

**Recognition without True Connection of Parentage: a
Comparative Study of the Swiss Civil Code, the German Civil
Code and the Civil Code of Taiwan**

Yi-Tien Lin*

Abstract

A child without marital status is deemed as whom with marital status through the recognition of the father according to Art. 1065 (1) sentence 1 of the Civil Code of Taiwan. The legal parent-child relationship between father and child is therefore established. If the recognizer who has no true connection of parentage with the child declares himself as the father, i.e. the recognizer is not the true biological father, the majority of academic opinion and judicial practices reject the validity of recognition and legal parent-child relationship arising from such kind of recognition. This significantly differs from the development of comparative laws. This thesis examines this issue overall. The objects of the examination includes the relevant provisions in the Swiss Civil Code, from which the provisions of the recognition of the Civil Code of Taiwan received the content, and the provisions in the German Civil Code, which includes the same regulatory model as the provisions in the Civil Code of Taiwan. The connection of parentage is explanatorily considered not necessary for the recognition. The validity of recognition is independent of the connection of parentage between recognizer and child without marital status. The recognition without true connection of parentage is valid but deniable or revocable. Therefore this protects the interests of children without marital status and conforms with the overall value decision of the provisions of parentage.

*Associate Professor of Law, National Cheng Kung University
E-mail: ylin@mail.ncku.edu.tw

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