issue a regulation setting further provisions concerning the form and method of registration under the first and second paragraphs.

- If a child's paternity has not been established by six months after the birth, [Registers Iceland]¹⁾ shall inform the district commissioner where the mother is domiciled that the child's paternity has still not been established.
- On receiving a notification under the third paragraph, the district commissioner shall send a letter drawing the attention of the mother to the provisions of [Article 1 a)⁴⁾ of this Act and urge her to take measures to have the child's paternity established. She shall also be informed of her duties in this connection, and of the child's rights, and also of the right to take legal action which any man has who considers himself to be the father of the child.

¹⁾ [Act No. 77/2010, Art. 5.](#) ²⁾ [Act No. 65/2006, Art. 25.](#) ³⁾ [Act No. 126/2011, Art. 371.](#) ⁴⁾ [Act No. 61/2012, Art. 2.](#)

Chapter II. Court action to determine the paternity a child.

■ Art. 8. Jurisdiction.

- A court action to determine a child's paternity may be brought in Iceland if:
 - a. one of the parties is resident in Iceland,
 - b. the estate at death of the defendant is being settled, or has been settled, in Iceland,
 - c. the child is resident in Iceland.
- Cases conducted under this Article shall be resolved according to Icelandic law.
- The provisions of international agreements to which Iceland is a party shall take precedence over the first and second paragraphs.

■ Art. 9. Venue.

- Paternity actions may be instituted in the local court in the home venue of the party.
- If neither, or none, of the parties has a venue in Iceland, the action may be brought before the Reykjavík District Court.

■ Art. 10. Capacity as a party to the case.

- The plaintiff in a paternity action may be the child himself/herself, the child's mother or a man who believes he is the father of the child, provided that the paternity of the child has not been established [or its parent determined under the second paragraph of Article 6.]¹⁾ If the child's mother brings the case, but dies before it is resolved, the person who takes over custody of the child may continue

it. If a man who considers he is the child's father brings the case but dies before it is resolved, the person among his statutory heirs who is closest to the child, or equal to the child, in terms of right of inheritance, may continue the action.

If the child himself/herself, or the child's mother, brings the action, the defendant or defendants summonsed shall be the man or men who are considered to have had sexual intercourse with the mother during the time when the child was conceived. If one of these parties dies before the action is brought, it shall be brought against the person among his statutory heirs who is equal to the child, or closest to the child, in terms of right of inheritance.

If a man who considers he is the child's father brings an action, the defendant shall be the child's mother, and if she is dead, then the child himself/herself.

¹⁾ [Act No. 54/2008, Art. 8.](#)

■ **Art. 11.** *Legal costs.*

If the child is the plaintiff in the case, then the legal fees of the plaintiff's attorney, as determined by the judge, shall be paid by the State Treasury, together with the plaintiff's other legal costs, including those of having genetic tests made and obtaining other expert reports.

■ **Art 12.** *Procedure.*

Paternity actions shall be conducted in accordance with the ordinary procedure in civil cases except where other provisions are made in this Act.

Hearings in paternity cases shall be held *in camera*.

■ **Art. 13.** *Representative.*

If no representation is made in court on behalf of the defendant when the action is registered, or if representation on the defendant's behalf is discontinued at a later stage, the judge may, under special circumstances, appoint a representative for him. The representative shall consult his client if possible. When resolving the case, the judge shall determine a fee for the representative to be paid by the State Treasury, but may determine that defendant is to repay the fee, in part or in its entirety.

■ **Art. 14.** *Testimony by the parties.*

Parties to a case are obliged to attend court and give testimony when summoned by the judge. If the plaintiff fails to do this, the case shall be dismissed. The same shall apply if the plaintiff himself/herself refuses to undergo a test under Article 15, or to have the child undergo such a test, where he or she exercises custody of the child. If a party refuses in another context to attend court, the judge may apply the same measures against him or her as may be used against witnesses.

■ **Art. 15.** *Genetic tests.*

The judge may, if requested to do so, determine by a ruling that the parties to the case, and the child, are to undergo blood tests and also other specialist examinations, including genetic tests. The persons in question shall be obliged to

allow blood samples to be taken and to submit to other examinations for the purpose of scientific testing. In the same way, the judge may order that blood tests and genetic tests are to be carried out on the parties' parents and, if necessary, on the parties' siblings and on other children of the parties. Appeals against rulings under this paragraph may be made to the Supreme Court.

The police shall be obliged to comply with requests from the judge for assistance in transporting parties for tests under the first paragraph.

■ **Art. 16.** *Gathering of evidence by judges.*

Judges may, if necessary, gather evidence themselves if they have previously requested the parties to obtain it, but without result.

■ **Art. 17.** *Proof.*

A man shall be regarded as the father of a child if the results of genetic tests indicate unequivocally that he is the child's father.

■ **Art. 18.** *Conclusion of cases.*

Cases brought under the provisions of this Chapter may be resolved by a court settlement, if the parties so choose, and otherwise by a judgement of the court except where they are dismissed or dropped.

[The judge shall send [Registers Iceland]¹⁾ information on the paternity of children on forms provided by Registers Iceland.]²⁾

¹⁾ [Act No. 77/2010, Art. 5.](#) ²⁾ [Act No. 50/2006, Art.26.](#)

■ **Art. 19.** *Anonymity and publication of judgements.*

Before transcripts from court records and judgement registers are release to persons other than the parties to the case, information which it is natural to treat in confidence with regard to personal interests shall be removed from them.

Chapter III. Court actions to contest paternity or to invalidate admissions of paternity.

■ **Art. 20.** *Jurisdiction and venue.*

Articles 8 and 9 shall apply regarding jurisdiction and venue in cases under this Chapter.

■ **Art. 21.** *Capacity as a party to the case.*

A court action to contest a child's paternity may be brought by the child himself/herself and the child's mother, and also by the person registered as the child's father under Article 2 and, after his death, by the person among his statutory heirs who is closest to the child, or equal to the child, in terms of right of inheritance.

A court action for the invalidation of an admission of paternity may be brought by the child, the person who has admitted to paternity and the child's mother.

An action brought by the child, or its mother, shall be directed against the father

or, after his death, the person among his statutory heirs who is closest to the child, or equal to the child, in terms of right of inheritance. An action brought by the father, or a party acting for him, shall be directed against the child's mother or, if she is dead, against the child himself/herself.

■ **Art. 22.** *Procedure, etc..*

□ The provisions of Articles 11, 12, 13, 14, 15 and 16, and of the second paragraph of Article 18 and of Article 19, shall apply to cases under this Chapter.

■ **Art. 23.** *Contesting of the paternity of a child conceived by assisted conception [etc.]¹⁾*

□ Where a man has given consent for his wife or cohabiting partner to undergo assisted conception treatment (*cf.* [the third paragraph of Article 6]²⁾, it shall only be possible, in cases under this Chapter, to consider claims contesting paternity where it is evident that the child was not conceived by assisted conception.

□ [The same shall apply, *mutatis mutandis*, regarding claims to the effect that a woman in a registered partnership or cohabiting with the mother of a child is not to be regarded as the child's [parent]²⁾ under the second paragraph of Article 6.]¹⁾

¹⁾ [Act No. 65/2006, Art. 28](#) ²⁾ [Act No. 65/2010, Art. 22.](#)

■ **Art. 24.** *Conclusion of actions.*

□ Actions brought under the provisions of this Chapter may be resolved by a court settlement, if the parties so choose, in accordance with the results of genetic tests, and otherwise by a judgement of the court except where they are dismissed or dropped.

Chapter IV. Payments relating to childbirth and pregnancy.

■ **Art. 25.** *Contributions to mothers.*

□ In special circumstances, the district commissioner may order the father [or [parent]¹⁾ under the second paragraph of Article 6]²⁾ of a child to pay alimony to the child's mother for a total of three months before and after the birth of the child, at her request.

