

4. Custody shall be given to the party who has been found solely or predominantly guilty only if this is, for special reasons, in the best interests of the child or children.

5. The Guardianship Court may give the custody of the child to a curator if, for special reasons, the well-being of the child or the children requires this.

6. The Guardianship Court may vary its order at any time should it deem this advisable in the interest of the child or the children.

SECTION 75

Personal access to the children

1. The party who has not the custody of the child born of the marriage retains the right to have personal access to it.

2. The Guardianship Court may regulate in detail the manner in which the access is to take place. It can, for any period or permanently, forbid this access if this is for special reasons in the interest of the wellbeing of the child.

F. Right to separation after forfeiture of the right to a divorce

SECTION 76

When the right to divorce has been forfeited through condonation or through lapse of time, the rights and duties of such marital partners shall be the same as if the forfeited right to divorce had never existed.

PART THREE

ACTIONS FOR MITIGATION OF HARDSHIP

SECTION 77

1. Judicial decisions relating to family rights based on such provisions of the "Gesetz zur Vereinheitlichung des Rechts der Eheschließung und der Ehescheidung im Lande Österreich und im übrigen Reichsgebiet", dated 6th July 1938 (RGBl I. p. 807), which are contained neither in the »Bürgerlichen Gesetzbuch nor in this law, and judicial decisions based solely or predominantly on racial, political or religious grounds may be contested by either of the parties injured by such a decision, as well as by the children of the marriage or by the Public Prosecutor (action for mitigation of hardship).