

# OFFICIAL GAZETTE

OF THE REPUBLIC OF CUBA

MINISTRY OF JUSTICE

**Information in this number**

Official Gazette no. 99 Ordinary of 27 September

NATIONAL ASSEMBLY OF POPULAR POWER

Law 156/2022 "Family Code" (GOC-2022-919-099)



# OFFICIAL GAZETTE

OF THE REPUBLIC OF CUBA

MINISTRY OF JUSTICE

---

HAVANA REGULAR EDITION, TUESDAY, SEPTEMBER 27, 2022

YEAR CXX

Website: <http://www.gacetaoficial.gob.cu/>—Calle Zanja No. 352 corner of Escobar, Centro Habana

Telephones: 7878-4435 and 7870-0576

---

Number 99

Page 2893

**NOTE:** In this edition of the Official Gazette of the Republic of Cuba, Law No. 156 "Family Code" of July 22, 2022, endorsed by the President of the Republic on September 26, 2022, is published. be ratified by Popular Referendum, held on September 25 of the current year.

**NATIONAL ASSEMBLY  
OF PEOPLE'S POWER**

**GOC-2022-919-099**

JUAN ESTEBAN LAZO HERNANDEZ, President of the National Assembly of the Popular Power of the Republic of Cuba,

I MAKE IT KNOWN: That the National Assembly of People's Power, in the session of July 22, 2022, corresponding to the Ninth Ordinary Period of Sessions of the IX Legislature, has considered the following:

WHEREAS: The emancipatory conception of the family that guides the transformation of Cuban socialist society intertwines social interest and personal interest, promotes its development, contributes to the formation of new generations and satisfies deep human, affective and social interests of the person.

WHEREAS: The Constitution of the Republic of Cuba, approved by popular referendum on February 24, 2019 and proclaimed on April 10 of the same year, in its articles 81 to 89 endorses a regulatory framework consistent with the family pluralism that coexists in Cuban society, which is necessary to protect, and in other precepts it provides values, principles, rights and guarantees of direct incidence on families and their responsibility towards society.

WHEREAS: The Family Code, Law No. 1289 of February 14, 1975, constituted a milestone in the promotion of ethical principles, based on new moral and social values of Cuban families and strengthened the actions of the Cuban revolutionary State in pursuit of effective equality among its members based on the development of public policies aimed at the protection of children and adolescents, and the empowerment of women.

WHEREAS: Cuban society has evolved and the characteristics of families have changed substantially in relation to other preceding moments, influenced by various sociodemographic factors, the transformations in the economic model, the vision from the rights to found and live in a family, those of childhood, those of the elderly, those of people with disabilities and those of those who

may be in any situation of vulnerability, as well as the transformations within the home with respect to the more equitable distribution of domestic and care work, all in accordance with the principles of equality and non-discrimination.

WHEREAS: 47 years after the promulgation of the current Family Code, it is essential to introduce the modifications that integrate the experiences obtained in its application, solve family matters that require immediate and specialized legal measures, perfect and expand legal figures to from real situations that arise, based on relationships of equality, based on both the biological and affective aspects, on the consubstantial solidarity of this social group and on human dignity as the supreme value that supports the recognition and exercise of rights and duties enshrined in the Constitution of the Republic of Cuba, the international treaties in force for the country and in this Code.

WHEREAS: The content of the Code that is presented summarizes the results of scientific research, valuable criteria and proposals of the Commission for Attention to Youth, Children and Equal Rights for Women of the National Assembly of People's Power and the Federation of Cuban Women, who for years led the elaboration of the various draft amendments to the Family Code, together with the Cuban Society of Civil and Family Law of the National Union of Jurists of Cuba; with the participation of the Ministry of Justice, the People's Supreme Court, the Attorney General's Office, the National Organization of Collective Law Firms, the Ministries of Education, Higher Education, Labor and Social Security, Public Health, Foreign Affairs, the National Center of Sexual Education and other organizations, institutions and professionals in the multidisciplinary field.

WHEREAS: The provisions set forth in this Code evidence the will of the Cuban State to adapt its internal legal system in order to comply with the obligations derived from the international treaties in force in the country, which affect family matters, as provided in Article 8 of the Constitution of the Republic of Cuba.

WHEREAS: This Code contains in its essence the contributions of Vilma Espín Guillois, who as President of the Federation of Cuban Women, dedicated her life, as a true educator, to the effort to achieve the greatest justice for all people and make the Marti's high purpose of human improvement to achieve a society without any discrimination.

WHEREAS: The precepts of this Code are enriched by the contributions of the Cuban population in the specialized consultation carried out between September and October of the year 2021 and the popular consultation carried out between February and April of the year 2022, which greatly strengthened its content.

THEREFORE: The National Assembly of People's Power, in use of the power conferred by Article 108, paragraph c) of the Constitution of the Republic of Cuba, approves the following:

**LAW No. 156**

**FAMILY CODE**

**TITLE I**

**PRELIMINARY PROVISIONS**

**Article 1. Scope of application.** 1. The rules contained in this Code apply to all families, whatever the form of organization they adopt, and to the legal-family relationships that arise from them among their members, and from these with society and the State.

2. They are governed by the principles, values and rules contained in the Constitution of the Republic of Cuba, the international treaties in force for the country that have an impact on family matters and those provided for in this Code.

**Article 2. Recognition of families.** 1. The State recognizes in families the fundamental cell of society, protects them and contributes to their integration, well-being, social, cultural, educational and economic development, to the performance of their responsibilities and creates the conditions that guarantee the fulfillment of their functions as an institution and a social group.

2. The different forms of organization of families, based on relationships of affection, are created between relatives, whatever the nature of the relationship, and between spouses or affective de facto partners.

3. Family members are obliged to fulfill family and social duties on the basis of love, affection, consideration, solidarity, fraternity, sharing, cooperation, protection, responsibility and mutual respect.

**Article 3. Governing principles.** 1. The relationships that develop in the family environment are based on dignity and humanism as supreme values and are governed by the following principles:

- a) Equality and non-discrimination;
- b) plurality;
- c) individual and shared responsibility;
- d) solidarity;
- e) socio-affectiveness;
- f) pursuit of happiness;
- g) fairness;
- h) favorability;
- i) respect;
- j) superior interest of children and adolescents;
- k) respect for the wishes, desires and preferences of older adults and people with disabilities;
  
- l) balance between family public order and autonomy; Y
- m) family reality.

2. Such principles can be used, as interpretive guidelines, for the clarification development of the meaning of the rules and for their integration.

**Article 4. Rights of people in the family environment.** In addition to those recognized in the Constitution of the Republic of Cuba, this Code regulates the rights of people to:

- a) Establish a family; b) family life; c) full equality in filiation matters;
- d) that the free development of the personality, intimacy and the project of personal and family life be respected;
- e) that children and adolescents grow up in a happy family environment, love and understanding;
- f) full equality between women and men, equal distribution of time spent on domestic work and care among all members of the family, without overloading any of them, and respect for the right of couples to decide whether they wish to have offspring and the number and time to do so, preserving, in any case, the right of women to decide on their bodies;

- g) the full development of sexual and reproductive rights in the family environment, regardless of sex, gender, sexual orientation and gender identity, disability status or any other personal circumstance; including the right to scientific information on sexuality, sexual health and family planning, in any case, appropriate for their age;
- h) the protection of motherhood and fatherhood and the promotion of their responsible development;
- i) a family life free from discrimination and violence in any of its forms.  
festivities;
- j) a harmonious and close family communication between grandmothers, grandfathers, other relatives, emotionally close people and children and adolescents;
- k) self-determination, wishes, desires, preferences, independence and equal opportunities in family life for older adults and those with disabilities; Y
- l) family care from affection.

**Article 5. Rights of children and adolescents in the family environment.** 1. The family is responsible for ensuring that children and adolescents fully enjoy and effectively exercise their rights to:

- a) Be heard according to their capacity and progressive autonomy, since their opinion is taken into account;
- b) participation in making family decisions that concern their interests;
- c) live as a family and enjoy family and community life;
- d) parental co-responsibility;
- e) receive accompaniment and guidance in accordance with the evolution of their faculties for the exercise of their own rights;
- f) the free development of the personality;
- g) grow up in an environment free of violence and to be protected against all types of discrimination, abuse, negligence, prejudice or exploitation;
- h) physical integrity; i) health care, education, food, upbringing and general welfare;
- j) rest, play, recreation and recreational activities appropriate to their age;
- k) identity; l) the information that favors their well-being and integral development;
- m) family communication;
- n) honor, privacy and one's own image;
- ñ) a digital environment free of discrimination and violence; Y
- o) protection in exceptional and disaster situations recognized in the Constitution of the Republic of Cuba and, in these circumstances, seek their psychosocial well-being and the strengthening of their resilience.

2. The State develops policies and programs that have as a reference the principles that govern this Code in order that families receive the appropriate assistance in the performance of their functions and can fulfill them adequately, as well as so that the holders of the parental responsibility assume, under equal conditions, their duties.

**Article 6. Right of children and adolescents not to be separated from their mothers, fathers and family.** 1. Girls, boys and adolescents cannot be separated from their mothers, fathers and family, unless the competent authorities determine it in special circumstances, in accordance with the law and established procedures, taking into account the need, exceptionality and temporality. of the measure and, at all times, in your best interests.

2. This separation is considered strictly necessary as a consequence of the serious breach or the impossible exercise of parental responsibilities, and always with the aim of protecting them.

3. Decisions regarding separation should be considered as measures of last resort. resource and reviewed periodically.

4. The State guarantees the right to special protection and assistance to children and adolescents who are temporarily or permanently deprived of their family environment, or whose best interests require that they not remain in that environment.

**Article 7. Best interest of children and adolescents.** 1. The best interests of children and adolescents is a general principle that informs family law, of mandatory and essential observance in all actions and decisions that concern them, both in the private and public spheres.

2. To determine the best interests of a girl, boy or adolescent in a situation concrete participation in the family environment should be assessed:

- a) Their opinion, in correspondence with their ability to understand, the possibility of forming their own judgment and their progressive autonomy;
- b) their identity and specific condition as a developing person;
- c) the preservation of family relationships, those that are affectively close in an environment harmonious non-family, free of discrimination and violence;
- d) your care, protection and safety;
- e) their physical, educational and emotional needs;
- f) the situations of vulnerability that they may have, including those caused by exceptional and disaster situations recognized in the Constitution of the Republic of Cuba;
- g) the effect that any change in situation may have on their daily life; Y
- h) other relevant criteria that contribute to maximum satisfaction, comprehensive and if of the rights of girls, boys and adolescents.

3. The best interest of girls, boys and adolescents is appreciated in harmony with the duties of daughters and sons with respect to their mothers, fathers and other relatives in accordance with the provisions of Article 149 of this Code.

**Article 8. Importance of grandmothers, grandfathers, other relatives and emotionally close people.** 1. The State recognizes the importance of grandmothers, grandfathers, other relatives and emotionally close people in the intergenerational transmission of traditions, culture, education, values, affections and care work.

2. This Code regulates the duties and rights that are established for the best performance of these relationships.

**Article 9. Interpretation criteria.** 1. The rules contained in this Code are interpreted taking into account their scope, scope and principles, in a manner consistent with all applicable national and international legal systems, provided that the latter is compatible with the recognized rights. in the Constitution of the Republic of Cuba.

2. For their interpretation, not only the literal meaning of their words in relation to the context and their historical and legislative background must be taken into account, but also their purpose and the social reality of the time in which they are to be applied.

**Article 10. Specialty of family matters.** 1. The authorities that intervene or decide on matters related to families and their members must have preparation and knowledge that guarantee their sensitivity and specialization, the acquisition of tools that allow them to prevent, identify and impede expressions of discrimination, as well as incorporate a perspective of culture of peace, spirit of conciliation and sense of justice.

2. Likewise, the presence of specialists from various disciplines who advise, accompany and contribute from their knowledge to the solution of these matters.

**Article 11. Reasonableness of decisions in family matters.** 1. The decisions that are adopted in matters of a family nature must be reasonably founded, always taking into account the legal principles and values that inform the Law of families and in accordance with what is established in this Code.

2. The provisions of the preceding paragraph extend to all authorities involved in matters of this matter, even when they are not of a judicial nature.

## TITLE II

### OF DISCRIMINATION AND VIOLENCE IN THE FAMILY SPHERE

**Article 12. Discrimination in the family environment.** Discrimination in the family is considered any action or omission that has the purpose or result of excluding, limiting or marginalizing for reasons of sex, gender, sexual orientation, gender identity, age, ethnic origin, skin color, religious belief, disability situation, national or territorial origin, or any other condition or personal circumstance that implies a distinction harmful to human dignity.

**Article 13. Of violence in the family.** 1. Family violence is expressed from hierarchical inequality within the family and tends to the destruction of people, coexistence and family harmony; Its main victims are women and other people due to their gender, children and adolescents, the elderly and people with disabilities.

2. Expressions of family violence are verbal, physical, mental, moral, sexual, economic or patrimonial abuse, negligence, neglect and abandonment, whether by action or omission, direct or indirect.

3. It covers what occurs in the context of family relationships and occurs between relatives, between people who are emotionally close; as well as that in which aggressors and victims had or maintain relationships.

4. The same treatment is given to acts of this nature committed between persons women with cohabiting relationships, whether they are family members or not.

**Article 14. Urgent matters regarding discrimination and violence in the family.** 1. All matters related to discrimination and violence in the family are of urgent protection.

2. Whoever considers himself a victim has the right to report and request immediate protection from the corresponding authorities; Similarly, any person who has knowledge of an act of this nature must report it to said authorities.

**Article 15. Responsibility for damages derived from discrimination and violence in the family.** 1. Whoever uses discrimination or violence in any of its manifestations in their family relationships, responds in accordance with the provisions of family and criminal law.

2. Compensation for damages due to discrimination or violence in the family, including non-pecuniary damage, proceeds in proportion to the intensity, persistence and consequences of the act that originates it.

3. Voluntary exposure by the victim to a situation of danger does not justify the harmful act, nor does it exempt the offender from liability, unless, due to the circumstances of the case, the causal link is totally or partially interrupted.

4. The action for the reparation of the damages and indemnification of the damages for the acts of discrimination or violence in the family is imprescriptible.

#### TITLE III

### RELATIONSHIP AND THE LEGAL OBLIGATION TO PROVIDE SUPPORT

#### CHAPTER I

#### OF KINSHIP

**Article 16. Kinship, general scope.** Kinship is the existing legal relationship between two people that makes them members of the same family, and that, without distinction, within the limits established by law and in proportion to their proximity, produces certain legal effects, whether permissive, prohibitive or that may establish obligations.

**Article 17. Sources of kinship.** 1. Kinship has its origin in:

- a) The affiliation, whatever its source or the way in which it has been determined; Y
- c) the registered affective de facto union.

2. Spouses and members of domestic partnerships are not related to each other.

**Article 18. Kinship by consanguinity.** 1. They are related to each other, by consanguinity:

- a) People who are descended from each other; Y
- b) those that, not being descendants of one another, are descendants of the same person.

2. When the act that has determined the existence of a person is the use of assisted reproduction techniques, kinship is delimited in the same way as established by the subsections contained in the previous section.

**Article 19. Kinship derived from adoption.** Kinship originating from adoption has the same effects as blood kinship, including the exception referred to in articles 206.1.a) and 308.1.b) of this Code.

**Article 20. Kinship by affinity.** Kinship by affinity exists, in the same line and degree, between:

- a) A person and the blood relatives of their registered spouse or domestic partner; Y
- b) a person and the spouses or registered domestic partners of their blood relatives.

**Article 21. Socio-affective kinship.** 1. Socio-affective kinship is based on the will and behavior between people linked affectively by a stable and sustained relationship over time that can justify affiliation.

2. Socioaffective kinship is exceptionally recognized by the competent court and has the same effects as blood kinship, in accordance with the guidelines established in Article 59.2 of this Code.

**Article 22. Calculation of kinship.** 1. The proximity of kinship is established by lines and degrees; each successive generation forms a degree, and the series of degrees constitutes the line of kinship.



2. The persons referred to in subparagraph a) of Article 18 of this Code form the straight or direct line of kinship, which may be ascending or descending; those referred to in item b) form the collateral line.

3. In ascending and descending lines, the degree is determined by the number of generations between one person and another; in the collateral line, the degree is determined by the number of generations that separate them from each other, passing through the common ancestor.

**Article 23. Effects.** 1. The effects of kinship, with the scope determined by this Code, are:

- a) The legal obligation to provide food;
- b) the right to family communication;
- c) the prohibitions to formalize marriage or to establish an affective de facto union, with the extension provided for in articles 206.1.a) and 308.1.b) of this Code;
- d) the hereditary vocation in the intestate succession or in favor of specially protected heirs; Y

e) others specially determined in the legal system.

2. Kinship by affinity or socioaffective, in the appropriate cases, has the effects regulated in subparagraphs a) and b) of the previous section for the cases provided for in this Code.

**Article 24. Termination.** 1. Kinship by consanguinity is only extinguished by adoption, unless it is by the modality of integration referred to in Article 103 of this Code, in which it is decided to maintain the legal parental and kinship ties between the adopted person and his or her adopted person. family of origin.

2. Although the kinship by consanguinity is extinguished, its effects subsist in relation to the impediments to formalize marriage or to implement or recognize an affective de facto union.

3. The kinship by affinity is extinguished at the same time as the marriage bond or the registered affective de facto union, although the family communication rights provided for in this Code are maintained in the corresponding cases and the legal obligation to provide food if they occur. the circumstances that justify its attribution.

4. The socio-affective kinship is only extinguished by adoption.

## CHAPTER II

### OF THE LEGAL OBLIGATION TO PROVIDE SUPPORT

#### FIRST SECTION

##### general scheme

**Article 25. Scope.** 1. The legal obligation to provide food links one or more obligors with another or several obligees, married to each other or in a registered affective de facto union or in a relationship of kinship, for the performance of a benefit that must be provided to the latter. what is necessary for the satisfaction of their vital needs.