□ If a mother falls ill as a result of pregnancy or childbirth, the district commissioner may, at her request, order the father [or [parent]¹⁾ under the second paragraph of Article 6]²⁾ of the child to pay her a monthly support sum for nursing and maintenance, though not for more than nine months following the birth.

□ A [parent]¹⁾ may be obliged to pay contributions under this Article even though the child is stillborn.

¹⁾ [Act No. 65/2010, Art. 23](#) ²⁾ [Act No. 65/2006, Art.29.](#)

■ **Art. 26.** *Costs relating to pregnancy, childbirth, etc.*

□ If it is established that the father of a child has committed offences against the child's mother of the type mentioned in Article 58, the district commissioner shall

order him, at her request, to pay all expenses resulting from the pregnancy and childbirth.

At the request of a woman, the district commissioner may moreover order the man responsible for her pregnancy (*cf.* the first paragraph) to pay the costs of a lawful abortion.

■ **Art. 27.** *Due dates, etc..*

Contributions listed in Articles 25 and 26 fall due as soon as they are ordered unless other arrangements are made in the district commissioner's order.

Contributions under the first paragraph may not be ordered more than one year back in time, counting from the presentation of the demand, unless there are special reasons for doing so.

Contributions under Articles 25 and 26 shall go to the mother of the child.

Chapter V. Parental duties and the custody of children.

■ **Art. 28.** *[General provisions on the meaning of custody.]*

Children are entitled to the custody of their parents (either of both or of one) until they reach the age of majority, and the parents have a duty to exercise custody over them.

Parents are obliged to look after their children and show them care and respect, and to discharge their duties of custody and upbringing in the way that best suits the children's interests and needs.

Custody of a child involves the duty on the part of the parents to protect the child against violence of all types and other degrading conduct.

Parents are obliged to acquire for their children the education required by law and to have them cultivate industry and morality. Parents shall, to the best of their ability, take steps to have their children receive education and vocational training in accordance with their talents and interests.

Custody of a child includes the right and obligation to take decisions on the child's personal circumstances and to determine the child's place of residence. The custodial parent is moreover the child's legal representative.

Parents have an obligation to consult their child, according to the child's age and level of maturity, before taking a final decision on the child's affairs. Greater weight shall be given to the child's point of view as the child grows older and becomes more mature.]¹⁾

¹⁾ [Act No. 61/2012, Art. 4.](#)

■ **[Art. 28 a.** *General provisions on the meaning of joint custody.*

When parents exercise joint custody of a child, they shall take all major decisions regarding the child jointly. If the parents do not live together, the parent with whom the child is domiciled shall have the authority to take important decisions regarding

the child's daily life, for example regarding where the child is to be domiciled within Iceland, the choice of kindergarten (pre-school), junior school and day care, normal and necessary health services and regular leisure-time activities. Parents who exercise joint custody shall nevertheless attempt at all times to consult each other before final decisions are taken on these matters concerning the child.

If one of the custodial parents of a child is prevented from attending to his or her custodial duties, the necessary decisions taken by the other regarding the child's personal affairs shall be valid.

If parents exercise joint custody over a child, neither of them may take the child out of the country without the consent of the other.]¹⁾

¹⁾ [Act No. 61/2012, Art. 5.](#)

■ **Art. 29.** [*Custody exercised by parents.*]¹⁾

A child is entitled to be under the custody of both its parents if they are married (*cf.*, however, the third paragraph of Article 31) or if they have registered their cohabitation in the National Register.

If a child's parents are neither married nor in a registered cohabitation at the time of the child's birth, the mother shall exercise sole custody over the child (*cf.*, however, the first paragraph of Article 32).

...¹⁾

The provisions of [Article 28, Article 28 *a*, Article 5 and the sixth paragraph of Article 30, the third, fourth and fifth paragraphs of Article 32, Articles 33–35 and Article 46]¹⁾ shall also apply to persons other than the parents who exercise custody over a child under this Act, as appropriate.

¹⁾ [Act No. 61/2012, Art. 6.](#)

■ [Art. 29 a. *Custody exercised by step-parents and cohabiting parents.*

If a parent who is not married and who exercises sole custody of a child enters into marriage with a person other than the child's other parent, the parent and the step-parent may enter into an agreement whereby custody of the child will be joint. The same shall apply if the parent has entered into a cohabitation with a person other than the child's other parent providing that the cohabitation has been registered in the National Register and has lasted for one continuous year.

The agreement shall become valid when it is approved by the district commissioner. The comments of the non-custodial parent of the child shall be sought, and in other respects the provisions of Article 32 shall apply as appropriate.]¹⁾

¹⁾ [Act No. 61/2012, Art. 7.](#)

■ **Art. 30.** *Custody following the death of the custodial parent.*

If parents exercise joint custody of a child and one of them dies, the surviving parent shall then exercise sole custody, together with his or her spouse or

cohabiting partner under [Article 29 a],¹⁾ according to the circumstances.

If one parent has exercised custody of a child, the step-parent or cohabiting parent who has also exercised custody under [Article 29 a]¹⁾ shall continue to exercise custody following the death of the custodial parent.

On the death of a parent who has exercised sole custody over a child, custody shall revert to the other parent.

On the death of the custodial parent, custody of the child may be entrusted to a party other than the party to whom custody would normally pass under the first, second or third paragraphs of this Article, at his or her request, if this is in the child's best interests.

If a child is left without custody as a result of the death of the custodial parent, custody shall revert to the child welfare committee.

If the custodial parents decide who is to exercise custody of their child after their deaths, this decision shall be respected providing it is not contrary to law or some other arrangement is seen as being in the child's best interests.

A declaration of the decision referred to in the sixth paragraph of this Article shall be made in writing and its signature shall be confirmed by a district commissioner or a district court attorney or Supreme Court attorney. It shall be stated unequivocally in the declaration that the person making it has signed his or her name, or acknowledged his or her signature in the presence of the person confirming the signature, and that he or she was informed of the legal implications of the declaration.

¹⁾ [Act No. 61/2012, Art. 8.](#)

■ **Art. 31.** *Custody following the divorce or separation of parents.*

[Following divorce or the dissolution of a cohabitation that has been registered in the National Register, parents shall exercise joint custody over their child unless other arrangements are determined. The parents shall decide with which of them the child is to be legally domiciled and consequently where the child's place of permanent residence is to be. The district commissioner shall inform [Registers Iceland]¹⁾ with which parent the child is to be domiciled. The district commissioner shall give the parents guidance regarding the meaning of joint custody and the legal implications of the registration of the child's domicile.]²⁾

Parents may make an agreement by which custody of the child is to be exercised ...²⁾ by one of them.

If married parents separate without terminating their marriage, they may decide that one of them is to exercise custody over the child.

If, at divorce or the dissolution of a cohabitation which has been registered in the National Register, a dispute arises between parents concerning the custody of their child, it shall be resolved as stipulated in Article 34.

[This provision shall also apply in the event of a divorce between a parent and a step-parent or the dissolution of a cohabitation between a parent and a cohabiting parent who has also exercised custody under Article 29 a.]³⁾

¹⁾ [Act No. 77/2010, Art. 5.](#) ²⁾ [Act No. 69/2006, Art. 1.](#) ³⁾ [Act No. 61/2012, Art. 9.](#)

■ **Art. 32.** [*Agreements between parents on custody and domicile.*]¹⁾

Parents may make an agreement to have joint custody of a child. The agreement on joint custody shall specify with which parent the child is to be domiciled and, consequently, where the child's place of permanent residence is to be.

Parents may make an agreement [amending the custody arrangements or the child's domicile resulting in a transfer of custody or the child's domicile]¹⁾ from one parent to the other, or terminating joint custody and transferring custody to one of the parents.

Parents may entrust custody of their child to a third party by agreement ...¹⁾ If only one parent exercises custody, the views of the other parent shall be obtained.

