



Fathers against discrimination asbl
117, route d'Arlon
L-8009 Strassen

Our reference: PL-09/19

Luxembourg, 25th of February 2019

Subject: Your letter addressed to the Minister of Justice

Dear Mr. RYBIŃSKI,

I hereby confirm receipt of your letter dated 5th of February 2019, which arrived at the Ministry of Justice on the 11th of February 2019.

In your letter you mention that according to article 378-1 of the Civil code, the judge may only decide that the child shall reside alternatively if both parents agree.

Paragraph 2 of article 378-1 however provides that if both parents do not agree, the judge may order alternating residence for a determined period of time and that at the end of that period, the judge decides that the child will either reside with one parent or alternatively with both parents.

As regards custody ("autorité parentale"), please note that the law of the 27th of June 2018 does not provide for a template approach but on the contrary requires that the judges determine, in each individual case, which solution is in the best interest of the child.

Kind regards,

For the Minister of Justice

Marie-Anne KETTER
Premier Conseiller de Gouvernement