2. The benefit covers everything that is essential to meet the needs of support, housing, clothing, health maintenance, recreation, personal and emotional care, and in the case of minors, also the requirements for their education and developing.

**Article 26. People entitled to receive food.** 1. They can claim food:

- a) The daughters and minor sons, their mothers and fathers, in any case; Y
- b) the other persons referred to in the following article, if they are in a state of in need due to their situation of vulnerability.

2. A state of need exists when the person who lacks economic resources is prevented from obtaining food on their own, either due to age, because they are incorporated into a national educational institution that makes it difficult for them to regularly engage in paid work, when the situation of disability so requires or another cause.

**Article 27. Subjects forced to give themselves food.** 1. They are obliged, reciprocally, to give each other food:

- a) The spouses;
- b) those de facto affectively united;
- c) ascendants and descendants; d) mothers, fathers and their related daughters and sons; e) siblings; Y
- f) uncles and nephews.

2. Socio-affective relatives in the same line and degree as blood relatives are also obliged to provide food.

**Article 28. Contest of feeders.** 1. Claim for food, when

If two or more are obliged to give them, it corresponds in the following order against:

- a) The spouse or domestic partner;
- b) the ascendants of the closest degree;
- c) related mothers and fathers;
- d) the descendants of the closest degree;
- e) related daughters and sons;
- f) siblings;
- g) uncles; Y
- h) nephews.

2. If the descendant of the closest degree is prevented from satisfying the obligation due to not having sufficient income or personal assets, his descendant takes his place, before the next order comes.

3. When the legal obligation to provide food falls on two or more people, the payment of the pension is proportional to the respective economic income; however, in case of urgent need and due to special circumstances, the court may compel only one of them to provide them provisionally, without prejudice to the right of the latter to claim the part that corresponds to them from the other obligated parties.

**Article 29. Food contest.** 1. When two or more obligees claim food at the same time from the same person who is legally obliged to provide it and this person does not have sufficient economic income to attend to all of them, the following order of preference is kept for your satisfaction:

- a) The descendants of the closest degree and the mothers or fathers in a situation of disability;
- b) the spouse or domestic partner;
- c) related daughters and sons;
- d) the other ascendants of the closest degree;
- e) related mothers and fathers;
- f) siblings;
- g) nephews; Y
- h) uncles.

2. However, the court may distribute compliance with the obligation to provide support among the different orders, according to the circumstances of the case, when the patrimonial capacity of the obligors is lacking or when the needs of the obligee so require.

**Article 30. Proportionality.** 1. The amount of maintenance is proportional to the economic capacity of the person who gives them and the needs of the person who receives them.

2. For the adequacy of the amount, everything that the obligor perceives that can be imputed as alimony is taken into account without affecting the obligor's resources, to the point that he cannot satisfy his obligation without neglecting his own needs and, where appropriate, those of their spouse or domestic partner, minor children, as well as mothers, fathers and other vulnerable people in their care.

3. When the obligor's income cannot be appreciated, the court sets the amount of the pension based on other circumstances that demonstrate their economic capacity.

**Article 31. Variability.** The amount of food is reduced or increased, proportionally, according to the decrease or increase in the needs of the obligee and the economic income of the person who would satisfy them.

**Article 32. Form of compliance.** 1. The person obliged to provide food must adopt all the effective measures within his reach to guarantee compliance with the obligation and may, at his option, satisfy it by paying the pension that is set or receiving and keeping in his own home whoever is entitled to it. to this, which only proceeds if provisions related to the guardianship and care of the obligee are not affected and there are no impediments that make it unfeasible.

2. In the event of non-compliance, the application of the measures established for this purpose in the Code of Procedures may be requested, without prejudice to the criminal liability provided for in the corresponding legislation.

**Article 33. Enforceability.** 1. The obligation to provide food is payable as soon as the person who has the right to receive it needs it, but it is not paid until the date it is claimed in court.

2. The assumption in which the obligee had not claimed food due to family violence attributable to the person obliged to provide it is excepted, in which case they are paid retroactively from the date on which such situation is proven.

**Article 34. Monthly payments.** 1. Payment of the pension is made in advance monthly installments.

2. When the obligee dies, his heirs are not obliged to return what he would have received in advance.

**Article 35. Imprescriptibility, inalienability, non-transferability and non-compensation.**

1. The right to food does not prescribe, is inalienable and cannot be transferred to third parties; nor can it be compensated with what the obligee owes to the person obliged to give them.

2. These rules are not applicable to monthly payments accrued, but not received.

**Article 36. Unattachability and privileged character.** Fixed food pensions are unattachable and enjoy preference, according to the provisions of the Civil Code.

**Article 37. Prescription of monthly payments.** The action of the obligee to claim fixed and unreceived monthly payments of food pensions prescribes in the course of three months, except for the exception provided for in section 2 of Article 33 of this Code.

**Article 38. Payment made by a third person.** 1. When an alimony set by the court is paid by a non-obligated third party, with or without the obligor's knowledge, he has the right to demand reimbursement from the obligee to give it.

2. This credit enjoys preference and cannot be opposed to the condition that it cannot be seized from any asset, salary, social security benefit or economic income of any kind.

**Article 39. Cessation of the obligation.** The legal obligation to provide food ceases:

- a) Due to the death or judicial declaration of presumption of death of the obligee or the nutritionist;
- b) when the economic resources of the obligee are reduced to the point of not being able to satisfy their obligation without neglecting their own needs and, where appropriate, those of their spouse, domestic partner, minor and adult children with intense support with powers of representation under their protection, as well as from mothers, fathers and other vulnerable people in their care;
- c) when the obligee reaches working age and is not in a situation of disability that makes it impossible for him to obtain them by himself, or incorporated into a national educational institution or another situation that makes it difficult for him to engage regularly in paid work;
- d) when the cause that made the obligation to provide support ceases;
- e) when the obligor incurs in any behavior that threatens family solidarity or in any manifestation of violence against the obligor;
- f) when the annulment of the acknowledgment of filiation is judicially declared; Y
- g) when the link that gave rise to the obligation is extinguished, unless expressly provided otherwise.

**Article 40. Supplementary.** The provisions of this Chapter are applicable on a supplementary basis to other cases in which by this Code or special laws there is a right to food.

**Article 41. Exclusion of the legal obligation to provide food.** 1. The obligation to provide support does not arise, or where appropriate, ceases, when the obligee has voluntarily and culpably placed himself in a state of need.

2. In cases where, without just cause, this obligation has not been complied with at the time by the person who is now being claimed, the competent court may decide whether or not to exclude it.

## SECOND SECTION

### Of the legal obligation to provide food during pregnancy

**Article 42. Scope and proof.** Maintenance may be requested in favor of the conceived person who is considered the father or mother of the latter, without this constituting proof of filiation or serving to subsequently attribute maternity or paternity.

**Article 43. Provisionality and conversion.** 1. The legal obligation to provide food during pregnancy is provisional and extends until the end of the gestation period.

2. Once the birth of the obligee occurs, it automatically becomes a definitive obligation for the benefit of the best interests of the newborn, without prejudice to the right of the parties to exercise a filiation action or maintenance, independently.

**Article 44. Reimbursement.** 1. If the pregnancy is aborted for any reason, the feed Therefore, you cannot demand reimbursement of the amount paid for food.

2. On the other hand, you are entitled to reimbursement if you prove the bad faith of the parent in your claim.

## CHAPTER III

### OF COMMUNICATION BETWEEN RELATIVES

**Article 45. Right of communication between relatives.** 1. Communication between ascendants, descendants, siblings and other relatives and emotionally close people who justify a legitimate legitimate interest may not be limited except by decision

based on the best interests of the girl, boy or adolescent and for the benefit of the elderly person or person with a disability, in accordance with their self-determination, wishes, desires and preferences.

2. The communication referred to in the previous section includes all kinds of face-to-face, oral or written link, even through technological means.

**Article 46. Family communication with people in a situation of disability.** In the case of people with disabilities, whether they are mothers, fathers, relatives, emotionally close people or children and adolescents, the family communication system includes all types of language, as well as the ways and the most appropriate means of gestural, oral or technological communication for each person.

**Article 47. Duty to facilitate communication between relatives and measures to be adopted for their insurance.** 1. Persons who, for any reason or legal cause, are responsible for the care of minors, or older adults or those with disabilities, must guarantee the right to communication referred to in this Chapter.

2. In the event of repeated and unjustified opposition to its compliance, the measures are established to ensure the most convenient communication regime in accordance with the circumstances or, where appropriate, on its limitation or prohibition.

#### TITLE IV

### OF THE FILIATION

#### CHAPTER I

### GENERAL DISPOSITION

**Article 48. Filatory equality.** Daughters and sons are equal, enjoy identical rights and have the same duties with respect to their mothers and fathers, regardless of their marital status and the source of their affiliation.

**Article 49. Prohibition of reference to the source of filiation in the birth certificate.** In the birth certificates issued by the Civil Status Registry, no data is recorded from which the source of the affiliation can be inferred.

**Article 50. Sources and types of affiliation.** 1. Affiliation can take place by:

a) Natural procreation, which gives rise to consanguineous affiliation;  
b) the legal act of adoption, which gives rise to adoptive filiation; c) the expressed will to construct the maternity or paternity of the principals through the use of any assisted reproduction technique, which gives rise to assisted affiliation; Y

d) the judicial recognition of the socio-affective affiliate bonds that are built from the possession of the status of daughter or son with respect to mothers and fathers, which gives rise to socio-affective affiliation.

2. Affiliation includes both the bonds of procreation and parenthood as well as the social and affective bonds that make a person hold the status of mother, father, daughter or son.

**Article 51. Effects of affiliation.** 1. All affiliation, whatever its source, produces the same legal effects.

2. Parentage determines parental responsibility, surnames, legal obligation to give food, inheritance rights and other effects established by law.

3. The order of the surnames is that established in the corresponding registration legislation, without prejudice to the agreement reached by mothers and fathers in the sense of establishing a different order from these at the time of registration of the birth or adoption, keep becoming thus for the rest of the common daughters and sons.

**Article 52. Proof of filiation.** The filiation is proven with the certification issued in accordance with the registration entry of the birth in the Civil Status Registry made in accordance with the corresponding legal provisions.

**Article 53. Proof of affiliation by possession of the status of daughter or son.** 1. In the absence of a certificate issued in accordance with the registration entry of the birth in the Civil Status Registry, filiation can be accredited by proof, of an extraordinary and supplementary nature, of possession of the status of daughter or son.

2. Possession of status does not in itself accredit filiation, but it allows to presume, together with other means of proof, who, due to their intention and actions, can be considered mothers or fathers.

3. The facts or circumstances that evidence the possession of status require judicial recognition, and the sentence issued once registered in the Civil Status Registry is the title that serves as proof of filiation and produces full legal effects.

**Article 54. Intervention of the supports of people in a situation of disability.**

The rights and filiation actions of people with disabilities can be exercised by who or who have been appointed intense support with powers of representation, only if it is based on the wishes, desires and preferences expressed by those prior to the appointment of the support.

**Article 55. Double bond of filiation.** 1. As a general rule, daughters and sons have They have two parentage ties.

2. When you have a filiation bond, you are in the presence of single parenthood and with more than two filiation ties, multiparentality.

**Article 56. Exceptionality of multiparenting.** 1. Exceptionally, a person may have more than two filiation ties, either due to original causes or due to supervening causes.

2. Whatever the cause, the filiation bond is legally established with in dependence on the biological bond or the genetic component of the people involved.

3. For the determination of the surnames and the order of these, if the daughter or the son is a minor, the court takes into account what is most beneficial, according to their best interest and respect for their identity.

**Article 57. Original causes of multiparenthood.** 1. The original causes of multiparenthood are:

a) Cases of assisted filiation where, in addition to the couple, the third person who gives the gametes or the surrogate mother, who can provide the ovum or not, depending on the case, also wants to assume maternity or paternity, in common agreement with that; and b) any other case in which, based on the common life project, anticipate conceiving a daughter or a son by more than two people.

2. In any case, the people who assume this life project in common to have a son or daughter with another couple, if they are married or have constituted a registered affective de facto union, need the consent of their respective spouse or de facto partner. in relation to which there is no presumption of filiation referred to in Article 66 of this Code.

3. In the cases referred to in the previous section, if the spouse or domestic partner wants to also assume maternity or paternity, they must express their will to that end before the Civil Status Registrar, like the rest of the people who participate in the multiparental agreement.

**Article 58. Succeeding causes of multiparenthood.** The following are unexpected causes of multiparenting, in response to the principles of the superior interest of the daughter or son and respect for the family reality:

- a) Cases of socio-affectively constructed affiliation, without this leading to the placement of already established subsidiaries; y
- b) adoptions by integration.

**Article 59. Supervening multiparentality due to socio-affectiveness.**

1. In the event of multiple parenthood due to socio-emotionality, all the concurrent circumstances have been appreciated and the opinion of the minor daughter or son has been heard, in accordance with their psychological maturity, capacity and progressive autonomy in the corresponding cases. , the recognition of affiliation may or may not be arranged in favor of those who have requested it.

2. The circumstances referred to in the preceding paragraph are related to the proven presence of a notorious and stable socio-affective family bond, regardless of the existence or not of a biological bond between a person and the daughter or son; with the behavior of someone who, as a legal mother or father, has meritoriously fulfilled the duties that correspond to them by reason of socially and family-constructed paternity or maternity, and of those who, due to their intention, will and actions, can be presumed to be mothers or fathers.

3. They can, in addition, claim the supervening multiparentality due to the partner affectivity, the daughter or the son and the prosecution.

CHAPTER II

**OF FILIATION BY NATURAL PROCREATION**

FIRST SECTION

**General disposition**

**Article 60. Determination.** Affiliation by natural procreation that gives rise to consanguineous affiliation is determined by the voluntary acknowledgment made by mothers, fathers or both with respect to daughters and sons, by the rules of this Code or by a court ruling issued in a filiation process.

**Article 61. Investigation of affiliation.** In any filiation process, the investigation of paternity and maternity can be carried out, using scientifically validated methods and in harmony with the rights to identity and privacy of the interested persons.

SECOND SECTION

**Of the acknowledgment of filiation**

**Article 62. Voluntary recognition.** Recognition is voluntary when, If there is no marriage, it is carried out by:

- a) Personal declaration of the mother and father in a notarial public deed or in the Civil status Registration; when the recognition is made by only one of them, the affiliation takes effect only for the one who recognized it; b) by will; c) statement contained in a notarial public deed of the father of the conceived and not

born; Y

- d) declaration contained in a notarial public deed in the case of a deceased son or daughter, if he or she has descendants, expressed by the mother, the father or both.

**Article 63. Recognition by will.** When the recognition is by will, it is registered in the Civil Status Registry, if the daughter or son has a single filiation relationship and, if they are of legal age, provided that their consent is obtained.

**Article 64. Capacity required for recognition.** For the recognition of a daughter or a son, the natural capacity to have engendered it and that of discernment suffice.

**Article 65. Recognition of filiation by court ruling.** The recognition is determined by a court ruling after the exercise of the actions to claim filiation before the competent court in order to establish or modify a filiation bond.

### THIRD SECTION

#### Of the presumptions of affiliation

**Article 66. Presumptions of matrimonial affiliation or derived from the registered affective de facto union.** The filiation of the daughters and sons of persons married or registered in an affective de facto union is presumed, for those born: a) During the validity of the relationship; and b) within three hundred (300) days following the termination of the relationship.

**Article 67. Presumptions of filiation when there is no marriage or registered affective de facto union.** In filiation processes, the following can be alleged as presumptions, when there is no marriage or registered affective de facto union:

- a) The statement of the mother or father formulated in an undisputed document; Y
- b) the notoriety of the couple relationships during the period in which it could take place the conception.

**Article 68. Presumption of maternity.** Maternity is determined by the fact birth and the identity of the daughter or son, unless proven otherwise.

### FOURTH SECTION

#### Of the imputation of filiation

**Article 69. Power of imputation.** The woman without a constituted marriage or without a registered affective de facto union who has had a daughter or a son, has the power to impute filiation by declaring the name of the parent.

**Article 70. Appearance of the alleged father.** 1. When the acknowledgment referred to in subparagraph a) of Article 62 of this Code was done only by the mother, she may declare the name and surnames of the alleged father and the data for his location.

2. The presumed father is summoned to appear before the Civil Status Registrar, aware that, if he does not appear within ninety (90) days, the daughter or son is registered as his.

**Article 71. Omission or inaccuracy of identification data.** 1. When the name and surnames of the alleged father are not recorded by the mother, nor are sufficient data declared to proceed to their effective location or these are inaccurate, or with those provided it is impossible to summon them, the registration is carried out without consigning the paternity, stating the two surnames of the mother, or repeating the only one she has.

2. The right of anyone who considers himself a parent to exercise at any time the action of claiming his filiation through the courts is preserved.

**Article 72. Acceptance or denial of paternity.** 1. If the parent appears within the period set to accept paternity, the registration is carried out in accordance with the registration legislation.

2. If you are prevented, for just cause, from appearing before the Civil Status Registrar, you may, through a public document, accept or deny the acknowledgment of paternity within the same established period.

3. When paternity is denied within the warning period, registration is carried out without entering the name and surnames of the person who has denied filiation, stating the mother's two surnames, or repeating the only surname she has.



**Article 73. Recognition of affiliation after registration.** 1. The parent who intends to recognize the daughter or son registered only by the mother, or who, personally summoned before the Civil Status Registrar, denies his paternity, may recognize the filiation at any later time by requesting for his seat in the Registry of Civil Status the consent of the person who has recognized it, of the daughter or son if they are of legal age, or if they are minors, taking into account their opinion in accordance with their capacity and progressive autonomy.

2. If the person who must grant consent expresses it in a positive sense, it is practiced registration in accordance with the registration legislation.