[An agreement between parents on the custody or domicile]¹⁾ of their child may be made temporary, but may not be made for less than six months.

[An agreements between parents on the custody or domicile]¹⁾ of their child shall take effect when it is approved by the district commissioner. The district commissioner shall send [Registers Iceland]²⁾ a photocopy of the approved [agreement between the parents on custody or domicile].¹⁾ The district commissioner shall give the parties guidance on the legal implications of the agreement. If the agreement is contrary to the best interests and needs of the child, the district commissioner may withhold his approval and must do so if it is contrary to law.

¹⁾ [Act No. 61/2012, Art. 10.](#) ²⁾ [Act No. 77/2010, Art. 5.](#)

■ **Art. 33.** [*Counselling.*]¹⁾

[District commissioners may offer the parties involved in [custody cases, cases involving domicile, access cases and cases in *per diem* fines are imposed]²⁾ specialist counselling. The aim of such specialist counselling is to give the parties guidance with regard to the best interests of the child. The counsellor may talk to the child in question if he or she considers that this will be in the child's best interests.]¹⁾

...¹⁾

Persons who provide counselling under the first paragraph shall be obliged to treat as confidential all matters of which they gain knowledge in the course of their work or in connection with their work, and which should be kept confidential under Article 18 of the Civil Servants' Rights and Obligations Act. Violation of this non-disclosure obligation is punishable under Chapter XIV of the General Penal Code.

[The minister shall set further rules on counselling under the first paragraph of this Article, and on the competence of the specialists who provide counselling, what it is to cover and how it is to be given.]¹⁾

¹⁾ [Act No. 61/2012, 11. gr.](#) ²⁾ [Act No. 144/2012, 1. gr.](#)

■ **[Art. 33 a. Mediation.**

Before requesting a ruling or instituting a court action on [custody, domicile, access, *per diem* fines or enforcement measures] ¹⁾, parents shall be obliged to attempt to reach agreement under this Article.

The district commissioner shall offer parties to cases involving [custody, domicile, access, *per diem* fines or enforcement measures] ¹⁾ mediation services; parties may also turn to other persons with an expert knowledge of mediation and children's affairs.

The aim of mediation is to help parents to reach an agreement on the solution of the issue that is in the best interests of the child. Parents shall attend in person the mediation meetings to which they are summoned by the district commissioner. Children who have attained sufficient maturity shall be given an opportunity to express their views in the course of the mediation process unless this can be seen as having a damaging effect on the child or as being irrelevant regarding the resolution of the case.

The person conducting the mediation effort shall take care to be impartial regarding the case and shall strive to highlight the interests that may result in the case being concluded by agreement.

If the parents do not manage to reach an agreement, the person conducting the mediation effort shall issue a certificate concerning it. Certificates may be issued if the parents do not attend a mediation meeting after being summoned twice.

Certificates on mediation shall state how the mediation was conducted, the principal points in dispute, the positions of the parties and the viewpoint of the child, unless this would be regarded as being contrary to the child's best interests. Persons conducting mediation efforts shall be obliged to treat as confidential all matters of which they gain knowledge in the course of their work or in connection with their work, and which should be kept confidential under Article 18 of the Civil Servants' Rights and Obligations Act. Violation of this non-disclosure obligation is punishable under Chapter XIV of the General Penal Code.

Certificates on mediation remain valid for six months after their date of issue.

This provision also applies to persons other than parents who are able to demand custody, access or the imposition of *per diem* fines.

The minister shall set further rules on mediation, e.g. as regards the competence of persons conducting mediation, how services are to be provided and certificates on mediation.]²⁾

¹ [Act No. 144/2012, Art. 2.](#) ²⁾ [Act No. 61/2012, Art.](#)

■ **Art. 34.** [*Judgements on custody, children's domicile, etc.*]

□ When parents disagree on custody or their child's domicile, a judge shall resolve the issue by a judgement if attempts at mediation prove fruitless. If parents apply to a court for a divorce, the judge shall resolve disputes concerning custody or domicile at the same time. The district commissioner may grant the couple a divorce even though their dispute concerning custody or the child's domicile is being heard by a court.

□ The judge shall decide the arrangements regarding [the custody or domicile of a child]¹⁾ in accordance with the child's best interests. The judge shall take account of factors including, for example, the parents' competence, stability in the life of the child, the child's connections with both parents, the parents' obligation to ensure the child's right of access to its parents, the danger that the child, a parent or other persons in the child's home have been exposed, or will be exposed, to violence or harsh treatment, and the child's wishes, taking into account its age and level of maturity.

□ The judge may decide that one of the parents is to exercise custody of the child. The judge may also determine, at the request of one of the parents, that custody is to be joint if he or she considers the circumstances to be such that this arrangement may be in the child's best interests. If the judge decides on joint custody, he shall also specify in the judgement with which parent the child is to be domiciled. In cases regarding children's domicile, the judge shall specify with which parent the child is to be domiciled.

□ When assessing whether custody is to be joint, the judge shall take into account, in addition to the points mentioned in the second paragraph of this Article, whether joint custody has previously been in force and the age and level of maturity of the child. Furthermore, special consideration is to be given to whether disputes, or the pattern of communication, between the parents are likely to prevent, obstruct or reduce the likelihood that the child will grow up under conditions that are conducive to its development.

□ In disputes over [the custody or domicile of a child]¹⁾ the judge shall, at the request of one or both of the parents, determine child maintenance payments in the judgement, and also the details of the rights of access between the child and one of the parents where no agreement has been reached regarding these matters, providing that a demand concerning such a ruling was made in the writ of summons or in the observations of the defendant. The provisions of the first four paragraphs of Article 47, and those of Article 47 *b*, shall apply regarding the judge's decision on access.

Other aspects of procedure in cases of this type shall be in accordance with the provisions of Chapter VI.

The judge shall send Registers Iceland details of the conclusion of cases regarding [the custody or domicile of children]¹⁾ on forms provided by Registers Iceland.]²⁾

¹⁾ [Act No. 144/2012, Art. 3.](#) ²⁾ [Act No. 61/2012, Art. 13.](#)

■ **Art. 35.** [*Interim rulings on custody, domicile, etc.*]¹⁾

[In cases regarding custody or the domicile of a child, the judge shall have the authority to make an interim ruling, at the request of the parties, on the arrangements regarding custody and the child's domicile in accordance with the child's best interests.]¹⁾ In the same ruling, the judge may make temporary provisions on access and child maintenance.

If the judge rejects a demand for the termination of joint custody while a custody dispute is being heard by a court, he or she may nevertheless make a temporary ruling on the child's domicile, access and child maintenance. In such a case, the judge may moreover decide that the child is to live with each of its parents in turn if such an arrangement is compatible with the interests of the child.

Rulings under the first and second paragraphs of this Article may be amended in view of special circumstances if this is considered to be in the best interests of the child.

If [a case regarding the custody or domicile of a child]¹⁾ has not been resolved by a district court, the judge may, at the request of one of the parties, rule that the child may not be taken out of the country until the case has been resolved. If [a case regarding the custody or domicile of a child]¹⁾ is being heard by the Supreme Court, the judge may similarly take a decision to the effect that the child may not be taken out of the country. The judge shall send rulings prohibiting travel immediately to the Office of the National Commissioner of Police.

Appeals against rulings by a district court judge under the first four paragraphs of this Article may be lodged with the Supreme Court according to the ordinary rules. Appeals against rulings imposing a prohibition on travel under the fourth paragraph shall not, however, defer the legal effect of such rulings.

Rulings under the first four paragraphs of this Article shall not restrict the judge's freedom of action when it comes to [determining custody, domicile]¹⁾, access or child maintenance under Article 34.

The fact of having delivered a ruling under the first four paragraphs of this Article shall not, by itself, disqualify a judge from resolving a case under Article 34.

