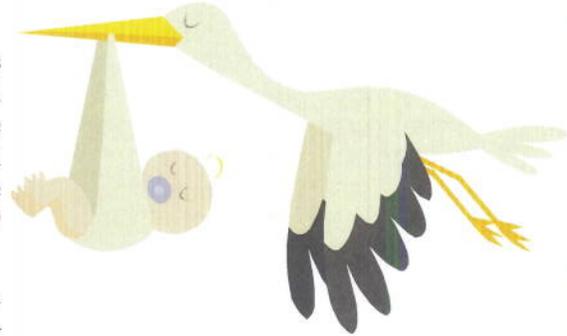


Born In The ~~USA~~ Deutschland **Legal tips on having a child in Germany...**

by Joerg Moddelmog

Having a baby overseas presents extra challenges for new parents. While they might be familiar with the paperwork process involved in bringing a new life into being Stateside, the “foreign factor” raises all kinds of questions. Where do I get a birth certificate for my child? Will my child have US citizenship? Will Germany honor my name choice for my child?



Your U.S. citizen child born overseas is not required to have his/her birth registered with any state, county, or municipal authority in the United States. There are other ways of registering such births.

In the Kaiserslautern Military Community (KMC), it is a well-established practice for the US authorities to release information on babies born at Landstuhl Regional Medical Center to the German Office of Vital Statistics (“*Standesamt*”) in Landstuhl for further processing, in accordance with Article 15 of the Supplementary Agreement to the NATO Status of Forces Agreement. As a result, not only can you obtain a US hospital report of birth but you can also obtain an actual German certificate of decent (“*Abstammungsurkunde*”) from the *Standesamt*. International birth certificates in the English language can also be issued by the *Standesamt*. German authorities do not produce certified copies of a birth certificate, but they will issue new birth certificates whenever required and they will generate as many of them as are needed.

The child's name may be picked in accordance with the laws governing the child's nationality. In order to protect the child from being subjected to humiliation and ridicule, German procedural law prohibits derogatory names and discourages the creation of any new names, as too much “fanciness” is not considered to be in the best interest of the child. You would have difficulty in Germany if you tried to name a boy “Sue.”

Furthermore, distinguishing suffixes like “Jr.” or “III” cannot be added to the name on the German birth certificate. However, such suffixes may be added later on, when the US General Consulate issues the American equivalent of a birth certificate, which is known as a “Consular Report of Birth Abroad of a Citizen of the United States of America.” This document is referred to as Form FS-240. The form establishes proof of the child's US citizenship. The fees for a Consular Report of Birth Abroad are regulated by law in Title 22, Chapter I, Subchapter C, Part 22 of the Civil Code of Federal Regulations (CFR) §22.1. The current fee is \$65.00 (see <http://www.gpoaccess.gov>).

Form FS-240 is issued on specially designed safety paper with pre-printed serial numbers; multiple copies of the form cannot be issued. In order to obtain a replacement document for a lost, stolen, or mutilated FS-240, you will have to submit a notarized affidavit, concerning the loss/theft/mutilation of the FS-240 with a written request to the Department of State, Passport Services Office, in Washington, DC, so a “Certification of Report of Birth” (Form DS-1350), or multiple copies of the form, can be issued.

Simply being born in Germany or possessing a German birth certificate does NOT establish entitlement to German citizenship. One of the baby's biological parents has to be a German citizen to pass German citizenship on to the child.

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When one of the child's parents is a German citizen and the other is a US citizen, their child will possess dual (German/US) citizenship for life. Such children will be able to enjoy "the best of both worlds."

The situation is different in cases where neither parent possesses German citizenship but both have been ordinary residents of Germany, holding an alien resident permit, for at least eight years. In these cases, the child will be entitled to limited dual citizenship and must renounce one of them at age 18. However, these rules do not apply to personnel with NATO SOFA status, as they never receive a German alien resident permit; instead they receive a SOFA stamp [or the blue laminated SOFA card] to document their "temporary" status in Germany.

In order to obtain a Social Security Number (SSN) for your child, you need to submit an application on Form SS-5-FS (downloadable at <http://www.ssa.gov>). A SSN consists of nine digits; the first three digits are a geographical code (Area Number), the next two digits are called the Group Number, and the remaining four digits are the Serial Number.

Finally, as of July 2, 2001, the State Department requires both parents' consent to obtain passports and visas for travel of children under age 14 as provided by Section 236, Public Law 106-113. If one parent is unavailable to sign the application, a signed letter or statement from the absent parent consenting to the travel must accompany the application. The intent of this change is to lessen the chance of one parent abducting his or her child without the consent of the other parent, using the child's US passport to escape with the child.

If you have further legal questions related to your child being born abroad, you should make an appointment to see a legal assistance attorney by calling DSN 483-8848 or Civilian 0631-411-8848.

New Additions to Our JAG Family: [October was a busy month!]

- Zachary Oliver Oppel, son of CPT Mark Oppel and his wife, Sarah, born October 16th.
- Samuel Joshua Hill, son of CPT Carl Hill and his wife, Karina, born October 26th.
- Andrew Jaehyun Nelson, son of MAJ Arby Nelson and his wife, Sinkyung, born October 27th.
- Addison Kate Howard, daughter of CPT Ryan Howard and his wife, Julie, born October 30th.

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Hails & Farewells: This issue we bid farewell to our Chief of Military Justice, MAJ Amber Williams, our Fiscal Law and Ethics Attorney, Jeannine Smith, the NCOIC of the KLSC, SFC Sabrae Bell, and Court Reporter SGT Donicia Mikula-Mitchell. We welcome our new Paralegal Specialist, PFC Christopher Jancek., and our volunteer, Rick Schwartz, who is an attorney on sabbatical from the law firm of Skadden, Arps, Slate, Meagher & Flom.



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**Building 3210
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Legal Assistance 483-8848

Tax Assistance 483-7688

Claims 483-8414/8862

International Affairs 483-8854

Trial Defense Service 483-8165

[Civilian: 0631-411-XXXX]

Administrative Law 484-7450

Criminal Law 484-8311

[Civilian: 0631-413-XXXX]



Cross-training: Air Force JAG Captain Kelby Kershner, Chief of Preventive Law & Legal Assistance at the 86th Air Wing Law Center on Ramstein Air Base, and Army JAG Captain Erik Lapin, Chief of Claims at the KLSC, came up with the idea of a cross-training session for Army & Air Force attorneys serving the KMCC.



Our first cross-training session took place on October 20th, and began with lunch in the Sports Bar of the new KMCC, after which we moved to the Ramstein courtroom to discuss family law issues. We plan to meet quarterly. Our next session will cover tax issues.