3. If consent is denied by the person who must grant it, it can be determined through a judicial process promoted by the person who intends to recognize it or by the prosecution, as appropriate.

4. The consent of the person who registered it is not required in the cases to which refers to Article 71 of this Code.

**Article 74. Acceptance or denial of maternity.** The procedure established in the articles of this section is followed with respect to the mother, if it was the father who made the declaration, or in cases of co-maternity.

#### FIFTH SECTION Of the filiation claim

**Article 75. Object.** The purpose of the claim action of affiliation is its termination when this has not been previously established.

**Article 76. Holders of the claim action.** 1. The action of claiming the filiation of one's own son or daughter corresponds to the person who appears registered in the Civil Status Registry as the mother or father of the son or daughter.

2. It also corresponds:

- a) To the daughter or son, at any time, from the time they reach their majority;
- b) to the legal representative of the minor son or daughter, listening to their interest in accordance with their progressive autonomy, or to intense support with powers of representation in the cases of persons of legal age who are in a situation of disability, or failing that, the prosecutor's office; c) to their descendants, in case of death of the daughter or son; Y
- d) the presumed father found in the cases of articles 71 and 73.3 of this Code.

**Article 77. Accumulation of actions to claim the recognition and challenge of the established affiliation.** 1. The person who considers himself entitled to recognize as his own the daughter or son previously registered by another person, by virtue of being considered his or her parent, may at any time establish the legal claim action leading to that purpose.

2. If the person whose recognition is in question is of legal age, it is a requirement for the substantiation of the process that the action be exercised jointly by the person considered to have the right to recognize and by the daughter or son whose recognition is sought.

**Article 78. Main character of the action of acknowledgment of affiliation.**

1. In the cases of the acknowledgment action referred to in the previous article, the challenge action succeeds if the claim action also succeeds.

2. In order for both actions provided for in the preceding section to be upheld by the competent court, they require proof that the intended filiation displacement is the most beneficial for the girl, boy or adolescent without the provisions contained being applicable to the case. in the articles from 56 to 59 of this Code regulating multiparenting that occurs due to socio-affectiveness.

## SIXTH SECTION

**Of the challenge of filiation**

**Article 79. Object.** The action to challenge parentage is intended to displace a formally determined.

**Article 80. Contesting the matrimonial affiliation or derived from the registered affective de facto union.** 1. The registration of the birth of the daughter or son of married people or in a registered de facto union, carried out in accordance with the provisions of the registration legislation, can be challenged by the spouse or by the member of the de facto affective union, who does not attend the event.

2. The challenge can be based on the impossibility to have procreated the daughter or to the son or in the non-correspondence with the biological truth.

**Article 81. Challenge of filiation when there is no marriage or registered affective de facto union.** The person who has not appeared before the Registrar of Civil Status to accept or deny the paternity or maternity that is imputed to him and his registration results, may challenge it in the terms that this Code establishes.

**Article 82. Challenge of maternity or paternity.** 1. Maternity can be challenged because the woman is not the mother of the daughter or son who passes for her when she alleges substitution or uncertainty about her identity.

2. The same right corresponds to the father in similar circumstances.

**Article 83. Challenge that corresponds to the daughters and sons.** 1. The daughter or son of legal age who was registered during the minority, can challenge the act of recognition contained in the registration as soon as he knows the fact that provokes his action or the evidence on which it is based.

2. When the daughter or son is a minor, the exercise of the action corresponds to their legal representative, the prosecutor's office or the family ombudsman.

**Article 84. Situations that affect the expression of the will.** 1. You can impugn the act of recognition contained in the inscription who:

- a) Recognized in the belief of being the parent; either
- b) in the belief that the parent was another, accepted or consented to be recognized.

2. The action to challenge the acknowledgment made by the person whose will was affected by any vice of consent, corresponds to the person who expressed it, their legal representatives or through the intense support that has been appointed with powers of representation.

**Article 85. Expiration of the right to exercise the challenge action.**

The right to challenge action referred to in this section can only be exercised within six (6) months following the date:

- a) Registration;
- b) in which the plaintiff was aware of the impossibility of having created;
- c) the discovery of the evidence on which the challenge is based;
- d) having known of the substitution, in the cases of maternity or paternity; Y
- e) of having ceased the situation that prevented him from forming his will by any means, of having knowledge of the error or fraud, or since the threat ceased.

**Article 86. Continuation of the exercise of the action.** In the event of the death of the person who holds the active legitimacy for the exercise of the challenge actions referred to in this Section, the right to continue it is transmitted to those who by law would have been entitled to the inheritance, if he/she dies after having filed the action.

**Article 87. Incontestable recognition by complacency.** The acknowledgment made by the spouse or domestic partner of the mother is not contestable, knowing that there is no consanguineous link with the daughters and sons of the mother conceived or born prior to the beginning of the marriage or the de facto affective union, without predetermined paternal affiliation, alleging ignorance of the absence of biological link, without prejudice to the claim action that could be filed by whoever considers himself a parent, provided for in Article 77.1 of this Code.

CHAPTER III  
OF THE ADOPTIVE FILIATION  
FIRST SECTION

**General disposition**

**Article 88. Source.** The adoptive affiliation results from the legal act that judicially authorizes it prior compliance with the requirements established for this purpose in this Code.

**Article 89. Purpose.** 1. Adoption is a legal institution of family protection and social, public order, based on the best interests of children and adolescents.

2. It is also a form of family integration that aims to guarantee their right to live as a family, ensure their well-being and comprehensive development.

**Article 90. Guiding principles.** 1. For decisions on adoption, in addition to the provisions contained in this Code, assessment guidelines are taken into account that tend to protect the right of the girl, boy and adolescent to live in a family and consider what is most beneficial for their best interest.

2. Efforts are made, whenever possible, to keep him within his extended family of origin or in close affective environments made up of non-relative third parties with whom he maintains a significant lasting bond.

3. In the case of siblings, care is taken that they are not separated before or during the adoption procedure, and that they are adopted by the same family; If this is not possible, the court must provide that the adopters take the necessary measures to maintain communication between the siblings, unless reasonably well-founded reasons advise another solution.

**Article 91. Rights of adopted persons.** 1. Adopted persons have the right to:

- a) Know their biological identity and their origin;
- b) access the adoption file as soon as they acquire full legal capacity in accordance with the regulations on this matter established in the Civil Code or those that complement it;
- c) be registered with the surname(s) of the adopter(s), unless exceptionally and for just cause another solution is determined by the court, based on their right to identity;
- d) keep one of their names, with the adopters being able to add new names;
- e) be informed and advised throughout the adoption process of the consequences of their adoption, in accordance with the evolution of their intellectual faculties and progressive autonomy; Y
- f) be listened to at all times, taking into account their psychological maturity, capacity and progressive autonomy.

2. If it is a single-person adoption, they are registered with the surnames of the adopter and if it is joint, what is established in section 3 of Article 51 of this Code applies.

**Article 92. Character of adoption.** The adoption is full, indivisible and irrevocable once it is judicially authorized.

**Article 93. Effects of the adoption.** Adoption creates between adoptees, adopters and their relatives a kinship bond equal to that between mothers, fathers, daughters and sons, from which the same reciprocal rights, duties and legal effects derive, including the prohibitions to formalize marriage or implement unions of affective facts that subsist in relation to the adoptive family and the family of origin.

**Article 94. Extinction of filiatory ties.** 1. The adoption extinguishes the legal ties of children and kinship that have existed between adoptees and their mothers, fathers and blood relatives, except in the case of adoption by integration, in which the extinction is limited to one of the lines of kinship. , with the exception referred to in the following article.

2. The termination of legal ties with the adoptee's family of origin, and the birth of such ties with the adopter's family, is understood without prejudice to the prohibitions referred to in the previous article.

**Article 95. Exception of subsistence of the legal bond of filiation with the previous family.** The filiatory legal ties of the adoptee with his previous paternal or maternal family may subsist in the case of adoption by integration, authorized in the manner established by this Code in articles 103 to 108, provided that duly accredited reasons advise it. , giving rise to multiparenting.

**Article 96. Adoption between relatives.** In the case of adoption between blood relatives, within the limits established in this Code, the legal ties between the adoptee and the rest of his blood relatives are readjusted.

**Article 97. Unilateral adoption rule.** 1. Except for spouses or couples in registered affective de facto union, no one can be adopted by more than one person.

2. No person who is married or registered in a de facto union may unilaterally adopt a girl, boy or adolescent, except in cases of adoption by integration.

3. If during the adoption procedure there is a divorce or the termination of the domestic partnership, or the death or judicial declaration of presumption of death of one of the applicants, the process initiated can be continued and the adoption ordered in favor of both, as long as it is in the best interest of the child or adolescent.

## SECOND SECTION

### of personal items

**Article 98. Cases in which the adoption proceeds.** Only persons under eighteen (18) years of age whose parents are unknown, or who, with respect to those who hold parental responsibility:

- a) It has been extinguished by death or the judicial declaration of presumption of death;
- b) they have been deprived; or c) expressly express their will for the purpose of adoption.

**Article 99. Express expression of will for the purpose of adoption.** 1. The with Sentiment for adoption purposes may be expressed in the following ways:

- a) Through the delivery of the girl or boy by the parent in the cases that proceed due to the death of the parent or mutual agreement of both, at the time of birth and before registration, by free consent , express and

informed, in accordance with the procedures established for such purposes in the corresponding institutions, which becomes effective once one hundred and eighty (180) days have elapsed since the delivery, without any criminal liability being demanded from this act; Y

b) through notarial public deed or in the presence of the legal guardians of parental responsibility with express identification of the adopter.

2. In any case, the expression of will becomes effective in the adoption process.

corresponding tion, without any compensation, gift or benefit.

**Article 100. Requirements to adopt.** They can adopt people who meet the following requirements:

a) Have reached twenty-five (25) years of

age; b) be able to meet the economic needs of the adoptee; Y

c) have conduct that allows it to be reasonably presumed that the adoptee will comply with the duties established in Article 138 of this Code;

**Article 101. Age difference between adopter and adoptee.** Between adopters and adopted persons there must be a minimum age difference of eighteen (18) years and a maximum of fifty (50) years, except in cases of adoption:

a) Between relatives, within the limits established by this Code;

b) by integration; Y

c) of several brothers, sisters or minors in a situation of disability city.

**Article 102. Impediments to adopt.** 1. They cannot adopt:

a) Persons who do not meet the requirements referred to in articles 100 and 101 of this Code; b)

relatives located in a straight line;

c) persons who have been sanctioned by a final judgment in criminal proceedings as authors or accomplices of crimes related to gender or family violence, or for crimes against freedom and sexual indemnity, or against children, youth and the family;

d) people who have ever been deprived of parental responsibility for their daughters or sons for reasons that prevent the revocation of that decision; and e) the tutor or the tutor as long as he does not legally cease in his position and judicial approval mind the final accountability of its management.

2. In adoption by integration, one of the spouses or domestic partner is not

You can adopt the son or daughter of the other without the express consent of the latter.

### THIRD SECTION

#### From adoption to integration

**Article 103. Adoption by integration.** One of the spouses or the affective de facto couple can adopt the daughter or son of the other if the other parent is not known or if the mother or father of said minor person who is intended to adopt consented, had died or had been deprived of parental responsibility, without thereby necessarily extinguishing the legal ties of filiation and kinship that exist between the adoptee and his mother or father and his family of origin, taking into consideration the concurrent circumstances in each case, which can generate multiparenting.

**Article 104. Purpose of adoption by integration.** The purpose of adoption by integration is to consolidate the existing socio-affective bond between the adopter and the daughter or son of the spouse or affective de facto partner.

**Article 105. Essential budget.** 1. If the minor maintains an intense, frequent and positive bond with his or her mother or father of non-cohabiting origin, the adoption by the spouse or by the affective de facto partner of any of them is not admissible.

2. In these cases, the rules that regulate the rights and obligations of related mothers and fathers are applicable.

**Article 106. Adoption by integration when there is only one filiation link.**

If there is only one filiation link of origin, the minor whose adoption is sought is inserted into the family of the adopter.

**Article 107. Adoption by integration when there is a double bond of filiation.** 1. If the minor whose adoption is interested has a double filiation link of origin, and there is little or no affective or personal link with the other mother or the other father and it is chosen to preserve the filial relationship of the girl or the boy with that or that, ties with their extended family are also maintained.

2. The rules regarding relations with the rest of the original relatives are decided according to the circumstances of the case, taking into account the best interest of the girl, boy or adolescent and the origin or not of preserving the original family ties.

3. In the event of the death of the mother or father of origin, the filiation ties with that or that and with their extended family are maintained without restrictions, unless duly founded reasons advise another decision.

**Article 108. Adoption of one among several of the daughters or sons of the spouse.**

When a spouse or de facto partner requests the adoption of a daughter or son of the other, among several, the court must consider whether or not to authorize it, taking into account the interest of the rest of the daughters or sons if these they are minors, after hearing them, in accordance with the rules established in the legal system.

FOURTH SECTION

**Of the constitution of the adoption**

**Article 109. Judicial authorization for the adoption.** The adoption is judicially authorized so that it has validity and legal effects provided that: a) The adopters meet the requirements set forth in articles 100 and 101 of this Code;

b) the adoptee is under eighteen (18) years of age and is included in any of the cases of Article 98 of this Code; Y

c) there are grounds to reasonably presume that all the requirements referred to in articles 89 and 138 of this Code.

**Article 110. Intervention in the adoption procedure.** 1. They have intervention in the adoption process:

- a) The girl, boy or adolescent, if they are of sufficient age and degree of maturity, who appears with legal assistance;
- b) their mothers, fathers or other legal representatives;
- c) the administrative body that participated in the extrajudicial stage;
- d) the prosecution;
- and e) the defense, in the cases that proceed.

2. In the case of minors sheltered in social assistance centers and homes, the directors of these centers instruct the adoption file, where all the procedures are carried out and all the required requirements are accredited, and once completed, prior approval of the competent authority, it is delivered to the petitioner for presentation to the corresponding court.

**Article 111. Other people with the possibility of being heard.** 1. The own or common daughters and sons of the adopters must be heard at any stage of the adoption procedure if there is coexistence between them, provided that they have sufficient capacity and progressive autonomy to express their opinion.

2. The court can also listen to the relatives and other affective referents of the girl, boy or adolescent whose adoption is intended.

**Article 112. Registration of the adoption.** The judicially approved adoption is recorded in the birth registration entry of the adoptee in the corresponding registry.

## FIFTH SECTION

### Opposition, challenge and annulment of the adoption

**Article 113. Opposition to adoption.** They can oppose the adoption during the Substantiation of the voluntary jurisdiction procedure:

a) The mother or the father, having to justify the affiliation by means of the certification of the respective registration of the birth; b) grandmothers and grandfathers, or in the absence of these, aunts and uncles and sisters and brothers of legal age, when they have the minor under their care, provided that they justify this circumstance, as well as the relationship, through the corresponding certifications from the Civil Status Registry;

c) relatives or third parties with legitimate interest who duly prove their reason; d) who exercises the guardianship of the minor, having to prove the exercise of the position with a certificate issued by the authority in charge of the registration of the guardianship; e) who runs the social assistance center if, after the delivery of the adoption file, he becomes aware of other elements that do not advise it; Y

f) in any case, the prosecution or family defense.

**Article 114. Effects of the opposition.** If there is opposition to the adoption by any of the persons referred to in the previous article, it proceeds in accordance with the rules established in the Code of Procedures and, in any case, the right of the interested person or persons to promote it through the corresponding contentious route.

**Article 115. Challenge of the adoption.** Only the persons listed in Article 113 of this Code may challenge the judicially agreed adoption, within a period of six (6) months from the date of finality of the resolution and provided that they justify the cause that prevented them from opportunely oppose.

**Article 116. Ineffectiveness of the legal act of adoption.** 1. The interested party or the public prosecutor's office may exercise the corresponding annulment or annulment action within an expiration period of six (6) months from the date on which the judicial resolution authorizing the adoption becomes final in the following cases :

a) In the absence of any of the established requirements; b) in the presence of vices of consent; Y

c) for non-compliance with the legal requirements established for this purpose.

2. Once the expiration period has elapsed without the nullity or annulment action being exercised, the legal act of adoption is validated, except in the case of the impediments to adopt referred to in subparagraphs c) and d) of Article 102. of this Code, cases for which the action does not expire.

CHAPTER IV  
OF ASSISTED AFFILIATION  
FIRST SECTION

**General disposition**

**Article 117. Source.** 1. The affiliation of people born by assisted reproduction techniques results from the will to procreate expressed through the consent of the person or persons involved in the process, called principals, regardless of who has provided the gametes.

2. In the case of the gametes of the principals, the same rules apply for the determination of filiation by natural procreation.

**Article 118. Scope.** 1. The affiliation of people born by reproductive techniques Assisted duction is regulated by the standards established in this Code.

2. The legal provision that governs this matter and its complementary norms regulate the procedures for the implementation of said techniques.

**Article 119. Principles that govern the determination of assisted affiliation.** For the determination of assisted affiliation is taken into account, with special emphasis:

- a) The will to procreate expressed through consent that complies with the requirements established in this Code; b) the protection of the privacy of the people involved;
- c) the anonymity required by the donor of gametes;
- d) the best interests of the daughter or son born as a result of the use of the technique;
- e) the right to form a family; f) respect for the family reality of each person; and g) equality and non-discrimination.

**Article 120. Consent requirements.** 1. The will of the people involved in the process is understood to be externalized through free, informed, express and previously granted consent in a notarial public deed.

2. Consent may be revoked at any time while the procedure has not started or the embryo transfer has not taken place, and must be renewed in compliance with the same requirements for its issuance, each time gametes or embryos are used.

**Article 121. Gametes of third parties.** 1. When third-party gametes obtained by anonymous dation are used, no legal link is generated with it.

2. The same effect is produced with the use of gametes of a known person, prior consent, unless otherwise agreed in cases of multi-parenthood and without prejudice to the right to information referred to in the following article.