Rulings under the first four paragraphs of this Article shall expire automatically when [a judgement on the custody or domicile of the child]¹⁾ is delivered. This shall

not apply, however, if the judge decides that the bringing of an appeal against the judgement is to defer its legal effects. When that is the case, the ruling shall expire automatically either when the district court judgement becomes binding regarding the resolution of the issue (*cf.* the first paragraph of Article 44) or when judgement is delivered by the Supreme Court.

The provisions of [the seventh paragraph of Article 34]¹⁾ shall apply to rulings under the first three paragraphs of this Article.

¹⁾ [Act No. 61/2012, Art. 14.](#)

Chapter VI. [Court actions in connection with disputes over the custody or domicile of children.]¹⁾

¹⁾ [Act No. 61/2012, Art. 17.](#)

■ Art. 36. Jurisdiction.

Court actions may be brought in Iceland concerning disputes about [the custody or domicile of children]¹⁾ if:

- a. the defendant is resident in Iceland,
- b. the child or children concerned are resident in Iceland,
- c. the plaintiff is an Icelandic citizen and it has been established that he or she is unable, because of his or her citizenship, to bring an action in the country where he or she lives, or where the defendant or the children are resident, or
- d. both parents are Icelandic citizens and the defendant declares that he or she has no objection to the action being brought in Iceland.

Actions brought under the first paragraph of this Article shall be resolved according to Icelandic law.

The provisions of international agreements to which Iceland is a party shall take precedence over the provisions of the first two paragraphs of this Article.

If a demand is made [regarding the custody or domicile of a child]¹⁾ in an action concerning the annulment of a marriage, or a divorce, the rules of the Marriage Act shall apply regarding jurisdiction and venue. In other respects, [decisions regarding the custody or domicile of children]¹⁾ shall take account of the provisions of this Chapter.

¹⁾ [Act No. 61/2012, Art. 15.](#)

■ Art. 37. Venue.

The action shall be brought in the home venue of the child or, alternatively, in the home venue of the defendant. If neither has a home venue in Iceland, the action may be brought in the home venue of the plaintiff.

If neither the parties nor the child has a home venue in Iceland, the action may be brought before the Reykjavík District Court.

■ Art. 38. Procedure.

Actions [concerning the custody or domicile of children]¹⁾ shall be conducted according to the ordinary rules on civil actions unless other provisions are made in this Act.

Court sessions in [cases concerning the custody or domicile of children]¹⁾ shall be held *in camera*.

[Cases concerning the custody or domicile of children]¹⁾ shall be given rapid treatment.

¹⁾ [Act No. 61/2012, Art. 16.](#)

■ **Art. 39.** *Representative.*

If no representation is made in court on behalf of the defendant when the action is registered, or if representation on the defendant's behalf is discontinued at a later stage, the judge may, under special circumstances, appoint a representative for him. The representative shall consult his client if possible. When resolving the case, the judge shall determine a fee for the representative to be paid by the State Treasury, but may determine that defendant is to repay the fee, in part or in its entirety.

■ **Art. 40.** *Attempts at a settlement.*

[The judge shall at all stages of the case assess whether it is likely that a settlement can be reached and make any contribution that he can to settling the case, taking the best interests of the child into account.

The judge may apply to an expert for assistance with seeking to bring about a settlement, or decide that a settlement between the parties is to be sought under the provisions of Article 33 *a.*]¹⁾

¹⁾ [Act No. 61/2012, Art. 18.](#)

■ **Art. 41.** *Grounds for action.*

Parties may cite new grounds for action and raise new objections up until the time when the case is accepted for judgement.

Judges shall not be bound by the grounds for action cited by the parties.

■ **Art. 42.** *Gathering of evidence.*

Judges shall monitor the gathering of evidence. Parties to actions shall be obliged to respond to a summons from the judge to attend court and give testimony. Parties may be compelled to attend court in accordance with the first paragraph of Article 55 of the Code of Civil Procedure.

Judges may direct the parties to obtain specific pieces of evidence relating to their personal circumstances or those of their children. If a party fails to comply with the judge's instructions or is incapable of doing so, the judge himself may obtain such materials as he considers necessary in order to judge the case. [All persons to whom the judge applies shall be obliged to provide him, free of charge, with copies of materials which the judge considers necessary for the resolution of the case.]¹⁾

Judges may direct the parties to obtain an expert opinion if he considers this necessary. Judges may, at their own initiative, add the points in question to documents appointing assessors [and may specify that assessors are to have the authorisation to obtain pieces of evidence under the second paragraph of this Article.]¹⁾ [Judges may also reject requests for the appointment of assessors or requests for reassessment if they consider that obtaining an expert opinion would be at variance with the best interests of the child or is evidently unnecessary.]¹⁾ In other respects, the rules on court-appointed assessors shall apply to opinions obtained under this paragraph.

Judges may decide that the cost of obtaining evidence which they call for, or of evidence which they themselves obtain under this provision, is to be paid by the State Treasury.

¹⁾ [Act No. 61/2012, Art. 19.](#)

■ **Art. 43.** *Children's right to express their views on cases, etc.*

Children who have attained sufficient maturity shall be given an opportunity to express their views on the case unless this can be seen as possibly having a damaging effect on the child or as being irrelevant regarding the resolution of the case. The judge may commission an expert to examine the child's point of view and submit a report on it in accordance with the provisions of Article 42. If no expert assessor has been appointed by the court, the judge may commission an expert to examine the child's point of view and submit a report on it.

The judge may decide that one or both of the parties may not be present while he examines the child's point of view. An expert commissioned by the judge to examine the child's point of view shall have the same right.

The parties shall be informed of what is found out about the child's point of view. If the parties are not granted access to reports on the child's point of view, a note shall be made in the records stating what information they were given.

If necessary, the judge shall inform the child welfare committee of the child's circumstances. The child welfare committee shall process the matter in accordance with the provisions of the Child Protection Act and take the appropriate remedial measures in support of the child.

■ **Art. 44.** *Conclusion of judgements, anonymity and publication of judgements.*

The district court judge shall at all times state in the conclusion (final section) of the judgement whether an appeal lodged against it will defer its legal effect. The deadline for lodging appeals to the Supreme Court shall be one month. When the district court judge decides that an appeal action will defer the legal effect of the judgement, the judgement shall only become binding regarding the matter at issue when the deadline expires, providing that no writ of appeal has been issued.

However, a judgement of this type shall be binding regarding the matter at issue if

the parties waive, in writing, their right to appeal. When an appeal against the judgement is lodged before the expiry of the deadline, the legal effect of the judgement shall be deferred if it is stated in the conclusion of the judgement that this is to be the case. Such a judgement shall nevertheless be binding regarding the matter at issue if the case is dropped at the Supreme Court level or if it is dismissed by the Supreme Court.

The provisions of Article 19 shall apply regarding anonymity and the publication of judgements.

Chapter VII. [Implementation of decisions on custody or domicile.]¹⁾

¹⁾ [Act No. 61/2012, 21. gr.](#)

■ Art. 45. [Implementation of decisions on custody or domicile.]¹⁾

If the person with whom the child is living refuses to hand the child over to the proper custodial party, a district court judge may, at the request of the custodial party, decide that [custody or domicile is to be established]¹⁾ by an enforcement measure. [When handling the case, the judge shall be obliged to comply with the provisions of Article 43, and may reject a request for enforcement if it is considered inadvisable from the point of view of the best interests of the child that the measure in question be applied. In other respects, procedure shall be in accordance with Chapter 13 of the Enforcement Measures Act.]¹⁾ No fee shall be paid to the State Treasury in connection with demands under this Article.

