



Information and consent to genetic testing for kinship assessment for migration matters

Full name: **Date of birth:**

You have commissioned us to conduct a private kinship assessment. We are therefore obliged under the Federal Act on Human Genetic Testing (*Bundesgesetz über genetische Untersuchungen beim Menschen; GUMG*) to inform you about the intended analyses and your rights in connection with the report and to obtain your consent. Please read the following text carefully first, then tick any yes/no options and sign at the places provided. Please ask questions if anything is unclear to you.

1) Information on genetic testing

Purpose, type, scope and informative value of the report

The purpose of the report is to examine the questionable descent or kinship as described by the "Private order for kinship analysis" with the aid of a genetic analysis.

The DNA analysis is based on the following facts: A human being has a double set of 23 chromosomes in each cell nucleus. The chromosomes are carriers of the hereditary substance DNA on which the hereditary traits lie. A child receives 23 chromosomes from the mother (via the egg cell) and 23 chromosomes from the father (via the sperm cell).

With the exception of gender, the DNA traits examined in the requested analysis do not allow any further conclusions to be drawn about personal characteristics or disease risks. They serve exclusively to clarify the questionable descent or kinship mentioned in the order. However, the random involuntary detection of chromosomal peculiarities cannot be excluded and every sample donor has the right to be informed about these results.

Health risks

The DNA is extracted from cells of the oral mucosa or from a blood sample taken by venipuncture from every person listed in the order form. You will be informed about the risks of venipuncture by the doctor taking the sample. There is no difference between a DNA analysis from an oral mucosa swab and a blood sample, since the DNA is identical in all body cells of a healthy person. In general, there is no health risk associated with taking these samples.

Utilisation of the genetic sample

The DNA sample taken will be stored at the Institute of Legal Medicine Basel for one year and will be destroyed thereafter. During this period, the sample stays available for any further relationship testing (e.g. paternity test for a second child).

Note: Deviating from this, a longer-term, safe storage of your genetic sample in our laboratory can also take place with your consent (subject to a fee). Please decide whether and, if so, for what purpose your sample is to be stored (no data may be passed on to third parties without your express consent):

My genetic sample shall be stored for more than one year (CHF 50 per year):

Yes No (please tick)

Purpose:

Duration:

My genetic sample may be stored in anonymous form and used for scientific control studies or the further development of methods related to forensic genetics:

Yes No (please tick)

You may revoke your consent to the retention of your genetic sample at any time, either orally or in writing.

2) Provisions of the Swiss Civil Code (*Schweizerisches Zivilgesetzbuch; ZGB*) concerning the parent-child relationship

The parent-child relationship refers to the legal relationship between the parents and the child. The parent-child relationship in the legal sense does not always coincide with the biological or social-psychological child relationship. The parent-child relationship is important in matters of parental care, maintenance and has effects on inheritance law.

The relevant legal provisions on the origin of the parent-child relationship can be found in Articles 252 to 269c. These can be summarized as follows (the origin of a parent-child relationship as a result of adoption is not dealt with here):

a) Relationship between the child and the mother

The parent-child relationship is formed between child and mother on the birth of the child. (Art. 252 Abs. 1 ZGB). If the maternity of a woman registered as a mother in the birth register is in dispute, information can be obtained by means of a correction procedure in accordance with Art. 42 ZGB or by filing an action for a timely unrestricted declaratory judgment for the existence or non-existence of maternity in civil court.

b) Relationship between the child and the father

The parent-child relationship between the child and the father (paternity) is established (Art. 252 Abs. 2 ZGB):

- if the father was married to the mother at the time of the birth of the child and the presumption of paternity derived therefrom is not revoked by a court decision in a challenge procedure (articles 255-259 ZGB). Paternity is also presumed if the child was born before the expiry of 300 days since the dissolution of the marriage by the death of the husband, unless the mother has meanwhile entered into a new marriage (Article 257.1 ZGB)
- if the father formally recognizes the child (Art. 260 ZGB) without this recognition being successfully challenged in court.
- if paternity is established by a court on the basis of a paternity action (Art. 261 ZGB). The paternity action may be brought before or after childbirth, but must be filed:
 - by the mother within the first year after birth;
 - by the child within one year of reaching the age of majority

If there is already a parent-child relationship with another man, the claim can be filed in any case within one year from the day it is eliminated or refuted by the results of a paternity test. After the expiration of the time limit, an action is admitted if the delay is excused with important reasons.

c) Challenge to paternity (Art 256 c ZGB)

An existing paternity can be challenged (Art. 258c ZGB):

- by the husband or, if he died or became incapacitated before the expiry of the time limit for bringing proceedings, by his father or mother. The action shall be brought within a period of one year from the date of birth and from the date on which the husband became aware that he was not the father, or that another man had sexual intercourse with the mother around the time of conception, but in any event before the expiry of five years from the date of birth.
- by the child if the joint household of the spouses has ceased during his minority years. The complaint must be filed at the latest one year after reaching the age of majority.

Both the husband's and the child's action for annulment will also be admissible after expiry of the aforementioned period if the delay is excused with important reasons.

The mother and the biological father of the child have no right of action.

d) Importance of the DNA testing for the parent-child relationship

The result of the examination (the clarification of descent by means of DNA typing) as such does not in any case lead directly to the establishment or annulment of a legal parent-child relationship. However, it can - provided the prerequisites are met and, in particular, the right to bring an action have not yet been forfeited - trigger a paternity action, recognition or challenge of recognition of paternity, and can gain significance in corresponding family law court actions.

3) Possible psychological and social effects of the investigation

Irrespective of the result of the investigation, the very fact of carrying it out can place a burden on the family and partnership.

The result of the investigation may not only have an impact on the persons directly participating in the investigation (the persons whose DNA is being investigated). The confirmation of the fatherhood or maternity of a particular person also excludes other persons as father or mother. As a result of the investigation, an existing legal and/or social relationship with a child can therefore be impaired.

For the child, who has a right to know his own descent, the result of a descent examination, which shows a difference between biological and legal parenthood, can gain importance in his identity development and also have an effect on the relationship between siblings.

If the result of the investigation is the trigger for family law court actions and thus indirectly leads to the establishment or dissolution of a legal parent-child relationship, this reorganization of legal family relationships brings further social and financial consequences, since parental care and the obligation to pay maintenance are effects of the parent-child relationship.

In individual cases, it may be appropriate to seek out specialist advice with respect to the consequences that the investigation may have your specific case.

4) Consent

By signing this form, I confirm that I agree with DNA sampling and that I have been adequately informed about

- purpose, nature, extent and significance of the genetic examination,
- achievable results,
- possible health risks,
- the intended use of the genetic sample and the test results,
- my right to revoke consent and my right of “non-information”
- the storage and disposal times of samples

I agree that the results should be kept for at least 30 years. I release the expert from his duty of confidentiality with regard to the data and test results provided in the relationship report with respect to the other persons involved.

Right of „non-information“

You have the right of “non-information”, including the right not to take note of the result of the investigation or parts thereof.

- Yes, I'd like to receive involuntary results from the investigation.
- No, I don't want to know about any involuntary results of the investigation.

- Yes, I'd like to receive the final results from the investigation in form of a written report
- No, I don't want to receive the final results from the investigation in form of a written report

Full name (in capitals)

Date, Signature*

*possibly of the legal representative or custodian