**Article 122. Right to information.** 1. Persons born through assisted reproduction techniques have the right to know that they were conceived through such procedures when it is relevant to their health and may obtain information on their gestational or genetic origin and the medical data of the person who gave the gametes, being excluded his identity.

2. In exceptional cases in which the identity must be disclosed, it must be accredited judicially the existence of a relevant reason with duly founded reasons.

**Article 123. Effects of the separation, divorce or death of one or both principals.**

The daughter or son born as a result of the use of an assisted reproduction technique maintains the filiation ties with the principals, derived from the will to procreate expressed by them through the consent signed in the terms referred to in Article 120 of this Code, even if the separation, divorce or death of one or both occurred before birth.



## SECOND SECTION

**Of the determination of assisted affiliation**

**Article 124. Recognition.** The consent granted in accordance with the provisions contained in the previous section by the person(s) committing it has the same effect as the voluntary acknowledgment and prevents the investigation of the affiliation with respect to the person who gave the gametes.

**Article 125. Assisted filiation of people born during marriage or affective de facto union.** The filiation of daughters and sons born by assisted reproduction techniques, practiced with the consent of the spouse or domestic partner, is determined in favor of those who have granted it, regardless of who provided the gametes and who occurs the death, the judicial declaration of presumption of death of one or both, the divorce or the termination of the affective de facto union.

**Article 126. Assisted filiation of persons born after the death of the spouse or of the affective common-law partner.** In assisted reproduction practiced with the gametes of the spouse or domestic partner after their death, the child born is considered their daughter or son for all purposes if the following requirements are met:

- a) That the express will of the spouse or affective de facto partner for assisted reproduction after death is recorded in an undoubted document;
- b) limited to a single birth, including multiple births; Y
- c) that the fertilization process begins within three hundred and sixty-five (365) days from the death of the spouse or domestic partner, extendable only once by judicial decision for a term of sixty (60) days.

## THIRD SECTION

**Of the actions of assisted affiliation**

**Article 127. Prohibition of claim and challenge.** 1. The consent issued by the principal(s) fulfilling the requirements established in this Code determines affiliation with an unchallengeable character.

2. The acknowledgment or the exercise of action to claim filiation with respect to the donor of gametes is not admissible, nor in this respect to the determination of the biological filiation of the daughters and sons born through the use of reproduction techniques. assisted in that their gametes were used.

**Article 128. Exception.** The assisted affiliation determined according to the rules referred to in Section Two of this Chapter may be challenged in the following cases:

- a) If it is proven that there was no consent;
- b) that it does not meet the requirements established in this Code; either
- c) that the daughter or son was not born from the technique for which the consent was given.

**Article 129. Impugnation due to vices of consent for assisted affiliation.** 1. The action to challenge the acknowledgment of assisted parentage due to the fact that the consent has been vitiated by error, fraud or threat, corresponds to the person who has granted it and, in the case of people with disabilities, to the person who was appointed as intense support with powers of representation.

2. The right to exercise the action expires after six (6) months, counted from the moment in which the vice ceases.

3. The persons to whom by law the inheritance of the person who brought the impugning action corresponds may continue it if the latter dies before the sentence has been pronounced.

## FOURTH SECTION

**Of the solidary gestation**

**Article 130. Scope.** 1. Solidarity gestation favors the exercise of the right of every person to have a family and is based on respect for human dignity as a supreme value.

2. It only takes place:

a) For altruistic reasons and human solidarity; b)

between people united by family or emotionally close ties; c) provided that the health of those involved in the proceeding is not endangered medical; Y

d) for the benefit of who or who want to assume maternity or paternity and are prevented from doing so for any medical reason that makes pregnancy impossible, or in the case of single men or male couples.

3. Any type of remuneration, gift or other benefit is prohibited, except for the legal obligation to provide food in favor of the conceived and compensation for expenses generated by pregnancy and childbirth.

4. In all cases, judicial authorization is required.

**Article 131. Judicial authorization for joint gestation.** 1. The principal(s) and the future surrogate mother must obtain judicial authorization, prior to the start of the medical procedure, in accordance with the requirements established by the Ministry of Public Health, through the voluntary jurisdiction procedure that regulates the Code of Procedures.

2. The judicial authorization implies the homologation of the consent granted both by the principal(s) and by the future surrogate mother, fulfilling the requirements established in the previous article and the remaining budgets and requirements that the regulations that regulate the matter foresee.

**Article 132. Elements to be taken into account to grant judicial authorization.**

In order to grant judicial authorization, the following elements must be taken into account, in addition to the provisions of Article 130 of this Code:

a) That both the principal(s) and the future surrogate mother are twenty-five (25) Years old;

b) that, where appropriate, the use of other techniques has been exhausted or has failed. nicas of assisted reproduction;

c) that the best interest of the girl or boy who may be born has been taken into account, valued in accordance with the guidelines established in Article 7, and what is established in subparagraphs b) and c) of Article 100 and subparagraphs c) and d) of Article 102 of this Code;

d) full discernment, good physical and mental health and age of the future pregnant woman to successfully carry the pregnancy to term;

e) that the future pregnant woman has not undergone a solidarity gestation process before terior;

f) that the future pregnant woman does not provide her ovum; Y

g) verify the absence of remuneration in the terms referred to in sections 2 and 3 of Article 130 of this Code.

**Article 133. Applicability of the embryo transfer.** 1. The health centers cannot carry out the embryo transfer in the future pregnant woman without judicial authorization.

2. The embryo transfer begins within three hundred and sixty-five (365) days from the judicial authorization, extendable only once by judicial decision for a term of sixty (60) days.

**Article 134. Lack of judicial authorization.** 1. If there is no judicial authorization prior, filiation is determined by the rules of natural procreation.

2. The lack of judicial authorization or any violation of the requirements of this Section, results in:

- a) The permanent disqualification of the medical personnel who incur in it; and
- b) the responsibility that corresponds according to criminal legislation.

**Article 135. Determination.** The affiliation of people born through the use of an assisted reproduction technique that involves gestation in solidarity is determined by the will to procreate of the person or persons intending it.

TITLE V  
OF PARENTAL RELATIONSHIPS  
CHAPTER I  
OF PARENTAL RESPONSIBILITY  
FIRST SECTION

**General disposition**

**Article 136. Scope of parental responsibility.** Parental responsibility includes the set of faculties, duties and rights that correspond to mothers and fathers for the fulfillment of their function of assistance, education and care of their minor daughters and sons, which affect their personal and patrimonial sphere and that they are always exercised for the benefit of their best interests and in accordance with their capacity, progressive autonomy, the free development of their personality and their degree of maturity.

**Article 137. Parental responsibility with respect to the rights of children and adolescents.** 1. The rights recognized in Article 5 of this Code must be guaranteed by those who exercise parental responsibility.

2. Mothers and fathers have common and equal responsibilities and duties in what regarding the comprehensive and inclusive care, development and education of their daughters and sons.

**Article 138. Content of parental responsibility.** co-responsibility for rental of mothers and fathers with respect to their minor daughters and sons includes:

- a) Represent them legally and manage their assets;
- b) exercise their custody and care, love them and provide them with emotional stability, contribute to the free development of their personality, taking into account their capacities, aptitudes and vocation;
- c) educate them based on positive, non-violent and participatory forms of upbringing, according to their age, capacity and progressive autonomy, in order to guarantee their healthy development, and help them in their growth to lead a responsible life in family and in society;
- d) live together, whenever possible, and maintain permanent and significant family communication in their lives that fosters the development of their family affections and their personality, for which physical presence and oral or written communication are required, including that which is produced through technological means;
- e) respect and facilitate their right to maintain a family communication system with their grandmothers and grandfathers and other relatives or people with whom they have a significant affective bond;
- f) guarantee them safe living conditions, take care of their personal hygiene and their physical and mental health, and their assistance to the corresponding specialized centers;

- g) provide them with activities and recreational means appropriate to their age that are within their possibilities;
- h) decide on their place of habitual residence and their temporary or permanent transfer;
- i) protect them, watch over their good behavior and cooperate with the corresponding authorities to overcome any situation or adverse environment that influences or may adversely influence their training and development;
- j) attend to their comprehensive education and training; instill in them a love of study, of school, respect for their teachers, and ensure their attendance at the educational center where they were enrolled;
- k) ensure their adequate technical, scientific and cultural improvement in accordance with their aptitudes and vocation, as well as collaborate with the educational authorities in school plans and activities;
- l) promote family, community and social inclusion in case of being in a situation of disability, as well as their inclusive education in environments that allow them to achieve their maximum educational development, on equal terms with the rest of the girls, boys and adolescents, and guarantee them in any case that they have the same access as other daughters and sons to participation in recreational, leisure and sports activities;
- m) provide them with food, even when they are not the holder or do not exercise parental responsibility, guardianship and care, or when they are interned in an educational or assistance center;
- n) listen to them and allow them to express and defend their criteria, as well as participate in decision-making at home in accordance with their mental and emotional maturity, capacity and progressive autonomy, convincing them when necessary through argument and reason;
- ñ) direct their training for social life; instill in them love for the family, for the country, respect for their symbols, for work and due appreciation of their values, for dignity, honesty, honesty, human solidarity and the norms of social coexistence, and the respect for the authorities, for the patrimonial assets of society, for the assets and personal rights of others and for a culture committed to protecting the environment;
- o) inculcate by example and the treatment given to other people an attitude of respect towards equality, non-discrimination for any reason or condition, and the rights of people with disabilities and older adults;
- p) accompany them, in accordance with their progressive autonomy, in the construction of their identity;
- q) provide them with education for responsible sexuality; r) teach them to share domestic tasks and care at home; and s) guarantee them a family environment free of discrimination and violence, in any of its manifestations, and seek help from the competent authority so that it adopts the measures required for it.

**Article 139. Legal representation.** 1. Mothers and fathers legally represent their minor daughters and sons, whether or not they have custody and care, in all acts and legal transactions in which they have an interest; they complement their capacity in those acts for which full capacity to act is required, in accordance with their age and degree of maturity; and exercise timely and duly the actions that correspond by law in order to defend their interests and assets.

2. The following are excepted from the representation referred to in this article:

- a) The acts related to the rights inherent to the personality or others that the daughter or son, according to their age, conditions and maturity, can carry out by themselves;
- b) those in which there is a conflict of interest between mothers, fathers, daughters and sons; Y
- c) cases in which the non-guardian mother or father is prevented from doing so for objective reasons or due to their neglect or abandonment of their daughters and sons, prior judicial authorization with the intervention of the prosecutor's office.

**Article 140. Ownership of parental responsibility.** The joint ownership of parental responsibility corresponds exclusively to mothers and fathers, derived from the filiation relationship that unites them with their minor daughters and sons, unless with respect to one or both of those it has been extinguished due to death, or judicial declaration of presumption of death, or the exclusion or deprivation is determined through a judicial sentence for the causes established in this Code.

**Article 141. Exercise of parental responsibility.** 1. The exercise of parental responsibility includes the effective fulfillment of its content and corresponds as a whole to its owners regardless of whether or not they live with their daughters and sons, unless with respect to any of them the exclusion has been extinguished or ordered. , deprivation of ownership or suspension of its exercise by court order.

2. This Code determines the cases in which the exercise of the parental responsibility in favor of persons other than its owners.

**Article 142. Consent for acts derived from the exercise of parental responsibility.** 1. It is presumed that the acts carried out by one of those who exercise parental responsibility have the agreement of the other, provided that they are those that are adopted in the course of daily life and in the sphere that can be considered ordinary in the education and development of the girl, boy or adolescent.

2. In cases of urgent need, in which the life or integrity of the daughter or son is compromised, the authorization and representation of the mother, father or the person to whom the exercise of responsibility has been delegated is sufficient. parent, according to the provisions of articles 145 and 182 of this Code, to proceed in the best interest of those.

3. The express consent of those who exercise parental responsibility is required for those acts that imply decisions of transcendence and important repercussion, potential or real, in the lives of the daughters and sons, both in the personal sphere and in the patrimonial sphere; except for the cases referred to in subparagraph c) of section 2 of Article 139, for which prior judicial authorization is required, with the intervention of the prosecutor's office.

**Article 143. Discrepancies in the exercise of parental responsibility.** In cases in which discrepancies arise due to the exercise of parental responsibility, one can go to court or use mediation with the subsequent approval of the agreements before the competent court.

**Article 144. Parental responsibility exercised with respect to minors who are mothers and fathers.** 1. Minors who have children do not require authorization to recognize them, exercise parental responsibility and perform the functions necessary for their care, education and health.

2. The holders of parental responsibility of the minor who has a daughter or a son in their care may oppose the performance of those acts that are harmful to him or her, or subrogate or replace him or her when he or she fails to comply with the actions necessary for his or her care. protection and development.

3. The consent of minors who are also holders of parental responsibility must be integrated with the assent of any of their respective mothers or fathers, in the case of acts with relevant consequences for the life of the daughter or the child such as the decision to adopt him, surgical interventions and medical treatments that endanger his life, or other acts that seriously harm his rights.

4. In case of conflict, you can go to court or use the media  
tion with the subsequent approval of the agreements before the competent court.

**Article 145. Voluntary delegation of the exercise of parental responsibility.**

1. The holders of parental responsibility may temporarily delegate part of their exercise to grandmothers and grandfathers, to another relative or person emotionally close to their minor daughter or son, with conditions to do so, without prejudice to the right that it is also recognized in Article 182 of this Code, for sufficiently justified reasons and always in the interest of the daughter or son.

2. The agreement detailing the scope of the delegation, which is signed jointly with the person who accepts it, is recorded by notarial public deed or is judicially approved in the voluntary jurisdiction procedure, in any case, with the intervention of the prosecution, and listening to the daughter or son if their age and maturity allow it.

3. The delegation can be made for a maximum period of one year, and be renewed in the same ways provided in the previous section for its validation, provided that there are causes that justify it; in such circumstances, the people involved must be involved.

4. The holders of parental responsibility have the right and the duty to supervise the upbringing and education of the daughter or son during that period.

5. If one of the holders of parental responsibility is suspended from its exercise,  
The power of delegation corresponds to the person who holds it.

**Article 146. Prohibition of inappropriate forms of discipline.** 1. Children and adolescents have the right to receive guidance and education from the adults responsible for their care through positive forms of upbringing, without, in any way, authorizing them to use corporal punishment in any way. of its forms, humiliating treatment or the use of any other type of violence or abuse, including abandonment, negligence and neglect, or any act that injures or harms them physically, morally or psychologically.

2. The exercise of parental responsibility must be respectful of the dignity and physical and mental integrity of children and adolescents.

SECOND SECTION

**Of parental responsibility in digital environments**

**Article 147. Right to a digital environment free of discrimination and violence.**

The holders of parental responsibility must ensure that children and adolescents enjoy the right to a digital environment in which they are protected from content that may harm their physical, mental or ethical development, or from acts of discrimination and violence, in any of its manifestations.

**Article 148. Balanced and responsible use in digital environments.** 1. The holders of parental responsibility must ensure that the presence of the minor son or daughter in digital environments is appropriate to their capacity and progressive autonomy, in order to protect them from the risks that may arise.

2. It is up to them to ensure that the minor son or daughter makes a balanced and responsible use of digital devices to guarantee the proper development of their personality and preserve their dignity and rights.

3. They can also promote reasonable and timely measures before digital service providers and, among others, urge them to temporarily suspend their daughter or son's access to their active accounts, or even their cancellation, as long as there is a clear risk, immediate and serious damage to their physical or mental health, having previously heard them, for which, if necessary, they have the right to demand judicial protection.

4. They must avoid exposing in digital media information concerning the privacy and identity of children and adolescents without their consent, in accordance with their capacity and progressive autonomy, taking care that the integrity of their personal data and their right to the image are guaranteed.

### THIRD SECTION

#### **Of the duties of daughters and sons with respect to their mothers, fathers and other relatives**

**Article 149. Duties of the daughters and minor sons.** 1. They are duties of daughters and minor sons:

- a) Respect their mothers, fathers and other relatives;
- b) comply with the decisions of their mothers and fathers that are not contrary to their best interests, in accordance with the guidelines established in Article 7 of this Code; Y
- c) participate and be jointly responsible for domestic work and care at home according to their age, their level of progressive autonomy and degree of maturity, regardless of their sex.

2. This duty of respect is extended to people who temporarily have the exercise of parental responsibility or de facto custody.

**Article 150. Duties of daughters and sons of legal age.** Daughters and sons of legal age must collaborate with their mothers, fathers or other relatives in all circumstances of life, assist and care for them, give them affection, respect them, provide them with food and attend to them according to their needs.

### CHAPTER II

#### **OF THE STORAGE AND CARE AND OF THE REGIME OF FAMILY COMMUNICATION**

##### FIRST SECTION

##### **General disposition**

**Article 151. Modalities of custody and care.** 1. When the holders of parental responsibility do not live together, the custody and care of their children can be shared or unilateral.

2. In any case, this must be established and organized in the parental agreements. in the manner provided in the Third Section of this Chapter.

3. Provided that the circumstances of the case allow it and it is not detrimental to the best interests of children or adolescents, custody and shared care must be favored, in order to ensure the significant presence of the holders of responsibility. parenting in the lives of their daughters and sons.

4. For sufficiently justified reasons and taking into account the best interests of children and adolescents, guardianship and care may be temporarily assigned in favor of grandmothers, grandfathers, other relatives or emotionally close people, when they have so requested. to court, or has been referred to them by the holders of parental responsibility, in accordance with the provisions of Article 169 of this Code.

**Article 152. Notarial or judicial weighing rules.** 1. To assess relevance Shared custody and care should be considered:

- a) The right to co-parenting and to live in a family, and the duty of co-responsibility parental;
- b) the agreements between the holders of parental responsibility;
- c) the level of conflict between the holders of parental responsibility so that it does not have a negative impact on their ability to collaborate in the training and education of their common sons and daughters;
- d) the opinion of girls, boys and adolescents according to their capacity and autonomy progressive; Y
- e) other criteria, such as the distance between the homes of both holders of parental responsibility, the facilities for attending the educational center, the reconciliation of work and family life, among others.