If, notwithstanding an order by a district court judge, the person with whom the child is living refuses to hand the child over or to provide information which the district commissioner considers essential for the implementation of the order, the district commissioner may, at the request of the petitioner, make an order on *per diem* fines (*cf.* Article 48). *Per diem* fines shall be reckoned for each day that passes from the issue of the order until the child is handed over to the petitioner or the information that has been requested is delivered to the district commissioner. *Per diem* fines shall be paid to the State Treasury. Articles 48 and 49 shall apply to *per diem* fines under this Article.

If enforcement measures are to be taken, the district commissioner shall summon a representative of the child welfare committee [in the jurisdiction where the enforcement measure is to be taken]¹⁾ to be present when the measure is taken; the representative is to defend the child's interests. The district commissioner may seek police assistance in taking the enforcement measure, and the police shall be obliged to comply with such instructions from the district commissioner. Police officers shall wear plain clothes when the measure is taken. Enforcement shall be carried out in such a way as to cause the minimum strain for the child and the district commissioner may stop the measure if he considers there is a particular danger that

the child may suffer injury if it is continued.

¹⁾ [Act No. 61/2012, Art. 20.](#)

Chapter VIII. Right of access, etc.

■ Art. 46. [*Children's access to parents.*]

A child has the right to regular access to the parent that he or she does not live with, providing it would not be at variance with the child's best interests. By 'access' is meant time spent together and communication of other forms. When the parents do not live together, they both have a duty to take the measures possible to ensure that this right of the child is respected.

The parent with whom the child does not live has both a right and a duty to cultivate contact with his or her child. The parent with whom the child lives shall be obliged to encourage the child to have contact with the other parent unless, in the opinion of a judge or a legally competent official, this would be at variance with the child's interests and needs.

The parent exercising the right of access may take the necessary decisions regarding the child's daily life that are entailed in such access. The parent with whom the child lives shall ensure that the parent exercising the right of access receives all information necessary to ensure that contact will serve the child's best interests and needs.

Parents may make an agreement on how the right of access is to be exercised, including which of them is to pay expenses involved in access, providing that this is not contrary to the child's best interests and needs.

Parents may seek the approval of the district commissioner of agreements under the fourth paragraph of this Article. The district commissioner shall give them guidance regarding the legal implications of such an agreement. The district commissioner may withhold approval of the agreement if it is at variance with the child's best interests and needs.]¹⁾

¹⁾ [Act No. 61/2012, Art. 22.](#)

■ [Art. 46 a. *Children's access to other persons.*

If one or both of the child's parents are dead, or if a parent is unable to discharge his or her obligations regarding contact with the child, or if a parent has only very limited right of access to the child, the child shall have the right of access to close relatives of that parent, or to other persons closely associated with the child, providing this is considered as being of benefit to the child.

The provisions of the second sentence of the first paragraph, and those of the third, fourth and fifth paragraphs, of Article 46 shall apply regarding access under the first paragraph of this Article.]¹⁾

¹⁾ [Act No. 61/2012, Art. 23.](#)

■ **Art. 47.** *Rulings by district commissioners regarding access.*

- [If parents disagree about access, the district commissioner shall decide on access under this Article by means of a ruling. Decisions shall at all times be taken according to the best interests of the child. The district commissioner shall take into account factors including the child's bonds with both parents, the child's age, stability in the life of the child, the parent's places of residence and the wishes of the child, taking account of its age and level of maturity. Furthermore, the district commissioner shall assess the danger that the child, a parent or other persons in the child's home have been exposed, or will be exposed, to violence or harsh treatment, and shall give particular consideration to whether disputes, or the pattern of communication, between the parents are likely to prevent, obstruct or reduce the likelihood that the child will grow up under conditions that are conducive to its development. If the district commissioner considers that access between the child and the parent would be contrary to the child's best interests and needs, he may decide that no right of access shall apply.
- The district commissioner shall rule on the substance of the right of access, conditions for it and how it is to be applied. The district commissioner may also refuse to rule on the substance of the right of access if such a resolution is considered to be in the best interests of the child.
- Under special circumstances, rulings may be made specifying the right of access on as many as 7 out of every 14 days.
- When there is particular reason to do so, the district commissioner may specify in the ruling that access is to take place under the supervision of a specialist in children's affairs.
- The district commissioner may amend or annul a ruling or agreement on access if this is considered to be in the best interests of the child. Furthermore, he may refuse to amend a decision on access if this is considered to be in the best interests of the child.
- Even when the substance of the right of access has been decided by a court judgement or a court settlement under Article 34, the district commissioner shall have the same authority to amend that arrangement as he would have had if it had been decided by his own ruling.
- The district commissioner shall rule in the same way regarding access between the child and his or her relatives or other close associates in accordance with Article 46 *a*, providing such access can be considered as being in the best interests of the child. The comments of the parent who has the right of access to the child shall be sought as appropriate.
- Procedure in cases under this Article shall be subject to the provisions of Chapter XI.]¹⁾

¹⁾ [Act No. 61/2012, Art. 24.](#)

■ **[Art. 47 a. Interim rulings by district commissioners regarding access.**

In cases concerning access, district commissioners have the authority to make interim rulings under Article 47 at the request of either party stating how access is to be exercised according to the best interests of the child. It may be stated that the interim ruling is to be valid for a specific period or else until the case is finally resolved.

If a case concerning access has not been finally resolved, the district commissioner may, at the request of one of the parties, rule that the child may not be taken out of the country. The district commissioner shall send rulings prohibiting travel immediately to the Office of the National Commissioner of Police.

Rulings under the first and second paragraphs of this Article may be amended in view of special circumstance if this is considered to be in the best interests of the child.

Appeals against rulings by a district commissioner under the first three paragraphs of this Article may be lodged with the minister within two weeks of their date of issue.

Rulings under the first three paragraphs of this Article shall not limit the district commissioner's freedom of action when determining access under Article 47.

The fact of having delivered a ruling under the first three paragraphs of this Article shall not, by itself, disqualify a district commissioner from resolving a case under Article 47.

Rulings under the first three paragraphs of this Article shall expire automatically when a ruling on access is delivered. This shall not apply, however, if the district commissioner has decided that the bringing of an appeal against the ruling is to defer its legal effects. When that is the case, the ruling shall expire automatically either when the deadline for lodging an appeal under Article 78 has passed or when the minister's ruling has been made known.]¹⁾

¹⁾ [Act No. 61/2012, Art. 25.](#)

■ **[Art. 47 b. Rulings by district commissioners on costs in connection with access.**

If the parents are not in agreement, the district commissioner shall, at the request of either parent, rule on the division of the costs of the child's travelling in connection with access.

For the resolution of cases under the first paragraph, the general rule shall be that the parent who is exercising the right of access shall pay for costs in connection with access. However, the district commissioner may decide that the parent with whom the child lives shall pay some or all of the costs in connection with access, taking into account the financial and social position and personal circumstances of

both parents and other circumstances of the case.

Attachments may be made to recover costs in connection with access on the basis of a rulings by district commissioners or agreements between parents that have been approved by district commissioners.]¹⁾

¹⁾ [Act No. 61/2012, Art. 25.](#)

■ **Art. 48.** *Per diem fines to establish access.*

Child access according to a ruling, judgement, court settlement between the parents or an agreement concluded by them and certified by a district commissioner, may be enforced by means of *per diem* fines if the parent exercising custody prevents the other parent or other persons who have the right of access to the child from exercising their right.

The district commissioner may, at the request of a party with the right of access to the child under the first paragraph of this Article, oblige the person exercising custody of the child to cease obstructive behaviour or to face *per diem* fines of up to ISK 30,000 per day. *Per diem* fines may not be imposed for more than 100 days at a time. ...¹⁾

The district commissioner may, at the request of a party with the right of access to the child under the first paragraph of this Article, rule that *per diem* fines are not to be lifted until the person concerned has ceased his or her obstructive behaviour and access has taken place on three occasions under the supervision of [a specialist]²⁾ in accordance with the valid access arrangements.

