

## **f) Contracts in respect of alimony**

### **SECTION 72**

The marriage partners may enter into an agreement in respect of the obligation to pay alimony after the divorce. If such an agreement has been made before the judgment becomes final, it shall not be void merely because it facilitated or made possible the divorce; it shall, however, be void if the marriage partners in connection with it has relied on a ground for divorce which was non-existent or no longer exists; or if in other respects the contents of the agreement or other circumstances of the case indicate that the agreement is contrary to morality.

## **g) Return of gifts**

### **SECTION 73**

1. In the case of one partner only having been found guilty, the other marriage partner may demand the return of gifts made by him during the period of their engagement or marriage, with the exception of gifts of no substantial, pecuniary or sentimental value. The provisions of Section 531 of the "Bürgerliches Gesetzbuch" shall apply.

2. Such claims are inadmissible if a period of one year from the date when the divorce judgment became final has elapsed, or if either donor or recipient has died.

## **III. Relationship to children**

### **SECTION 74**

#### **Care of the child** %

1. Where in a divorce no agreement has been reached between the parties, the Guardianship Court decides to which of them shall be given the custody of the child or children of the marriage. Agreement between the parties must be submitted to the Guardianship Court for approval in the form of a written proposal within a period of two weeks from the time when the divorce became final.

2. If such an agreement is not submitted within the period specified in Subsection 1 or is not approved by the Guardianship Court; the latter shall make such an order as is consistent with the best interests of the child or children, having regard to all circumstances. For this purpose the Court may make personal contact with the children.

3. The divorce parties should be personally heard before such a decision is made. Such a hearing shall be dispensed with only if it cannot be arranged. \*