2. As a general rule, sisters and brothers should not be separated, unless it is advisable to safeguard their best interests.

**Article 153. Organization of custody and shared care.** 1. Guardianship and shared care are organized in response to the diverse reality of each family, and its scope is documented in the paternity agreements or as provided by the judicial resolution issued by the competent court.

2. Custody and shared care may be alternated or indistinct.

3. In alternating custody and care, the coexistence between daughters and sons with each of the holders of parental responsibility is organized for periods that can be days, weeks, months or years; the length and timing of these periods of time are reflected in the paternity agreements or in the judicial resolution issued by the competent court.

4. In custody and indistinct care, the daughters and sons maintain the widest spaces of coexistence with the holders of parental responsibility, and their exercise is distributed among them in response to the requirements of the family group, although the daughters and sons reside preferentially or principally with one or the other of the holders of parental responsibility.

**Article 154. Scope of care and unilateral care.** In custody and unilateral care, the exercise of parental responsibility, with regard to the functions directly related to the daily life of the daughter or son, is, fundamentally, that of the mother or father who is the guardian, without prejudice to the exercise of the rest of the faculties, the duties and the harmonious family communication regime that it maintains with the non-guardian, who has the right and the duty to contribute with him in the care, training and education of his daughters and sons.

**Article 155. Prohibition of guardianship and care due to discrimination and violence.**

1. Custody and care cannot be granted or maintained to the holder of parental responsibility in respect of whom a final court ruling has been issued for acts of discrimination and family violence, or on whom there are well-founded reasons to suppose that he exercises it and of which daughters and sons have been direct or indirect victims.

2. Neither can guardianship and care be granted or maintained to someone who has been sanctioned by a final sentence in criminal proceedings for crimes related to gender or family violence, against sexual freedom and indemnity, against children, youth and the family.



SECOND SECTION  
of family communication

**Article 156. Rules of general scope.** 1. In the case of unilateral custody and care, the court hearing the matter provides what is convenient for the mother or father to whom it is not conferred to exercise the right and duty of face-to-face, written and oral communication, including the technological means, with their minor daughters and sons and with their respective family, regulating it with the periodicity that the case requires and always for the benefit of their best interests.

2. The same provisions are adopted during the periods in which they are not in the company of their daughters and sons if custody and care are shared.

**Article 157. Regime of family communication with daughters and sons in a situation of disability.** In the case of daughters and sons in a situation of disability, if it is convenient for their best interests, the court establishes the reasonable adjustments that are required to facilitate the family communication system with the non-custodial mother or father and their respective family.

**Article 158. Regime of family communication with daughters and sons in a situation of internment in a state institution by administrative or judicial decision.** The State guarantees the communication of the holders of parental responsibility and other relatives with the daughters and sons who are in a situation of internment in a state institution by administrative or judicial decision.

**Article 159. Place of encounter or meeting.** When there are conflicts related to family communication between the guardian mother or father and the non-guardian, a meeting or meeting place can be arranged to make said communication effective.

**Article 160. Right of grandmothers, grandfathers, other relatives and emotionally close people.** 1. Grandmothers, grandfathers, other relatives and people who are emotionally close, have the right to family communication referred to in Article 45 of this Code, with children and adolescents.

2. All the people referred to in the previous section have the right to request communication between them from the court, in the event that they are denied by the holders of parental responsibility.

3. The prosecution intervenes in this process.

**Article 161. Limits, denial, suspension and modification of the family communication regime.** 1. The court may limit, deny, suspend or modify the right of mothers, fathers or other relatives to communicate with children and adolescents if they fail to comply with their duties or if the relationship may harm their best interests.

2. Their best interests are harmed if their daughters and sons suffer sexual abuse or physical or psychological abuse, or are direct or indirect victims of family violence in any of its manifestations or in another case that is assessed by the court.

3. In the case of minors sheltered in social assistance centers and homes, the management of the center may request the public prosecutor's office to urge the court to take such measures.

**Article 162. Modification of the measures adopted by the court.** 1. The measures adopted by the court on custody and care and the family communication regime can only be modified by it at any time, provided that it is appropriate due to the changes in the circumstances that determined its adoption.

2. Failure to comply with the provisions regarding the communication regime may be cause for modifying the resolution regarding custody and care, without prejudice to the criminal liability arising from such conduct.

## THIRD SECTION

**of parenting agreements**

**Article 163. Purpose.** 1. Parenting agreements are intended to distribute and organize the functions of custody and care of daughters and sons, whether they are shared or unilateral.

2. The holders of parental responsibility must listen to the minor son or daughter, according to their maturity, capacity and progressive autonomy, in the conclusion of paternity agreements.

3. The situation of disability of the daughters and sons must be taken into account when determining the custody and care regime that is most beneficial to their best interests, in accordance with their maturity, capacity and progressive autonomy, to achieve emotional and affective balance.

**Article 164. Forms.** 1. Parenting agreements can be reached by private agreement of the holders of parental responsibility or through mediation, either through notarial public deed or by judicial approval in the voluntary jurisdiction procedure before the competent court, with intervention of the prosecution.

2. These agreements are subject to notarial or judicial control to verify compliance with legality, fairness and respect for the best interests of the child or adolescent.

**Article 165. Parenting agreements in shared custody and care.** The agreement on shared custody and care must contain, among other provisions, the following: a) The place and time in which the daughter or son remains with each of the holders of

parental responsibility;

b) the responsibilities that each assumes;

c) the system of communication with daughters and sons in periods of non-coexistence; Y

d) the obligation to provide support, implementing the necessary measures so that, in the event of a disproportion of income between the holders of parental responsibility, the one with the highest income compensates the payment of support to the other in the necessary amount so that the daughter or son enjoys the same living conditions in both homes.

**Article 166. Parental agreements in unilateral custody and care.** In paternity agreements in which unilateral guardianship and care is decided, the following extremes must be considered:

a) The age, capacity, maturity and progressive autonomy of the daughter or son;

b) listening to the opinion of the daughter or son;

c) preserve the coexistence that the daughter or son maintains up to the moment when this promote their comprehensive development and respect their environment and stability;

d) give priority to the holder of parental responsibility who facilitates the right to maintain harmonious and regular treatment with the other, and who has not been the author of acts of discrimination and violence in the family, even when it is not against his daughter or son;

e) establish the family communication system between the daughter or the son and the holder of parental responsibility who is not a guardian, which will ensure a regular personal relationship and fluid oral and written communication, also including that carried out by technological means;

f) organize what concerns vacations, holidays and other important dates for the family;

- g) the legal obligation to provide food; Y
- h) agree on everything related to the real right of habitation of the dwelling.

**Article 167. Supplementary application.** In paternity agreements instrumented by notarial public deed or approved before the competent court in the voluntary jurisdiction procedure, they are applied on a supplementary basis, both by the holders of parental responsibility and by the authorities that give legitimacy to said agreements, the rules contained in this Code on custody and care, family communication regime and legal obligation to provide food.

**Article 168. Non-existence of paternity agreements instrumented in notarial public deed or judicially approved.** 1. If there is no pact of parenthood instrumented in a notarial public deed or judicially approved, the competent court must establish the system of guardianship and care of minor children.

2. Any decision regarding the custody and care of the daughter or son must be based on specific behaviors of the mother or father that may harm the best interest of the girl, boy or adolescent, not being admissible based discrimination in none of the criteria provided for in the Constitution of the Republic of Cuba.

3. The competent court must seek agreement between the holders of parental responsibility, whenever possible, and if so, parenting agreements are approved by court order.

4. Otherwise, the guardianship and care regime is determined by the tribe competent authority, taking into account the rules established in this Code.

**Article 169. Guardianship and care in favor of grandparents and other relatives or emotionally close persons.** 1. For sufficiently justified reasons, guardianship and care may be granted to grandmothers, grandfathers, other relatives or emotionally close people, taking into account the best interests of children and adolescents.

2. In such a case, the person or persons who have custody and care decide on daily matters, leaving the legal representation, administration of assets and decisions that are not of ordinary life concerning their minor daughters and sons.

3. If there is an agreement, the determination of custody and care in favor of the person or persons referred to in section 1 of this article is recorded through a notarial public deed or is judicially approved in the voluntary jurisdiction procedure. would, in any case, with the intervention of the prosecution and the hearing of the girl, boy or adolescent, if their age and maturity allow it.

4. If there is a conflict, proceed in the manner regulated by the Code of Processes.

#### CHAPTER III

### OF THE ADMINISTRATION AND DISPOSITION OF THE ASSETS AND RIGHTS OF THE DAUGHTERS AND MINOR SONS

**Article 170. Administration and disposal of assets and rights.** 1. The person or persons exercising parental responsibility manage and care for, by mutual agreement, the assets and rights of their minor children with the greatest diligence required; ensure that they use and enjoy them properly and do not dispose of them for any reason if not in their interest and complying with the requirements established in this Code, among them, informing them of the damages caused intentionally or by negligence in the managed interests .

2. The fruits and yields of their goods and rights.

3. The acts of mere conservation of assets and rights can be carried out, in distinctly, by any of the holders of parental responsibility.

**Article 171. Liability for damages.** In the exercise of the administration of the assets and rights of the daughters and sons, the holders of parental responsibility are responsible for the damages caused intentionally or by negligence in the managed interests.

**Article 172. Daughters and minor sons in a situation of disability.** In the administration and disposition of the assets and rights of minor children in a situation of disability, the benefit they represent to their best interests, their usefulness for the realization of their life project and for their family and social inclusion, on equal terms with other daughters and sons.

**Article 173. Usefulness and necessity in the disposal of assets and rights.**

1. Mothers and fathers may dispose, exchange, sell or execute other acts of disposition regarding the assets and rights of the daughters and sons for whom they exercise parental responsibility, in accordance with their best interest and for justified cause of utility. and necessity, prior authorization of the competent court with the intervention of the prosecution.

2. Exceptionally, for reasons of urgent need, when it is objectively impossible for one of the holders of parental responsibility to be present in the act of disposal of the assets and rights of the daughters and sons, the other may represent him exclusively, prior judicial authorization and with the intervention of the prosecution.

3. Judicial authorization cannot be granted in a general way; however, it can be granted with this character for several acts of the same nature or referred to the same economic activity, even if they are future; In all cases, the circumstances and fundamental characteristics of said acts must be specified.

4. Acts of disposition of assets and rights carried out without judicial authorization may be declared null if they harm the minor son or daughter, or validated if they benefit them.

**Article 174. Hiring prohibition.** Any type of contract between mothers and fathers with their daughters and sons for whom they have parental responsibility is prohibited, except in the case of pure and simple donations made by them in favor of them.

**Article 175. Daughter or minor son linked to work.** 1. The minor who, in accordance with labor legislation, has an employment contract for which he or she exercises some employment, is presumed authorized by the holders of parental responsibility to conclude all legal acts concerning employment.

2. In any case, the provisions of this Code and the special regulations must be complied with.

3. The rights and obligations arising from these legal acts fall only on the assets whose administration is in charge of the daughter or son.

**Article 176. Small amount contracts.** Contracts for small amounts and those for everyday life entered into by the daughter or son are valid, in accordance with their capacity and progressive autonomy.

**Article 177. Loss of the administration of the assets and rights of the daughters and sons.** 1. Mothers and fathers lose the administration of the assets and rights of their daughters and minor sons when their ineptitude to administer them is proven before the competent court, or when they incur in acts of discrimination and domestic violence in any of their demonstrations.

2. They also lose the administration of said goods and rights when they are pri vacated or suspended from parental responsibility.

3. In case of unilateral removal of the administration of assets and rights, this corresponds to the other or to the other; if both are removed, the court must appoint a special guardianship in the manner referred to in Article 389 of this Code.

**Article 178. Appointment by will or by donation of a person in charge of the administration of assets and rights.** 1. The mother or the father can by will appoint a person who administers the assets and rights deferred by way of inheritance or legacy in favor of the daughter or son, if at their death they had not reached full legal capacity.

2. The same provision can be included in the donation contracts.

3. The provisions of the preceding sections of this article are also applicable to other relatives or emotionally close associates of minors.

4. Said administration, if accepted, includes powers of representation in the acts in which said goods and rights are administered, and if they are available, judicial authorization is required, with a fiscal opinion.

5. In the event that this provision violates the interests of the minor, the action for its annulment may be brought, in accordance with the Civil Code, by the surviving mother or father or by the prosecution.

**Article 179. Judicial appointment of special guardianship for the administration and disposal of assets acquired by succession.** When the father or mother of a minor son or daughter is excluded by law or by will of the disposer of the administration of certain assets and rights transmitted by way of inheritance, legacy or donation whose ownership belongs to the minor age, and if the mother or father is the only one exercising parental responsibility, the appointment of a special guardianship by the competent court is provided for this purpose, with the scope of administration of said assets and rights and the representation of the person. minor in the acts of disposition of these, prior judicial authorization, with the intervention of the prosecution.

#### CHAPTER IV

### OF THE DUTIES AND RIGHTS OF MOTHERS AND FATHERS WITH RESPECT TO DAUGHTERS AND SONS

**Article 180. Related mother or father.** For the purposes of this Code, a related mother or father is the spouse or domestic partner who lives with the person in charge of the custody and care of the girl, boy or adolescent, as a result of the formation of reconstituted families. .

**Article 181. Duties of the related mother or father.** 1. The related mother or father must promote a significant affective bond with the daughters and sons of their spouse or affective de facto partner, and on that basis:

- a) Cooperate in their upbringing and education;
- b) carry out the daily acts related to their training in the domestic sphere;
- Y c) make decisions in emergency situations.

2. In case of disagreement, the criteria of the mother or father who has the custody and care of the girl, boy or adolescent.

3. This collaboration does not affect the rights of the holders of parental responsibility.

**Article 182. Delegation of parental responsibility to the mother or the related father.** 1. The mother or father in charge of a minor daughter or son may temporarily delegate part of the exercise of parental responsibility to their spouse or domestic partner, when they are not in a position to fulfill the function fully. for reasons of travel, official missions abroad, illness or situation of temporary disability, or any other cause and whenever there is an impossibility for the performance of the other father or mother holding parental responsibility.

2. This delegation is recorded and may be renewed in the ways referred to in sections 2 and 3 of Article 145 of this Code.

**Article 183. Circumstances for the delegation of parental responsibility to the mother or the related father.** In order for the delegation of parental responsibility in favor of the related mother or father to proceed, the following is required: a) A significant emotional bond between the related mother or father and the girl, boy or adolescent;

b) a stable coexistence between the members of the reconstituted family;

c) compliance with the duties referred to in Article 181.1 of this Code;

d) the opinion of the non-custodial mother or father, when possible; and e) listening to the girl, boy or adolescent, according to their age and maturity, as it is a decision that affects their person.

**Article 184. Joint exercise with the related mother or father.** 1. In the event of death, judicial declaration of presumption of death, suspension of the exercise or deprivation of parental responsibility of one of its holders, the other mother or father may assume it jointly with their spouse or domestic partner, provided that there is a significant affective bond between the mother or father related to the girl, boy or adolescent.

2. This agreement between the mother or father in the exercise of parental responsibility and their spouse or domestic partner, must be judicially approved with the intervention of the public prosecutor's office.

3. The joint exercise of parental responsibility with the related mother or father concludes with:

- a) Divorce;
- b) the extinction of the affective de facto union; Y
- c) the recovery of the parental responsibility of the mother or father who was suspended from its exercise, unless, in accordance with the principle of the best interests of the girl, boy or adolescent, it is in the best interest of the parent to maintain said exercise together with the related mother or father.

**Article 185. Food.** 1. The legal obligation to support the spouse or partner in fact affective with respect to the daughters and sons of the other, it has a subsidiary character.

2. This duty ceases in cases of divorce or breakdown of the affective de facto union.

3. However, if the change of situation could cause serious harm to the child or adolescent, and the spouse or domestic partner assumed during their life together the maintenance of the minor child or daughter of the another, an obligation to provide child support may be established on a transitory basis, a period whose duration must be defined by the court in accordance with the economic conditions of the obligor, the needs of the dependent and the time spent living with said daughter or said son.

**Article 186. Guardianship, care and the communication system in favor of the mother or father in court.** Extinguished the marriage by divorce, or the affective de facto union by agreement of the couple or by unilateral decision of one of them, if conflicts arise, it may be interested before the competent court that it establishes, exceptionally, a guardianship, care and communication, whatever the modality adopted, in which rights are recognized in favor of the related mother or father, provided that the following are taken into account:

- a) The best interest of the girl, boy or adolescent;
- b) the level or intensity of the affective relationships existing between them;
- c) the presence of other daughters and sons in common from that new marriage or de facto affective union;

- d) the reasonable legitimate interest of the person requesting the communication regime or the custody and care of the minor daughter or son; Y
- e) the life performance of the non-custodial mother or father.

**Article 187. Guardianship, care and the communication system in favor of the mother or father related by notarial means.** 1. It is also possible that the determination of the guardianship, care and communication regime of related daughters and sons be instrumented by common agreement by the mother or father of the minor daughter or son who is in charge of the custody and care, and the related mother or father, in the notarial public deed of divorce or the one in which the agreements related to the termination of the de facto union are documented, if the other mother or the other father has died, it has been declared presumably dead or deprived of parental responsibility.

2. For the authorization of said public instrument, a tax opinion is necessary.

3. If none of the circumstances provided for in section 1 of this article occur, it is necessary, for this sole purpose, the intervention of the non-custodial mother or father.

**Article 188. Provisions for children and adolescents in a situation of disability.** In matters of this nature, both in judicial and notarial proceedings, if children or adolescents are in a situation of disability, reasonable adjustments are made in order to guarantee what is most convenient for them.