...²⁾ Under special circumstances, the district commissioner may defer adopting a position on a request for the imposition of *per diem* fines. The provisions of Chapter XI shall apply to other aspects of procedure in these cases.

Per diem fines shall be determined by a ruling and take effect in respect of each day that passes from the time when the ruling is delivered until the obstructive behaviour in question is ceased.

Per diem fines already due shall be waived when the district commissioner considers that the obstructive behaviour has ceased [or if enforcement measures aimed at establishing access cannot be applied].²⁾

Per diem fine claims shall expire after one year. This limitation period shall run from the date on which the ruling is delivered.

¹⁾ [Act No. 69/2006, Art. 2.](#) ²⁾ [Act No. 61/2012 26.](#)

■ **Art. 49.** *Attachments to secure per diem fines.*

[Attachments may be made to secure the payment of *per diem* fines requested by the party experiencing obstruction of his or her right of access; the fines shall be paid to the State Treasury.

Requests shall be submitted to the district commissioner, who shall ensure that a call for payment is sent to the respondent. If the respondent does not cease the

obstructive behaviour, the district commissioner shall send a request for enforcement measures to the district court. After receiving an endorsement from a district court judge, the district commissioner shall decide as quickly as possible where and when an attachment is to be made, and shall inform the plaintiff and the respondent of his decision. No attachment can be made unless the plaintiff is present in person.

This provision shall also apply, as appropriate, to other measures to secure the execution of decisions. Regarding enforcement measures to establish access, however, the provisions of Article 50 (*cf.* Article 45) shall apply.

The provisions of the Enforcement Measures Act or of legislation on the relevant execution measures shall apply regarding other aspects of procedure on execution under this Article.

No fees to the State Treasury or other expenses shall be paid in respect of the processing of requests under this Article.]¹⁾

¹⁾ [Act No. 61/2012, Art. 27.](#)

■ **Art. 50.** *Access established by means of enforcement.*

[If, notwithstanding the issue of a ruling on *per diem* fines and an attachment to secure unpaid *per diem* fines, the person exercising custody nevertheless obstructs access, the district court judge may, at the request of the person who has the right of access to the child, may authorise that access be established by means of an enforcement measure.

The judge may, at the request of the person who has the right of access to the child, rule that access be established by means of an enforcement measure on a single occasion or that access over a specific period be established by means of enforcement.

No enforcement measure can be applied unless the plaintiff is present in person.

The provisions of Article 45 shall apply regarding other aspects of procedure and the implementation of enforcement measures.]¹⁾

¹⁾ [Act No. 61/2012, Art. 28.](#)

■ **Art. 51.** *[Proposed transfer of domicile.*

When one parent has the right of access to a child according to an agreement, ruling, judgement or court settlement, both parents shall be obliged to inform each other with at least six weeks' notice if they intend to transfer their domicile and/or that of the child, either within Iceland or outside it.

The provisions of the third paragraph of Article 28 *a* shall also apply to journeys in which the child is taken out of the country when the parents exercise joint custody. ¹⁾

¹⁾ [Act No. 61/2012, Art. 29.](#)

■ **[Art. 51 a.** *Rulings by district commissioners on journeys out of the country.*

□ If parents who exercise joint custody of a child are not in agreement on a proposed journey out of the country with the child, the district commissioner shall, at the request of either parent, make a ruling on the right to make a journey out of the country with the child.

□ When cases under the first paragraph of this Article are resolved, factors including the purpose of the journey, its duration and the effect it would have on access shall be taken into account.

□ The provisions of Chapter XI shall apply regarding procedure in cases under this Article.¹⁾

¹⁾ [Act No. 61/2012, Art.30.](#)

■ **Art. 52.** *The right to information about children.*

□ The non-custodial parent shall be entitled to receive [oral information]¹⁾ from the other parent regarding the child's circumstances, including its health, development, attendance of nursery school (pre-school, kindergarten), school, interests and social contacts.

□ [The non-custodial parent shall be entitled to have access to written materials from the school and pre-school regarding the child.]¹⁾ [That parent shall also be entitled to receive oral information regarding the child from other parties involved in the child's affairs, such as hospitals, health clinics and social affairs institutions, social affairs committees, child welfare committees and the police.¹⁾ Entitlements under this provision shall not involve an authorisation to obtain information on the personal circumstances of the custodial parent.

□ The institutions and administrative authorities mentioned in the second paragraph of this Article may nevertheless withhold information if it is considered that the interests of the parent in making use of it should be subordinated to far greater public or private interests; this shall include instances where it must be considered that the release of information would be to the detriment of the child.

□ Appeals against decisions to withhold information under the third paragraph of this Article may be made to the district commissioner within two months of the date when the parent is informed of the decision. No appeal to [the ministry]²⁾ may be made against decisions by district commissioners under this paragraph.

□ In special circumstances, the district commissioner may decide, at the request of the custodial parent, to deprive the other parent of his or her entitlement to receive information under the second paragraph of this Article. Article 78 shall apply regarding appeals against decisions of this type by district commissioners.

¹⁾ [Act No. 61/2012, Art. 31.](#) ²⁾ [Act No. 162/2010, Art. 175.](#)

Chapter IX. Support of children.

■ **Art. 53.** *Duty of parents and others regarding support.*

Parents, jointly and severally, have a duty to support their children. Support of children shall be commensurate with the parents' circumstances and the child's needs.

[Step-parents and cohabiting parents shall be obliged to support their step-children as they would their own children for the duration of the marriage or cohabitation if they exercise custody under Article 29 *a*. The same shall apply if the step-parent or cohabiting parent exercises custody of the child following divorce or the dissolution of the cohabitation if one of the child's natural parents is dead.]¹⁾

¹⁾ [Act No. 61/2012, Art. 32.](#)

■ **Art. 54.** *Child maintenance decided when custody is decided.*

[The payment of child maintenance shall always be decided on judicial separation or divorce of the parents and also when custody of the child, or its domicile, is decided on dissolution of cohabitation between the child's parents that has been registered in the National Register.]¹⁾ The same shall apply when the parents make an agreement amending custody under Article 32.

¹⁾ [Act No. 69/2006, Art. 3.](#)

■ **Art. 55.** *Child maintenance agreements.*

Child maintenance agreements shall only be valid if they are approved by a district commissioner or if child maintenance is agreed in a court settlement.

Child maintenance may not be agreed at a rate lower than that of child support as determined at any given time under the Social Insurance Act. This is referred to as 'basic child maintenance' in the present Act.

A parent's obligation to pay child maintenance may not be set to terminate until the child attains the age of 18. When parents make a temporary agreement on custody, however (*cf.* the fourth paragraph of Article 32), it shall be possible to agree on maintenance payments for the same period as custody is to last under the agreement.

■ **Art. 56.** *Those who may demand child maintenance.*

The person who bears the cost of supporting the child may demand that child maintenance payments be decided and collected, providing that the person in question has custody of the child or the child lives with him or her in accordance with a lawful arrangement.

When a child maintenance payment has been made by the state, the agency or institution in question shall have the right specified in the first paragraph of this Article.

■ **Art. 57.** *Rulings or judgements on child maintenance.*

If a parent fails to meet his or her obligation regarding the support of a child, the district commissioner may issue a ruling obliging him or her to pay child maintenance. Child maintenance may not be determined for more than one year

back in time from when a claim is made unless very special circumstances so entail.

- Child maintenance shall be determined in relation to the child's needs and the financial standing and other circumstances of both parents, including their earning capacity.
- In a ruling on child maintenance, child maintenance payments may not be specified at a level below basic child maintenance, and a parent's obligation to pay child maintenance may not be set to terminate until the child attains the age of 18.
- When parents make a temporary agreement on custody, however (*cf.* the fourth paragraph of Article 32), it shall be possible rule on maintenance payments for the same period as custody is to last under the agreement.
- [The ministry]¹⁾ shall issue guidelines on reference levels for when demands are made for child maintenance at levels above basic child maintenance under the third paragraph.
- When resolving, in a judgement under the provisions of this Article, a dispute concerning the paternity or custody of a child, the judge shall, when requested to do so, resolve any disputes concerning child maintenance.

¹⁾ [Act No. 162/2010, Art. 175.](#)

■ **Art. 58.** *Special provision on the support obligation.*

- If the father of a child has been sentenced for an offence under Chapter XXII of the General Penal Code against the child's mother, and it must be considered that the child was conceived as a result of his conduct, he may be ordered to pay the entire cost of the support of the child.

■ **Art. 59.** *Rulings on maintenance payments from the Social Insurance Administration.*

- If a demand has been made for child maintenance payments but the matter will foreseeably take a long time to finalise because the parent against whom the demand is directed is resident abroad or it is particularly difficult to contact him or her, the district commissioner may deliver an interim ruling on maintenance payments for the child from the Social Insurance Administration. Interim child maintenance payments may not be set above the rate of basic child maintenance or for a longer period back in time than that covered by the demand against the parent. Rulings on demands of this type may never be made for periods of more than one year back in time and the child must have been resident in Iceland during this period. Interim child maintenance paid by the Social Insurance Administration under this paragraph shall be collected from the parent who is obliged to pay child maintenance in accordance with a ruling by the district commissioner against that parent; apart from this, it cannot be reclaimed.
- If the parent who is resident abroad has been made, by a foreign decision, to pay

the parent of the child who is resident in Iceland maintenance for the child at a rate that is lower than basic child maintenance, the district commissioner may rule that the Social Insurance Administration is to pay the parent with whom the child lives child maintenance equivalent to the difference between the maintenance payments received and basic child maintenance. If, in a foreign decision on child maintenance, it has been decided that the parent who is resident abroad is not to pay maintenance for the child, the district commissioner may rule that the Social Insurance Administration is to pay basic child maintenance to the parent with whom the child lives.

■ **Art. 60.** *Rulings on special expenses.*

- A ruling may be made under which the person who is obliged to pay child maintenance is to pay a special contribution towards the cost of the child's christening, confirmation, the purchase of glasses, orthodontic treatment and expenses in connection with illness, burial or for other special reasons.
- Rulings on contributions under the first paragraph of this Article may only be made if a demand is submitted to the district commissioner within three months of the date when the expense had to be met, unless there was a normal reason to wait longer before submitting such a demand.
- [The ministry]¹⁾ shall issue guidelines on reference levels for when demands are made for special contributions under this Article.

¹⁾ [Act No. 162/2010, Art. 175.](#)

■ **Art. 61.** *End of the support obligation.*

- The obligation to support children ends when they attain the age of 18.
- The obligation to pay child maintenance shall end earlier if the child marries, unless the district commissioner decides otherwise.

■ **Art. 62.** *Contributions for education or vocational training.*

- Notwithstanding the provisions of Article 61, a ruling may be made obliging a parent to pay his or her child a contribution for education or vocational training, at the child's request, from the age of 18 and up to the age of 20. The provisions of the second sentence of the first paragraph of Article 57 shall apply concerning this arrangement.
- The district commissioner may amend a ruling under the first paragraph of this Article if a request is submitted, with reasons, to do so, providing it is demonstrated that a change has occurred in circumstances of either the parent or the child.

■ **Art. 63.** *Payment of child maintenance.*

- Child maintenance shall be paid each month, in advance, unless other arrangements are lawfully decided.
- Child maintenance under the provisions of this Chapter belongs to the child and shall be used for the child's benefit. However, a person entitled to demand child

maintenance under Article 56 may collect child maintenance and receive payments of it in his or her own name.

■ **Art. 64.** *Amendment of agreements or court settlements regarding child maintenance.*

□ The district commissioner may make a ruling amending an approved agreement on child maintenance or a court settlement (*cf.* Article 55), if a request is submitted, with reasons, to do so, if:

- a. circumstances have changed substantially,
- b. the agreement or court settlement is at variance with the needs of the child or
- c. the agreement or court settlement does is not congruent with the parents'

financial positions.

□ However, decisions on child maintenance payments that have fallen due before the demand is submitted may not be amended unless very special circumstances so entail.

■ **Art. 65.** *Amendment of rulings or judgements on child maintenance.*

□ The district commissioner may amend rulings by administrative authorities on child maintenance and decisions taken in judgements if a request to do so is submitted, with reasons, providing it is demonstrated that the circumstances of the parents or of the child have changed.

□ The provisions of the second paragraph of Article 64 shall apply regarding rulings on child maintenance by administrative authorities.

Chapter X. Payment of child maintenance and child support. Measures to secure collection.

■ **Art. 66.** *Authorisation for attachments.*

□ Attachments may be made to secure child maintenance on the basis of a judgement, a court settlement or a ruling. The same shall apply to other payments on which district commissioners rule under Chapters IV and IX.

□ Attachments may also be made to secure payments under the first paragraph of this Article which are covered by agreements approved by district commissioners.

■ **Art. 67.** *Payment obligation of the Social Insurance Administration.*

□ The Social Insurance Administration shall be obliged to make payments to those entitled to receive them under Chapters IV and IX, and who are resident in Iceland, in accordance with judgements, court settlements, rulings by district commissioners or agreements approved by district commissioners, subject to the limits laid down in the Social Security Act.

Chapter XI. Procedure and resolution by the authorities of cases under this Act.

■ **Art. 68.** *Jurisdiction of the Icelandic authorities.*

The authorities may resolve cases with a connection with other states in the following instances:

a. if the child concerned is resident in Iceland,

b. if the party towards whom a demand is directed is resident in Iceland,

[c. if a decision on child maintenance under Chapter IX has been taken in Iceland and the party making maintenance payments is resident in Iceland.]¹⁾

The provisions of international agreements to which Iceland is a party shall take precedence over the provisions of the first paragraph of this Article.

¹⁾ [Act No. 69/2006, Art. 4.](#)

■ **Art. 69.** *Administrative areas for resolution.*

Disputes subject to resolution by district commissioners under this Act shall be resolved in the administrative area in which the child is resident. If the child moves to another administrative area before the case is resolved, the district commissioner who has been hearing the case shall decide whether he or she concludes it or sends it to the district commissioner in the administrative area to which the child has moved.

If the child is not resident in Iceland, the case shall be resolved in the administrative area where the person against whom the demand is made (the respondent) is resident.

If cases of the same type are being heard simultaneously regarding siblings who are not resident in the same administrative area, the cases shall be combined and resolved in the administrative area where the case that was registered first was to be resolved.

[The ministry]¹⁾ shall decide on the administrative district where a case is to be resolved if neither the child nor the respondent is resident in Iceland or if for other reasons there is doubt as to where the case is to be resolved in accordance with the foregoing.

¹⁾ [Act No. 162/2010, Art. 175.](#)

■ **Art. 70.** *Demands by the parties and announcement of procedure in cases.*

Parties to a case must present clear demands to the district commissioner. When a petition has been received from one party, the other shall be summoned to attend a hearing by the district commissioner or shall be given an opportunity of presenting his or her views on it in writing (*cf.* the second and third paragraphs of Article 71).

If a party does not respond to the district commissioner's invitation to attend the hearing or send written observations expressing his or her views on the case, the district commissioner shall send him or her the documents in the case in a verifiable manner and set a deadline for presenting his or her views on the case in writing, or an opportunity to attend a meeting with the district commissioner at a

specific time. The letter presenting this demand shall state the consequences of failure to respond to a summons or comply with instructions from the district commissioner.

If the counterparty is domiciled or has a known address in another state, the service of notification shall be subject to the laws of that state. However, the receipt of a registered letter or the service of the notification by a process server shall always be considered sufficient service. The same shall apply if the counterparty endorses a notice from the district commissioner to the effect that he or she has taken delivery of a copy.