#### CHAPTER V

#### OF THE TERMINATION, SUSPENSION, PRIVATION AND EXCLUSION OF PARENTAL RESPONSIBILITY

**Article 189. Termination of parental responsibility.** Parental responsibility is extinguished by:

- a) The death or judicial declaration of presumption of death of the mother or father, or of the daughter or son;
- b) the daughter or son reaches the age of majority; either
- c) the adoption of the daughter or the son, except in the cases that it is due to the modality of integration in which the legal parental and kinship ties between the adoptee and his mother or father and his family of origin are not extinguished in the manner in which it is regulated in Article 103 of this Code.

**Article 190. Deprivation of parental responsibility or suspension of its exercise.**

The deprivation of parental responsibility or the suspension of its exercise proceeds by final judgment issued in family proceedings, or when so provided as a sanction in criminal proceedings.

**Article 191. Causes of deprivation of parental responsibility.** The court, depending on the circumstances of the case, may deprive one or both holders of parental responsibility when:

- a) Seriously or repeatedly fail to comply with the duties set forth in Article 138 of this Code;
- b) exercise ill-treatment, corporal punishment or any other manifestation of violence, or any act that in the family environment physically or psychically injures or undermines, directly or indirectly, girls, boys or adolescents;
- c) induce the daughter or son to carry out a criminal act;
- d) abandon the daughter or son, even if they are under the custody and care of one or more other persons;
- e) observe a vicious, corrupting or criminal conduct that is incompatible with the proper exercise of parental responsibility;

- f) commit a crime against the person of the daughter or son; Y
- g) risk the life or mental and physical integrity of the daughter or son.

**Article 192. Deprivation of parental responsibility with respect to daughters and sons in social assistance centers.** 1. Mothers or fathers are deprived of parental responsibility by the competent court when, with respect to the daughter or son interned in a social assistance center of the national network, they fail to comply with their duties by evidently and systematically neglecting him or her without just cause during one hundred and eighty (180) days.

2. Once the term provided for in the previous section has elapsed, within the following thirty (30) business days, whoever holds the de facto administrative custody of the girl, boy or adolescent, submits the duly substantiated social file to the prosecution, which, within a period of thirty (30) business days, if it is considered complete, the action is brought before the competent court.

3. If the review of the file is considered incomplete, the prosecution returns it and indicates to the person holding the administrative de facto custody to carry out the actions required for its correction within a period not exceeding ten (10) business days.

**Article 193. Causes of suspension of the exercise of parental responsibility.**

The exercise of parental responsibility is suspended when, at the discretion of the court, the breach of the duties referred to in Article 138 of this Code is not serious; when the mother or father is a person with a disability who has been appointed intense support with powers of representation, and while that circumstance persists, or when the absence of one or both is judicially declared.

**Article 194. Special provisions of the judicial resolution.** 1. When parental responsibility is deprived of its owners or one of them, or their exercise is suspended, it is provided, as appropriate, on the legal representation of minor children, in accordance with the established in Article 145 of this Code, the legal obligation to provide support and the family communication system.

2. At any time, the modification of the measures referred to in the preceding paragraph may be sought when the circumstances that justified their adoption have changed.

3. In the case of deprivation of parental responsibility, the limitation or deprivation of family communication may be ordered, if this is in the best interest of the child or adolescent.

**Article 195. Deprivation or suspension in criminal proceedings.** When the holders of parental responsibility or one of them is deprived or their exercise is suspended by sentence issued by the criminal courts, the prosecution or any person who shows legitimate interest promotes the corresponding process to resolve the extremes to referred to in the previous article.

**Article 196. Effects of deprivation and suspension of parental responsibility.**

The deprivation of parental responsibility has the effect of losing ownership and all the rights, duties and powers inherent to it, and the suspension of the temporary loss of the exercise of these, being safe, in both cases, the legal obligation to give food.

**Article 197. Recovery of ownership of parental responsibility.** The court, in appropriate cases and exceptionally, once verified that the cause that gave rise to the deprivation of parental responsibility has been overcome or ceased, may, at the request of a party or of the prosecution, order its recovery if this is in the best interest of the minor son or daughter, and provided that the girl, boy or adolescent has not been adopted or is in the process of being adopted.



**Article 198. Recovery of the exercise of parental responsibility.** Whoever has been suspended from the exercise of parental responsibility, or the prosecution, as the case may be, may request the cessation of the measure when the cause that motivated it has ceased.

**Article 199. Duty of information to the authorities.** Every person, especially those who, due to their positions, professions or functions, are aware of non-compliance by those who hold parental responsibility with respect to their daughters and sons, must inform any authority whose functions include the protection of girls, children and adolescents, and these, in turn, inform the prosecution for the appropriate purposes.

**Article 200. Exclusion of parental rights and intestate succession.** 1. Excluded from the rights of parental responsibility and the right of intestate succession with respect to the daughter or the son or their descendants, the mother or the father whose filiation has been judicially determined, against their persistent and unfounded opposition, despite of the evidence that throws the probative material; however, the legal obligation to provide food remains.

2. This exclusion ceases to have effect by determination of the legal representative of the daughter or son, judicially approved, with a tax opinion; or by decision of the daughter or son, valued according to their progressive autonomy; or by will expressed in his head ment.

TITLE VI  
**OF MARRIAGE**  
CHAPTER I  
**CONSENT AND CAPACITY  
TO FORMALIZE MARRIAGE**

**Article 201. Marriage.** 1. Marriage is the voluntarily arranged union of two people with legal capacity to do so, in order to live together, on the basis of affection, love and mutual respect.

2. It constitutes one of the forms of family organization and is based on free consent and on the equality of rights, duties and legal capacity of the spouses.

3. The marriage only produces legal effects when it is formalized before the competent official.

**Article 202. Proof of marriage.** 1. Proof of marriage is the certify certifying the seat of your registration in the Registry of Civil Status.

2. In the absence of the foregoing and prior justification of the causes that make it impossible to present it, possession of status constitutes proof of the formalization of the marriage, if it is complemented by other means of proof.

**Article 203. Consent and officials in charge of the authorization.** 1. The formalization of the marriage requires the pure and simple consent of both contracting parties expressed personally and jointly before the competent official to authorize it, except as provided in the registry legislation for marriage by proxy.

2. Registrars of Civil Status and notaries are the officials empowered to authorize the formalization of marriages in accordance with the provisions of this Code.

3. Officials empowered to authorize marriages abroad and Marriages in exceptional situations are determined by registry legislation.

**Article 204. Exercise of matrimonial capacity.** people capacity to formalize marriage is reached at eighteen (18) years.

CHAPTER II  
**OF THE PROHIBITIONS TO FORMALIZE MARRIAGE**

**Article 205. Absolute prohibitions.** They cannot formalize marriage:

- a) Persons under eighteen (18) years of age;
- b) those who are in a situation that prevents them from conforming or expressing their will by any means to grant matrimonial consent, permanently or temporarily;
- c) those who are married; either
- d) those who have constituted an affective de facto union, instrumented by notarial means and registered in the corresponding registry, until it is dissolved.

**Article 206. Relative prohibitions.** 1. They cannot formalize marriage with each other:

- a) Relatives in the direct, ascending and descending line, siblings and other collateral relatives up to the third degree, except in the case of related relatives; b) the person appointed as intense support with powers of representation and the person in a situation of disability who needs such support, until it ceases and renders accounts of its management; either
- c) those who had been convicted in a criminal proceeding by final judgment as perpetrators or as perpetrator and accomplice of the intentional death of the spouse or domestic partner of any of them; As long as the process has not concluded, the celebration of the marriage is suspended.

2. In the case of the adopted person, the prohibition established in subparagraph a) of the previous section is fulfilled also in relation to biological relatives, even if the legal bond with them has been broken.

**Article 207. Freedom to formalize a new marriage.** People whose marriage has been terminated or declared ineffective for any reason, are able to formalize a new one, once it is registered in the corresponding registry.

CHAPTER III  
**OF THE RIGHTS AND DUTIES BETWEEN SPOUSES**

**Article 208. Equality.** 1. Marriage is constituted on the basis of equality of rights and duties of both spouses.

2. Love, affection, mutual protection and shared responsibility are the bases on which the relations between the spouses are based.

**Article 209. Marital duties.** 1. Spouses, in accordance with their common life plan, must be loyal to each other, assist and care for each other in any circumstance and treat each other with respect, consideration and understanding.

2. The spouses are obliged to develop their relationships free from the employment of violence, lence and discrimination in any of its manifestations.

**Article 210. Co-responsibility in family care.** Both spouses have co-responsibility in fulfilling the duty of caring for the family they have created and contributing to the satisfaction of their affective and spiritual needs, in the formation and education of their common daughters and sons or those of each one of them, participate as a whole in the management of the home and contribute to its better development, to the extent of the capacities or possibilities of each one.

**Article 211. Satisfaction of economic needs.** 1. The spouses contribute to the satisfaction of the economic needs of the family that they have created with their marriage, and of the common and own sons and daughters of each one of them, according to their possibilities and resources.

2. However, if the economic contribution of one of them is their domestic and care work, the other spouse assumes the rest of the family support charges, without prejudice to the duty to fulfill their other obligations to the family.

**Article 212. Mutual support and exercise of rights.** 1. Spouses support each other responsibly in organizing their life project together.

2. Both spouses have the right to exercise their professions and trades and carry out their work and social activity, they have the duty to give each other mutual help for this and not limit the right of the other to undertake studies or improve their knowledge and fulfill other social duties .

3. The spouses must take care in all cases that such activities are coordinated with the compliance with the duties that this Code imposes on them.

#### CHAPTER IV

### OF THE ECONOMIC REGIME OF MARRIAGE

#### FIRST SECTION

##### Provisions common to all schemes

**Article 213. Application.** The provisions of this Section apply regardless of the matrimonial regime that is adopted.

**Article 214. Non-derogability and nullity.** The norms contained in this Section are non-derogable by agreement between the spouses, before or after the marriage; Otherwise, this is null, as well as any other agreement that does not respect the equity balance or the principle of solidarity, among other guidelines that cannot be subtracted by the will of the parties.

**Article 215. Duty to contribute.** 1. The spouses must contribute to their own support, that of the household and that of the common daughters and sons or those of each one of them who are part of that common household, in proportion to their economic capacity.

2. This duty extends to the needs of daughters and sons in a situation of disability or other relatives in a situation of vulnerability who are in their charge.

3. The spouse affected by the breach of the duty to contribute may demand it judicially from the other.

**Article 216. Economic valuation of domestic and care work.** 1. The economic consequences derived from the marriage bond and its dissolution must fall equally on both spouses.

2. In the event that there is a sexual division of roles and functions during the cohabitation of the spouses, this cannot give rise to imbalances or economic damages for them.

3. The value of indirect contributions, including those of a non-financial nature, is recognized in the acquisition of assets accumulated during the marriage, so that domestic and care work is computable as a contribution to charges.

**Article 217. Acts that require consent.** 1. If there are common or related minor children or children, or adults in a situation of disability who have been appointed intense support with powers of representation, neither of the spouses may, without the consent of the other, expressed in writing notarial public, to dispose of the rights over the dwelling where the family they have formed lives, regardless of whether exclusive or joint ownership falls on it, nor of its essential furniture, nor transport them out of it.

2. Assent is also required, in the circumstances described in the paragraph before higher, when the other spouse is in a vulnerable situation.

3. The one who has not given his assent can demand the annulment of the act or the restitution of the assets within the expiration period of six (6) months of knowing it.

**Article 218. Judicial authorization.** 1. One of the spouses may be judicially authorized through a voluntary jurisdiction procedure to grant an act that requires the consent of the other if the latter has been declared judicially absent, is a person who has been appointed intense support with powers of representation, is transi prevented from expressing his will or if his refusal is not justified by the interest of the family.

2. The act granted with judicial authorization is opposable to the other spouse.

**Article 219. Joint liability.** 1. The spouses are jointly and severally liable for the obligations contracted by one of them to pay for the ordinary needs of the home or the support and education of their daughters and sons, in accordance with the provisions of Article 215 of this Code.

2. Whoever would have contributed their own assets to satisfy such needs,  
You have the right to be reinstated in accordance with your matrimonial property regime.

3. Apart from those cases, and except as otherwise provided by the economic regime ma marriage, neither of the spouses is responsible for the obligations of the other.

**Article 220. Preferential attribution of domestic trousseau due to death.**

1. Upon the death of one of the spouses, the clothes, the furniture of essentially affective value and other belongings that constitute the common household trousseau, are delivered to the one who survives, without counting it in their quota of participation in the inheritance.

2. Jewelry, artistic and historical objects, those linked to faith and others of extraordinary value are not understood to be included in the household trousseau.

## SECOND SECTION

### of marriage agreements

**Article 221. Object.** 1. Before the formalization of the marriage, the future spouses can make agreements that have as their object:

- a) The inventory and appraisal of the assets that each one brings to the marriage;
- b) the enunciation of the debts;
- c) donations made between them, which take effect only if the marriage is formalized;
- d) donations received by reason of marriage, unless it is for one from them;
- e) the option determined by any of the matrimonial economic regimes provided for in this Code; Y
- f) other dispositions of non-patrimonial content.

2. Any other agreement of patrimonial content outside of those foreseen in the previous section, is null.

**Article 222. Expiration period.** The effectiveness of the marriage agreements depends on the formalization of the marriage within a period not exceeding six (6) months from the instrumentation of said agreements.

**Article 223. Form.** 1. Marriage agreements are made by notarial public deed and are only effective between the spouses as of the formalization of the marriage and as long as it is not annulled.

2. The economic regime chosen by the couple is enforceable against third parties as of its registration outside of the marriage certificate.

**Article 224. Modification or substitution of the matrimonial property regime.**

1. After the formalization of the marriage, the adopted matrimonial property regime may be modified or replaced by agreement between the spouses as many times as they deem appropriate.

2. Said agreement can be granted after one (1) year of application of the regime initially adopted, conventional or legal, through public deed.

3. So that the modification or substitution of the matrimonial economic regime produces ca effects with respect to third parties, must be registered in the marriage seat.

4. Creditors prior to the change in the matrimonial economic regime who suffer damages for this reason, may declare that said modification is not enforceable against them within the expiration period of one (1) year, counting from the time they became aware of it.

**Article 225. Termination of marriage agreements by mutual dissent.** 1. The spouses, by notarial public deed of mutual dissent, may, after its instrumentation, terminate the marriage agreements previously adopted.

2. In such a case, the economic regime of their marriage is applied, the one that with supplementary character establishes this Code.

3. The normative provisions established in the previous article are applicable, where appropriate, to mutual dissent.

## CHAPTER V

### OF THE MARRIAGE COMMUNITY ASSETS REGIME

#### FIRST SECTION

##### Of the nature of the goods

**Article 226. Supplementary character.** In the absence of express reference in the marriage agreements to the matrimonial economic regime to which the spouses decide to avail themselves, or if these are ineffective, they are subject from the formalization of the marriage to the regime of marital community of property regulated in this Chapter.

**Article 227. Common property.** For the purposes of the regime established in article above, the following are considered common goods:

- a) The salaries, pensions or other kind of income that both spouses or any of them obtain during the marriage, as a product of work or from social security;
- b) assets, rights, contributions, shares, participations in society, acquired for valuable consideration during the marriage at the expense of the common wealth, whether the acquisition is made for the community or for one of the spouses, including land and other assets agricultural;
- c) profits or dividends obtained from participation in a commercial company;
- d) the fruits, income or interest received or accrued during the marriage, from the common property or property of each of the spouses;
- e) the credits and indemnities that subrogate to another good of a common nature;
- f) assets acquired after the extinction of the community, if the right to incorporate them into the patrimony had been acquired for valuable consideration during it;
- g) those acquired for consideration during the community by virtue of an act vitiated by relative nullity or annulability, confirmed after the dissolution of the community;
- h) the originally common assets that return to the common patrimony due to nullity, resolution, rescission or revocation of a legal act;
- i) the result of the economic exploitation of the intellectual creation; Y
- j) those incorporated by accession to common things, without prejudice to the compensation due to the spouse for the value of the improvements or acquisitions made with their own property.

**Article 228. Presumption of the common character of the assets.** 1. The assets of the spouses are presumed to be common until it is proven that they belong to only one of them.

2. The declaration by the spouses of the exclusive nature of an asset does not affect third few people.

3. In order for the character of property registered in public registries, acquired during the community for money of only one of the spouses, to be enforceable against third parties, it is necessary that this circumstance be stated in the act of acquisition, determining its origin, with the consent of the other spouse.

**Article 229. Own assets.** 1. The property of each of the spouses is:

- a) Those acquired before their marriage for any reason;
- b) those acquired during the marriage by inheritance, legacy or other lucrative title, even if jointly by both; in onerous donations and legacies, the amount of the charges is deducted when they have been borne by the common flow;
- c) those acquired during the marriage by exchange, real subrogation or any other substitution of own property;
- d) those acquired with their own money;
- e) those originally owned that return to the patrimony of the spouse due to nullity, resolution, rescission or revocation of a legal act;
- f) the sums that are collected from the due installments, during the marriage, that correspond to an amount or credit constituted in their favor prior to the marriage and payable in a certain number of installments;
- g) those for exclusive personal use;
- h) those for the exclusive use of one of the spouses by reason of their art, profession or trade, even if they have been acquired at the expense of the common wealth, without prejudice to the right of reimbursement;
- i) those obtained for reparations for damages and indemnities for damages inflicted on the person of one of the spouses or their own property;
- j) the intellectual property rights inherent to the creator; k) those incorporated by accession to their own assets, without prejudice to the compensation received by the community for the value of the improvements made with its money; Y
- l) Compensation received for the death of the other spouse, including those from an insurance contract, without prejudice, in this case, to the compensation owed to the community for the premiums paid with its money.

2. The land and other agricultural assets acquired in any of the circumstances provided for in this article, which are applicable, also have the character of their own assets.

**Article 230. Designation of beneficiary in savings accounts with common balances.**

In individual savings accounts whose funds belong to the marital community of property, its owner can designate a beneficiary due to death in accordance with the regulations established for the savings rules of the banking legislation and by the Civil Code.