The district commissioner may publish an announcement of procedure in a case in the Official Gazette if:

- a. it is not possible to obtain information on the address of the counterparty,
- b. foreign authorities refuse, or fail, to serve notification of procedure in the case,
- c. service is not effected according to the laws of the state in which an attempt is made to serve the notification or
- d. receipt of the registered letter was refused at the counterparty's home.

Announcements of procedure in the Official Gazette shall mention the name, ID No. and last known address of the party, if possible, the substance of the demand, with a reference to the authorisation in law on which it is based, a call to the party to attend a hearing of the case at a particular place and time, and finally the consequences of failing to respond to the district commissioner's summons. The announcement shall be published in the Official Gazette at least 30 days before the case is to be heard.

If the time for a new hearing of the case is decided at the first hearing, no further notification to any party present at the announcement of this decision will be necessary.

■ **Art. 71. Procedure.**

Where procedure is not specified in the present Act, it shall be in accordance with the Administrative Procedure Act.

The district commissioner shall decide whether to summon the parties, together or separately, to meet him to discuss the case or whether to give them the opportunity of stating their views in writing, depending on the nature and scope of the case and the needs of the parties. However, the district commissioner shall always grant parties' requests to express their views orally.

The district commissioner may decide that the hearing of a case concerning the counterparty is to take place in the administrative area under the jurisdiction of the district commissioner where the counterparty is resident.

The provisions of Article 43 shall apply, *mutatis mutandis*, regarding children's right to express their points of view. ...¹⁾

¹⁾ [Act No. 61/2012, Art. 33.](#)

■ **Art. 72.** *Examination of cases.*

- Parties to a case shall be obliged to obtain the materials which the district commissioner considers necessary for the resolution of the case. Furthermore, the district commissioner may obtain materials at his or her own initiative when necessary (*cf.* Article 10 of the Administrative Procedure Act).
- If the party requesting the ruling does not respond to summonses or comply with instructions given by the district commissioner regarding the submission of materials (*cf.* the first and second paragraphs of Article 70), the district commissioner may refuse to resolve the case. Such refusal by the district commissioner to resolve the case shall be stated in writing, and a copy of it shall be sent to the counterparty if he or she has been informed of the demand of the party requesting the ruling.
- [If the parties to a case fail to respond to summonses or comply with the district commissioner's instructions regarding the obtaining of materials (*cf.* Article 70), then all persons to whom the district commissioner applies shall be obliged to provide him, free of charge, with copies of the materials he considers necessary for the resolution of the case.]¹⁾

¹⁾ [Act No. 61/2012, Art. 34.](#)

■ **Art. 73.** *Mediation.*

- District commissioners shall seek to bring about an agreement between the parties before taking a decision on cases of dispute unless such attempts at mediation are obviously pointless. ... ¹⁾ If the parties to a case are domiciled in, or reside in, different administrative jurisdictions, attempts at mediation may be made where the case is to be resolved or where either party is domiciled or resident.

...¹⁾

¹⁾ [Act No. 61/2012, Art. 35.](#)

■ **Art. 74.** *Expert opinions, etc.*

- [At all stages of a case, a district commissioner may seek the assistance of an expert on children's affairs. The district commissioner may, amongst other things, commission an expert to examine the child's point of view, or that of one of the parents, and to submit a report on it. Furthermore, the district commissioner may commission an expert to comment on particular points open to opinion, when it is considered necessary to do so, and may determine that the expert is to have the authorisation to gather the materials needed for this purpose in accordance with the third paragraph of Article 72.
- If necessary, the district commissioner shall inform child welfare committees of children's personal circumstances. Child welfare committees shall be obliged to examine cases on the basis of the provisions of the Child Protection Act and apply

the appropriate remedial measures to support the child as necessary.]¹⁾

¹⁾ [Act No. 61/2012, Art. 36.](#)

■ **Art. 75.** *Parties' right to information.*

- The provisions of Articles 15 – 19 of the Administrative Procedure Act shall apply as regards the parties' right to examine documents and other materials relating to the case.
- District commissioners may restrict parties' access to materials that give information on the child's point of view if there is reason to believe that revealing it could be to the detriment of the child or damage the child-parent relationship.
- If access to the materials relating to the case in their entirety is closed to a party, the district commissioner shall nevertheless inform the party of the conclusion to which they point if there is a likelihood that the resolution of the case will be based on them.

■ **Art. 76.** *Form and substance of rulings.*

- Rulings by a district commissioner shall always be made in writing, and signed, in two identically-worded counterparts, one for each party. A copy of the ruling shall be retained by the district commissioner.
- Rulings shall include the following:
 - a. the names and ID Numbers of the parties,
 - b. The name(s) and ID number(s) of the child or children concerned,
 - c. the parties' demands,
 - d. the parties' principal arguments and grounds for action,
 - e. a short and clear account of the facts of the case,
 - f. reasoning for the conclusion reached in the case (*cf.* Article 22 of the Administrative Procedure Act),
 - g. the principal conclusion, which is to be summarised at the end of the ruling in a special conclusion section,
 - h. the official designation of the district commissioner making the ruling, and the date of the ruling.

Instructions shall be given in rulings on the authorisation for lodging an appeal, the deadline for lodging an appeal and where administrative complaints are to be sent.

The conclusion section of the ruling shall state the measures available to execute the ruling or to enforce compliance with it, where these exist, and also whether the lodging of an appeal to the [minister]¹⁾ will defer the legal effect of the ruling.

¹⁾ [Act No. 162/2010, Art. 175.](#)

■ **Art. 77.** *Service of rulings.*

Rulings by district commissioners shall be served on the parties by a process server, sent by registered post or announced in another verifiable manner.

■ **Art. 78.** *Administrative appeals.*

Parties to a case may lodge appeals with the [minister]¹⁾ against rulings by district commissioners within two months of the date of the ruling. Procedure in appeal cases shall be in accordance with the Administrative Procedure Act and the provisions of the present Act, as appropriate.

District commissioners may determine in their rulings that appeals to the [minister]¹⁾ will defer their legal effects.

¹⁾ [Act No. 162/2010, Art. 175.](#)

Chapter XII. Regulations, commencement, conflict of laws, etc.

■ **Art. 79.** *Regulations.*

[The minister]¹⁾ may issue regulations containing further provisions on procedure and the working methods of district commissioners, and also on individual matters relating to the application of this Act.²⁾

¹⁾ [Act No. 162/2010, Art. 175.](#) ²⁾ [Rg. 231/1992.](#)

■ **Art. 80.** *Commencement.*

This Act shall take effect on 1 November 2003.

...

■ **Art. 81.** *Applicable law.*

This Act shall be applied to court actions under Chapters II, III and VI of the Act which are registered after [1 November 2003].¹⁾

Court actions that were registered prior to [1 November 2003]¹⁾ but were not concluded by that date shall be conducted and judged according to the Children Act No. 20/1992, with subsequent amendments. The same shall apply if an appeal is lodged with the Supreme Court against a ruling or against a judgement in such a case.

This Act shall be applied to points of administrative law that are referred to the authorities after its commencement.

Procedure and resolution of points of administrative law that were referred to district commissioners prior to [1 November 2003]¹⁾ but were not concluded by that date shall be in accordance with the Children Act No. 20/1992, with subsequent amendments. The same shall apply if an appeal against a ruling in such a case is lodged with the [minister].²⁾

This Act shall be applied to cases that are reopened, even where they were judged prior to its commencement. The same shall apply to the re-examination of points of administrative law.

The provisions of the third sentence of the first paragraph of Article 2 and of Article 23 shall not be applied to children born prior to 1 July 1992.

The substantive rules of this Act shall only apply to events that occur after its

commencement.

¹⁾ [Act No. 115/2003, Art. 1.](#) ²⁾ [Act No. 162/2010, Art. 175.](#)

Amendments to other statutes.

■ **82. gr. ...**