## SECOND SECTION

### **Of the charges and obligations of the matrimonial community of goods**

**Article 231. Matrimonial charges and obligations.** The following are matrimonial charges and obligations:

- a) Expenses incurred for the administration and maintenance of the home and in the care, education and comprehensive training of the common children or those of each one of them;
- b) the food that either of the spouses is legally obliged to give;

- c) Expenses for minor repairs and conservation of the assets of each one of the spouses, but of common use and enjoyment;
- d) major or minor repairs to common property; e) all debts contracted during the marriage, by either of the spouses, for the support of the marital charges and obligations, except in cases where the consent of both is needed to contract them; Y
- f) the expenses of acquisition, possession and enjoyment of the common goods, as well as of the own goods if they are enjoyed by both.

**Article 232. Urgent and necessary expenses.** To make urgent expenses of a necessary nature, even when they are extraordinary, the approval of only one of the spouses will suffice.

**Article 233. Responsibility for debts.** 1. The spouses respond with their common property for the debts contracted by both during the marriage, or by only one of them with the consent of the other.

2. If this is not enough, they respond equally with their own assets.

3. The payment of debts contracted by one of the spouses before the marriage is not a burden of the marital community of property.

**Article 234. Right to refund or reimbursement.** 1. The spouse who has contributed his or her own assets for expenses or payments that are the responsibility of the marital community, has the right to be reimbursed for the value at the expense of the common heritage.

2. For such purposes, the rules of the Civil Code on the right to refund or reimbursement apply.

**Article 235. Non-contractual obligations.** The non-contractual obligations of a spouse, as a result of his or her action for the benefit of the matrimonial community or in the field of the administration of common property, are the responsibility and burden of the community, unless the factor attributing said responsibility was attributable to it. entirely to the debtor spouse.

**Article 236. Responsibility for one's own acts to the detriment of the matrimonial community.** 1. If one of the spouses performs acts to the detriment of the rights of the other, or takes from the common assets any sum to pay their own debts or to obtain individual benefit from these assets, they are obliged to repay them and become a debtor of the matrimonial community for the amount of the damage caused.

2. The injured spouse may request judicial action in order to protect himself against acts carried out to his detriment by the other.

### THIRD SECTION

#### **Of the administration and disposition of the matrimonial community of goods**

**Article 237. Equality of spouses in the administration and disposal of common property.**

1. Both spouses have equal rights and obligations regarding the administration of the marital community of property.

2. Any of them can carry out the acts of administration and acquisition of goods that by their nature are destined for the ordinary use or consumption of the family.

**Article 238. Provision of the common good by one of the spouses with the authorization of the other.** Neither of the spouses can carry out acts of ownership in relation to the assets of the marital community without the authorization of the other, except those of claim for the community.

**Article 239. Provision by will.** 1. Each one of the spouses can dispose by will, through legacy or inheritance, of half of the common assets.

2. The testamentary disposition of a common good produces all its effects if it is adjudica to the inheritance of the testator.

3. Otherwise, the legacy is understood to be the value it had at the time of death.

**Article 240. Duty of information on economic situation.** The spouses must inform each other, reciprocally and periodically, about the situation and yields of any economic activity of theirs.

**Article 241. Nullity of the acts of administration and disposition of the common good by only one of the spouses.** 1. When the authorization of one of the spouses is required to carry out an act of administration or disposal of certain assets and this is omitted, they may be declared null at the request of the injured spouse or, in the event of death, of their heirs.

2. If one of the spouses unjustifiably refuses or is unable to offer the authorization, the other has the right to interest it through the courts, provided that it is considered to be in the interest of the family or that it benefits the common patrimony.

**Article 242. Unenforceability due to fraud.** The legal effects derived from the acts carried out by one of them within the limits of his powers with the purpose of defrauding him cannot be opposed to the other spouse.

**Article 243. Administration of common property in case of absence.** The administration of the matrimonial community of property in cases of absence, judicially declared, is carried out in accordance with the provisions that regulate this institution in the Civil Code.

**Article 244. Supplementation of the Civil Code.** In everything not provided for in this Code regarding the marital community of property, the regulations governing co-ownership by quotas provided for in the Civil Code apply, as appropriate.

#### FOURTH SECTION

##### **Of the dissolution and liquidation of the marital community of property**

##### **Article 245. Termination of the marital community of property and its effects.**

1. The matrimonial community of property is extinguished due to the same causes of the termination of the marriage, due to its declaration of nullity, due to the agreement between the spouses to modify or replace the agreed matrimonial regime or due to the legal separation of property.

2. The common property is divided equally between the spouses, or in case of death or judicial presumption of death, between the survivor and the successors of the deceased.

3. When the marriage bond is extinguished due to nullity, the spouse who, due to bad faith, motivated this cause cannot participate in the property of the marital community.

**Article 246. Rupture of affective coexistence as a cause of extinction of the matrimonial community.** 1. It is also a cause of extinction of the matrimonial community of goods the rupture of the affective coexistence between the spouses.

2. Such termination is understood from the date on which the breakup of the couple's affective life is proved, by judicial means, when this does not coincide with the date of the legal termination of the marriage.

**Article 247. Effects on the marital community of property of the declaration of court of presumption of death.** 1. If the marriage is extinguished by a judicial declaration of presumption of death of one of the spouses and, in accordance with Article 271 of this Code, the person declared presumed dead appears without liquidating the marital community of property, it is understood to be restored. the regime if both spouses decide, in the presence of the Civil Status Registrar, that the marriage becomes valid.



2. The presumed deceased spouse may exercise the rights and actions that correspond to him against the apparent heirs, in accordance with the provisions of the Civil Code.

3. The liquidation of the marital community of property practiced by reason of the judicial declaration of death of one of the spouses.

**Article 248. Judicial separation of property during the validity of the marriage.**

1. The judicial separation of property can be requested by one of the spouses:

- a) If the mismanagement of the other entails the danger of losing his eventual right over the common property;
- b) in cases of discrimination and family violence; Y
- c) if due to the disability situation of one of the spouses, it is designated as intense support with power of representation to a third person.

2. Once the separation of the common assets has been arranged, each party remains the owner of those that corresponded to them and the rules on the regime of separation of assets govern them.

**Article 249. Exclusion of the subrogation action.** The action of separation of property by judicial means, during the validity of the marriage, cannot be promoted by the creditors of the spouse through the subrogation action recognized in the Civil Code.

**Article 250. Refunds.** Once the marital community of property is extinguished, it is liquidated and to that end, the amount of economic compensation that the marital community owes to each spouse and the amount that each of them owes to the community is determined.

**Article 251. Reimbursement assumptions.** 1. The marital community of property must financially compensate the spouse if he has benefited to the detriment of his own assets, and the spouse to the community if he has benefited to the detriment of the community assets.

2. If during the existence of the marital community of property one of the spouses has disposed of their own property for consideration without investing the price obtained, it is presumed, unless proven otherwise, that what has been received has benefited the community.

**Article 252. Waiver of the rights of the matrimonial community.** 1. Any of the spouses, after the termination of the marriage bond, may renounce all or part of their rights in the marital community of property, provided that this does not imply a detriment to the minor or older sons and daughters. age who have been designated intense support with powers of representation, of both or one of the spouses.

2. The waiver is made by notarial public deed, or before the court that knows the liquidation process.

**Article 253. Inventory and appraisal of assets by judicial means.** 1. When there is no agreement between the interested parties for the liquidation of the marital community of property in the manner provided in Article 245 of this Code, it is necessary to proceed with its judicial liquidation, proceed according to the Code of Procedures.

2. If the marriage has ended due to divorce or annulment, or in any case if no more than one year has elapsed since the death of the spouse, the inventory and appraisal of the assets is made based on the value they had on the date of termination. of marriage.

3. If more than one year has elapsed since death, the inventory and appraisal of the assets is made on the basis of their value on the date of liquidation.

4. Once the appraisal has been made, the pending obligations are deducted, and the remainder is distributed in the proportion indicated in Article 245 of this Code.

**Article 254. Ways to carry out the liquidation of the matrimonial community.**

1. The liquidation of the marital community of property due to divorce, death or judicial declaration of presumption of death, can be carried out privately or by extrajudicial mediation agreement and, where appropriate, instrumented by notarial public deed or approved before the court. .

2. If there is a conflict, it is resolved by judicial means.

3. The liquidation of the assets acquired up to the moment of the declaration of nullity

The validity of the marriage is always carried out by judicial means.

**Article 255. Expiration period.** 1. Once a period of one (1) year has elapsed since the termination of the marriage due to divorce or the declaration of ineffectiveness without the liquidation of the marital community of property having been initiated, judicially or extrajudicially, and without prejudice to the provided in terms of preferential allocation of common property, each spouse remains as the sole owner of the movable property of common property whose possession has been maintained since said extinction.

2. If both ex-spouses remain in common possession of the movable property, the laws of co-ownership by quotas regulated in the Civil Code apply.

**Article 256. Preferential allocation of common property in favor of the spouse in a situation of disability.** In the liquidation of the marital community of property, for the purposes of adjudicating the assets held within the marriage, the disability situation of the spouses is taken into account, in order to award in their favor those common assets that are more favorable. for their family, community and social inclusion.

**Article 257. Preferential allocation of common goods necessary for the education or development of daughters and sons.** 1. The court, in the liquidation of the marital community of property, may provide that certain domestic property of common property that it considers necessary or convenient for the care, education and development of the minor children in common, or of legal age who have been appointed intense support with powers of representation, are awarded property preferably to the spouse to whose unilateral guardianship and care they remain.

2. If the attribution of such assets exceeds the participation of the beneficiary in the liquidation of the marital community, he is granted the right of usufruct over that excess, notwithstanding that the other spouse retains his property right over the expressed quota of ownership participation, as long as he does not have other similar ones at his disposal and use.

3. Likewise, the court may assess the convenience, in the event that there are minor children, or of legal age who have been appointed intense support with powers of representation not common to the spouses, and who are subject to the custody and care of one of them, who live in a common home, for the purposes of applying the provisions of the preceding paragraph.

**Article 258. Preferential allocation of common property obtained by merit of one of the spouses.** The court may order that a certain common property obtained through work or honorary merits be awarded to the spouse to whom it was assigned, provided that other more weighty reasons do not advise otherwise.

**Article 259. Provisional attribution of the use and enjoyment of property and rights in the event of the death of one of the spouses for the satisfaction of urgent needs.**

1. When the marriage is extinguished by death or judicial declaration of presumption of death, both the surviving spouse and the minor children, or of legal age who have been appointed intense support with powers of representation, have right to continue in the use and enjoyment of the community assets until the liquidation operations are judicially approved.

2. The court hearing the succession process authorizes the surviving spouse, to the extent necessary, to receive payment of amounts corresponding to the deceased or to the marital community of property since, charged to it or to the cash that is part of the assets left, meet their current expenses and those of the minor children, or of legal age who have been appointed an intense support with powers of representation, and for this purpose, extract from the bank accounts of the deceased or common the sums that are necessary.

**Article 260. Liquidation of the economic regime of marriage in cases of discrimination and violence.** If a final judicial resolution has been issued for acts of discrimination and family violence or there are well-founded reasons to assume it during the validity of the marriage, at the time of the liquidation of the marital community of property, the aggressor loses his right to the part that corresponds to him, in response to the assessment made by the court on the violence exercised and its consequences.

**Article 261. Land and other agricultural assets.** If the liquidation of the marital community of property falls on the land and other agricultural property, this is carried out taking into account the current legislation on the matter and compliance with the requirements established therein, in accordance with the principles regulated in this Code.

**Article 262. Rules for the liquidation of the marital community of property in the presence of a family business constituted with common property of the spouses.**

1. When the family business is constituted in its entirety with common assets of the spouses, at the time of the liquidation of the marital community of assets, it may be arranged to maintain its integrity or its liquidation, in accordance with what is established in its statutes, without prejudice to the right of reimbursement in the corresponding cases.

2. In the event that the company is constituted with the participation of other people, whether they are relatives or not, the fraction of that totality that corresponds to a contribution with common assets from the marriage must be liquidated in the same terms expressed in the section 1 of this article.

3. For the purposes of this Code, family business is understood as any economic organization intended for the stable and lasting exercise of an activity for the production of goods and the provision of services, where an essential part of the property belongs to the spouses or the partner. *de facto* affective, or to relatives, who intervene in the administration and management of the business, which constitutes the main economic sustenance of the family.

4. In any case, the aspects related to the organizational legal form that the company adopts are governed by the regulations in force in commercial and corporate matters.

## CHAPTER VI OF THE SEPARATION OF PROPERTY REGIME

**Article 263. Cases in which there is a separation of assets.** exists between the spouses separation of property when:

- a) They so agree in marriage agreements;
- b) in the marriage agreements it is established that the matrimonial community of property does not govern between them, without expressing the rules by which their property shall be governed; Y
- c) when, during the validity of the marriage, the extinction and liquidation of the marital community of property has been ordered by judicial means, in the cases referred to in Article 248 of this Code.

**Article 264. Registration of the sentence that declares the judicial separation of the assets.** The certified copy of the resolution that declares the legal separation of property referred to in Article 248 of this Code, is registered in the registry entry of the marriage and, for the purposes of its enforceability against third parties, in the corresponding registry in the appropriate cases.

**Article 265. Asset management.** 1. In the regime of separation of property, each of the spouses retains the free administration and disposal of their own property.

2. Own assets are those owned by each spouse at the time the regime is constituted and those acquired later, by any title, except as provided in Article 238 of this Code.

3. Each of them is responsible for the debts contracted by him, except as provided in regarding joint and several liability.

**Article 266. Proof of ownership of the assets.** 1. Both with regard to the other spouse and to third parties, each of the spouses can demonstrate exclusive ownership of an asset by all means of proof admitted by law.

2. Assets whose exclusive ownership cannot be demonstrated are presumed to belong to both spouses under the regime of co-ownership by quotas regulated by the Civil Code.

3. The division of an existing co-ownership between the spouses is not applicable when it affects the family interest.

## CHAPTER VII OF THE MIXED REGIME

**Article 267. Mixed regime.** The spouses can agree on a matrimonial property regime that combines both the marital community and the separation regime, whatever the nature of the assets and rights, adjusting in any case to what this Code establishes for each one of them.

## CHAPTER VIII ON THE EXTINCTION OF MARRIAGE FIRST SECTION

### General disposition

**Article 268. Causes of termination of marriage.** The marriage bond is extinguished:

- a) Due to the death of either spouse;
- b) by the judicial declaration of presumption of death of one of the spouses; either
- c) by divorce.

**Article 269. Proof of the termination of the marriage.** The termination of the bond marriage is tested with:

- a) The death certificate of any of the spouses issued by the corresponding Civil Status Registrar;
- b) the birth certificate of either of the spouses, with a note issued by the corresponding Civil Status Registrar, accrediting the judicial declaration of presumption of death, according to the provisions of the judicial resolution issued by the competent court for that purpose;
- c) the divorce certificate issued by the Registrar of the Civil Status in which it was registered that;
- d) the marriage certificate with a divorce note issued by the registrar of the Corresponding Civil Status; Y
- e) Any other means of proof that unquestionably leads to that end.

## SECOND SECTION

**Of the judicial declaration of presumption of death of the spouse**

**Article 270. Moment from which the marriage is extinguished.** The judicial declaration of presumption of death of one of the spouses extinguishes the marriage from the moment in which the event that led to presumed death occurred or the last news of the disappeared person was received, with the effects established in the Civil Code.

**Article 271. Effects of the appearance of the person presumed dead.** 1. If the person declared presumed dead appears or there is proof of his existence once the judicial declaration of presumption of death has been annulled by the court, the marriage terminated for this reason becomes effective, provided that the spouse present has not formalized a new marriage.

2. If the present spouse has formalized a new marriage, it maintains its effectiveness and the marital status of the person appeared is divorced, with its own effects.

3. If one or both spouses do not wish to maintain the marriage bond, they must proceed dissolution through the divorce process.

## CHAPTER IX

**DIVORCE**

## FIRST SECTION

**General disposition**

**Article 272. Nullity of the resignation.** 1. Divorce is one of the causes of extinction of marriage.

2. The waiver of any of the spouses to the right to request a divorce is null.

**Article 273. Procedures for processing.** 1. Divorce is processed via a notary public if there is a mutual agreement between the spouses, instrumented through a public deed, or by judicial resolution issued in the voluntary jurisdiction procedure that regulates the Code of Procedures.

2. If there is no agreement, it is processed in a contentious process before the competent court.

**Article 274. Effects.** 1. Divorce has, between the spouses, the following effects:

- a) The termination of the existing marriage;
- b) the termination of the agreed matrimonial property regime; Y
- c) the extinction of the right of intestate succession and of the condition of special heir specially protected.

2. The divorce decree issued abroad by a competent court or the public deed that implements it in accordance with the Cuban laws or those of a foreign country, between Cubans, Cubans and foreigners, or foreigners, is valid in Cuba, provided that by the Cuban consular representation in the country where it has been granted, it is certified that the divorce was substantiated and resolved in accordance with the laws of said country.

**Article 275. Food pension for a former spouse in a vulnerable situation.**

1. If the spouses have lived together for more than a year or procreated in common, before or during the marriage, it is established in the judicial resolution or it is instrumented in a notarial public deed, pension in favor of one of them in the following cases:

a) If he does not have paid work and lacks other means of subsistence, a pension that is provisional in nature and is paid by the other spouse for a period of one year, if there are no minor children under his custody and unilateral care or of legal age who have been designated intense support with powers of representation;

b) if there are common sons and daughters, the pension is fixed for a reasonable period, for the purposes of that the beneficiary can obtain paid work; Y

c) if due to a situation of disability, age, illness or other insurmountable impediment he is unable to work and, furthermore, he lacks or other means of subsistence are not sufficient, in which case the pension is maintained as long as the impediment persists.

2. In addition to the causes provided for in Article 39 of this Code, the alimony to the ex-spouse in a situation of vulnerability ceases at the expiration of the terms referred to in this article, or when the ex-spouse has formalized a new marriage or constituted a new marriage. instrumented and registered affective de facto union.

**Article 276. Economic compensation for dedication to domestic and care work.** 1. In addition to the provisions of the previous article, the spouse who has been dedicated to domestic and care work has the right to demand financial compensation that compensates for the disadvantageous financial situation in which he or she is left after the divorce for not having carried out paid activity or lucrative during the marriage.

2. In order to set said compensation, the time that the spouses have previously lived together as an affective de facto union.

#### SECOND SECTION

#### of judicial divorce

**Article 277. Legitimation and exercise of the divorce action.** 1. Legal divorce proceeds by mutual agreement of the spouses or at the request of one of them.

2. People in a situation of disability can exercise the action by themselves, for which they can be assisted by the named supports.

3. In the event that intense support with powers of representation had been designated, you can exercise said action in accordance with the provisions of the Civil Code.

**Article 278. Listening to children or adolescents in divorce proceedings.**

In divorce proceedings, the court listens, assisted by multidisciplinary teams, to girls, boys or adolescents, according to their capacity and progressive autonomy, according to their best interests, for the relevant purposes.

**Article 279. Imprescriptibility of the action.** The divorce action can be exercised at any time while the situation that gave rise to it continues.

**Article 280. Pronouncements of the judicial resolution that provides for the divorce.**

1. In the request for the dissolution of the marriage bond, pronouncements are interested, whenever appropriate, on:

- a) Parental responsibility, guardianship and care, the family communication system and food for common minor children and daughters, whether they occurred before or during the marriage;
- b) the legal obligation to provide food and family communication regarding minor daughters and sons who are part of the couple's common home, in the case of reconstituted families, in accordance with the regulations contained in this Code relating to the legal regime on related mothers and fathers;
- c) the obligation to provide maintenance with respect to the spouse;
- d) the obligation to provide food and family communication regarding daughters and sons of legal age in a situation of disability;
- e) the real right of habitation of the dwelling in which the married couple resided, according to the provisions of Article 285 of this Code, if applicable;
- Y
- f) the care of the pets by one or both spouses, the way in which the person who has not been entrusted to them can keep them, the distribution of the burdens associated with their care, taking into account, in any case, the interest of the members of the family and the well-being of the animal regardless of who owns it and to whom it has been entrusted for its care.

2. In the case of daughters or sons who are in a situation of disability or who have any condition that requires attention and care, this particular is taken into account to make reasonable adjustments in order to properly weigh the legitimate interests of the people That intervene.

**Article 281. Parental responsibility.** Ownership and exercise of parental responsibility is joint; but they can be deferred in favor of the one who, in the opinion of the Court, can be attributed exclusively to him when the best interests of the girl, boy or adolescent so require, stating the reasons for which he deprives or suspends the other. , or both, in which case it also decides on custody or guardianship, with the intervention of the prosecution, in accordance with the principles that govern parental relations in this Code.

**Article 282. Determination of custody and care.** 1. When determining custody and care with respect to daughters and sons, the court assesses the advisability of their being shared, when the circumstances so determine, or unilaterally in favor of one of the holders of parental responsibility.

2. For the purposes of the provisions of the preceding paragraph, the court abides by the rules is established by this Code on parental relations.

**Article 283. Regime of family communication and of other people with an affective bond in unilateral custody and care.** 1. The court must seek to establish a system of family communication with the holders of parental responsibility by any means, including electronic means, in accordance with the best interests of the daughter or son.

2. In the cases that are requested, regardless of the guardianship and care regimen established, the right of minor daughters and sons to maintain personal relationships with grandmothers, grandfathers and others is also taken into account. relatives or people with whom they have an emotional bond that justifies it.

3. The judicial resolution that establishes the family communication regime is adjusted to the provisions of articles 156 to 162 of this Code.

**Article 284. Food pension for daughters and sons.** 1. The amount of the pension that corresponds in each case, the place and date of payment, as well as the currency in which it is paid, is determined in the judicial resolution of divorce.

2. The maintenance of the daughters and sons is the obligation of the holders of parental responsibility while they are minors, or when upon reaching the age of majority, they are incorporated into a national educational institution that makes it difficult for them to dedicate themselves regularly to paid work.

3. Likewise, the holders of parental responsibility are responsible for supporting daughters and sons of legal age in a situation of disability who have been appointed intense support with powers of representation, even when they are interned in an establishment education or health care.

**Article 285. Attribution of the real right of habitation with respect to the dwelling in which the married couple resided.** 1. The real right of habitation with respect to the dwelling in which the spouses resided, provided that it is a dwelling exclusively owned by one of them, can be attributed to one in the following cases:

- a) If you are in charge of the unilateral custody and care of the minor children, or have been appointed as intense support of the adult daughters and sons in a situation of disability, and do not own a home or in any other concept that allows you to reside in it; either

b) if he proves the extreme need for housing and the impossibility of obtaining it immediately, given the situation of vulnerability in which he finds himself.

2. The legitimated spouse may request that the term of attribution of such right be set, in accordance with the circumstances of the case, to be counted from the moment in which the sentence is pronounced.

3. This right is enforceable against third parties as of its registration.

**Article 286. Prohibition of alienation.** 1. The interested spouse may request the court that the dwelling not be alienated for any reason during the stipulated period without the express agreement of both.

2. The decision produces effects against third parties from its re-registration.  
gistrar, ordered ex officio by the court.

**Article 287. Cessation of the real right of habitation.** 1. The real right of habitation ceases:

a) By compliance with the term set by the court;

b) due to a change in the circumstances that were taken into account for its fixation; either

c) due to the presence of acts of violence by the beneficiary against the owner of the dwelling, which does not harm the other relatives in a situation of vulnerability for which reason the real right to habitation was recognized.

2. The extinction of the real right of habitation and the prohibition to dispose of the dwelling entails the cancellation of the registration, at the request of the interested party.

**Article 288. Legal subrogation on the leased property.** 1. If it is a leased property, the spouse referred to in Article 285 of this Code, who is not the tenant, has the right by legal subrogation to continue in the lease until the expiration of the contract.

2. In such circumstances, he is obliged to pay and to the guarantees that originally constituted in the contract, unless otherwise provided by court.

3. The rules contained in this article do not apply in the case of the lease of a property by the State.

**Article 289. Measures to be adopted during the substantiation of the divorce process.**

In the measures that are adopted during the substantiation of the divorce process regarding the custody and care and the family communication regime of the common minor children, daughters and sons, had before or during the marriage, alimony for these and that of the spouse, if appropriate, and those related to the marital community of property, if applicable, the rules established in this Code are observed.

**Article 290. Modification of the measures provided in the judicial resolution that provides for the divorce.** In the event of a change in the circumstances that were taken into account to determine matters relating to parental responsibility, custody and care and the family communication system during the substantiation, or in the judicial resolution that puts an end to the divorce process, You can request its modification in the manner established in the Code of Processes.

### THIRD SECTION of notarial divorce

**Article 291. General provision.** 1. Divorce is implemented by notarial deed when there is a mutual agreement between the spouses on the dissolution of the marriage bond, parental responsibility, guardianship and care, the family communication system and alimony, if applicable, even when there are minor daughters and sons.



2. In the absence of the agreement referred to in the preceding paragraph, the divorce is processed through the courts.

3. The rules contained in this Code on judicial divorce are applicable, as pertinent, to notarial divorce, in particular, to the provisions of article 278 on hearing children and adolescents and to fiscal intervention in such cases.

**Article 292. Divorce by itself and through proxy.** 1. The spouses request jointly, by themselves, the dissolution of the marriage bond.

2. In exceptional cases, and for reasons that justify that the spouses cannot appear jointly by notarial means, one of them may be represented by a proxy, invested with powers through a public deed of power or by means of a lawyer, prior agreement. legal services contract.

**Article 293. Agreements on divorce.** 1. The notarial public deed of divorce has direct and immediate executive force for all legal purposes as of its date and, whenever appropriate, contains the agreements of the spouses on the following aspects: a) The dissolution of the marriage bond;

- b) the determination of the guardianship and care of the children in common, whether they were born before or during the marriage, with special reference to the modality that has been agreed upon and its particularities;
- c) the determination of the family communication regime in accordance with the rules set forth in this Code, also taking into account the right of minor daughters and sons to communicate and interact personally with grandmothers, grandfathers and other relatives or persons with whom they have emotional ties;
- d) any other aspect contained in the exercise of parental responsibility;
- e) the determination of the amount of alimony that corresponds to minor daughters and sons, or of legal age incorporated into a national educational institution that makes it difficult for them to engage regularly in paid work, or of legal age in situation of disability, as well as the one that corresponds to yielding to the ex-spouse, according to the circumstances, as well as the currency, place and date of payment;
- f) the stipulations on the liquidation of the economic regime of the marriage, if proceeds;
- g) the real right of habitation of the dwelling in which the married couple resided, according to the provisions of Article 285 of this Code, if applicable; Y
- h) the determination of the care of the pets by one or both spouses, the way in which the one who has not been entrusted to him may have them with him, the distribution of the burdens associated with their care, taking into account, in In any case, the interest of the family members and the welfare of the animal, regardless of who owns it and to whom it has been entrusted for its care.

2. Regarding minor daughters and sons who are part of the couple's common home, in the case of reconstituted families, the agreement is in accordance with the provisions of this Code regarding the legal regime on mothers and fathers.

3. In the case of daughters and sons in a situation of disability or who have any condition that requires attention and care, this particular is taken into account to make reasonable adjustments in order to adequately weigh the legitimate interests of the people involved.

**Article 294. Postponement of the liquidation of the matrimonial community of goods.**

Every notarial public deed of divorce contains the legal warnings corresponding to the liquidation of the marital community of property if the established matrimonial economic regime had been this in the event that, expressly, the ex-spouses decline their right to carry it out in the act itself.

**Article 295. Notarial application of equity and principles in family matters.** 1. The notary determines if the proposed agreements are adjusted to equity and are consistent with the principles in family matters established by the Cuban legal system and the rules of international law that are applicable, provided that these are compatible with the recognized rights in the Constitution of the Republic of Cuba.

2. Likewise, to validate the agreements established by the spouses, it takes into account the best interests of the minor children and, in cases where it is necessary, their listening in accordance with their capacity and progressive autonomy, as well as the criteria of the multidisciplinary teams and the tax opinion.

**Article 296. Modification of the divorce agreements.** 1. The modifications of the agreements agreed between the ex-spouses that arise after the authorization of the public deed of divorce, are instrumented before the notary who authorized it, or before a different one, provided that, in any case, there is no contradiction between the ex-spouses.

2. If it is implemented before a different notary, it is up to the latter, within a period of seventy-two (72) hours, to authorize the public deed of modification of the agreements and issue a communication to the notary who is in charge of the protocol where it works. the public deed of divorce by mutual agreement so that it can be recorded in the margin of said deed.

3. For the validation of said modifying agreements, the notary takes into account the criteria provided for in the previous article.

4. If there is a conflict between the ex-spouses, the notary refrains from acting and leaves the judicial process open.

CHAPTER X  
**OF THE INEFFECTIVENESS OF MARRIAGE**  
FIRST SECTION

**General disposition**

**Article 297. Causes of ineffectiveness.** The marriage is ineffective because:

- a) The absence of consent or due to vices of this in the contracting parties;
- b) the presence of any of the prohibitions referred to in articles 205 and 206 of this Code; Y
- c) failure to comply with the formal requirements required by law.

**Article 298. Supplementation of the Civil Code.** In matters not provided for in this Chapter, the general rules of the ineffectiveness of legal acts contained in the Civil Code apply.

SECOND SECTION  
**Of the absolute nullity of the marriage**

**Article 299. Causes of marriage nullity.** Contracted marriages are null:

- a) With infringement of any of the prohibitions indicated in articles 205 and 206 of this Code;
- b) without the formalities established as an essential requirement;
- c) to achieve purposes other than those provided by law, by either spouse; Y
- d) by means of violence against any of the spouses.

**Article 300. Imprescriptibility of the nullity action.** The action to declare the nullity of the marriage is imprescriptible and can be exercised at any time by the interested party or by the prosecutor.

## THIRD SECTION

**Of the relative nullity of the marriage**

**Article 301. Causes of marriage annulment.** Marriages are voidable contracted children:

- a) With an error in the identity of the persons or in their essential qualities, or through fraud, or through threats against any of the spouses; either
- b) with infringement of the other formalities that, without the character of an essential requirement, are required by law.

**Article 302. Legitimation for the exercise of the annulment action.** The AC Relative invalidity corresponds:

- a) To the spouse who has suffered the error, fraud or threat; Y
- b) to any of the spouses or to the prosecutor, if the formal defect cannot be corrected ex officio.

**Article 303. Term to exercise the nullity action.** The relative annulment action must be brought within six (6) months following knowledge of the error or fraud, or the cessation of the threat, or from the formalization of the marriage in the cases provided for in subparagraph b) of Article 301 of this Code.

## FOURTH SECTION

**of putative marriage**

**Article 304. Putative marriage.** 1. The null or voidable marriage takes effect in favor of the common sons and daughters and for the spouse who has acted in good faith, if the ineffectiveness is due to the violation of the prohibitions of Article 205 and subparagraphs b) and c.) of Article 206 of this Code, or the presence of vices of the will in any contracting party.

2. If both spouses had acted in bad faith, the marriage has no effect legal in favor of any of them.

3. The spouse acts in bad faith who at the time of formalizing the marriage is aware of the existence of the cause of inefficiency or causes it.

## CHAPTER XI

**OF MARITAL STATES**

**Article 305. Marital status.** 1. By reason of marriage, the marital states Welsh people are:

- a) Single, who have not formalized marriage, even if they are in a de facto union affective, instrumented or not;
- b) married, who have formalized marriage and have not dissolved it;
- c) divorced, those who have dissolved the marriage, and in the event of a judicial declaration of presumption of death, abides by what is established in the cases provided for in the Article 271 of this Code; o
- d) widowers, who have terminated their marriage due to the death of one of the spouses ges, or by the judicial declaration of presumption of death.

2. In case of annulment of the marriage, the person has the marital status that he had previously.

## TITLE VII

**OF THE AFFECTIVE DE facto union**

## CHAPTER I

**OF THE CONSTITUTION OF THE AFFECTIVE UNION, REQUIREMENTS AND INSTRUMENTATION**

**Article 306. Scope of application.** 1. The provisions of this Title apply to de facto affective unions between two people with the legal capacity to do so, who share a life project in common, of a singular, stable, well-known character and for at least two (2) years.

2. In order for them to enjoy such protection, their notarial instrumentation or judicial recognition, as appropriate, and the due registration in the corresponding registry are required.

**Article 307. Constitution.** The de facto affective union is constituted by the will of its members, regardless of its notarial instrumentation, its judicial recognition or its registration.

**Article 308. Requirements.** 1. For the de facto affective union to have the legal effects provided for in this Code, its members must meet all of the following requirements:

- a) Be of legal age;
- b) not be united by ties of kinship in direct line, ascending or descending, or collateral up to the third degree, except in the case of related relatives;
- c) not be married or maintain another de facto affective union simultaneously, instrumented by notarial and registered act;
- d) maintain a project of permanent affective life in common for at least two (2) years; Y
- e) behave in front of third parties as a couple with bonds affective-family.

2. If it is an adopted person, the requirement established in subparagraph b) of the previous section is also met in relation to biological relatives, even if the legal relationship with them has been broken.

**Article 309. Notarial instrumentation.** 1. Members of a de facto union affective can attend the notary process in order to request their accreditation by act of notoriety, provided that they prove all the requirements demanded by this Code in the previous article, for which they must use the means of proof established by law.

2. The existence of an already extinguished de facto affective union can also be instrumented by means of a notary public, in order to exercise the rights recognized in this Code, provided that the members of the couple, by mutual agreement, so request it and have not elapsed. five (5) years from its termination.

3. From the day following its authorization, a copy of the certificate of notoriety is issued ex officio, within a period of three (3) days, to the corresponding registry for the purposes of its registration.

## CHAPTER II OF THE COEXISTENCE PACTS

**Article 310. Agreements of coexistence or development of the life project in common.** 1. The members of the couple who form an affective de facto union accredited by an act of notoriety, can establish the legal statute that will govern the economic relations during coexistence and freely establish other agreements on the bases or rules of their project of life in common. , through notarial public deed.

2. The following may form part of said agreements, among others:
- a) The way in which the members of the couple contribute to the burdens of the household during life together;
  - b) the way in which they assume common debts; c)
  - the attribution of the common dwelling, in case of rupture;

d) the division of the assets obtained in common, in case of rupture of the project of common life; Y

e) any other agreement, of personal content, on the way in which the couple wants develop your project of life in common.

**Article 311. Modification and termination of coexistence agreements.** 1. The agreements can be modified by agreement of both members of the couple, at any time, which is instrumented by notarial public deed.

2. The rupture of the couple's joint life project for the reasons provided for in Article 324 of this Title, extinguishes the cohabitation agreements, by right, towards the future, with the consequent extinction of the legal effects that the de facto affective union recognizes this Code.

3. The agreements foreseen to take effect after the rupture have for their liquidation the term that they themselves foresee or that is deduced from their nature.

**Article 312. Nullity of the trial of notoriety.** The notarial notoriety trial may be annulled by the competent court at the request of the interested party or the prosecutor's office if non-compliance with the requirements set forth in Article 308 of this Code is demonstrated, with the consequent nullity of the coexistence agreements implemented by the couple in public deed.

### CHAPTER III JUDICIAL RECOGNITION OF THE UNION IN FACT AFFECTIVE

**Article 313. Judicial recognition of the affective union in life of the members of the couple.** 1. If the de facto affective union that has not been previously instrumented by notarial means and registered in the corresponding registry is extinguished, and if there is no agreement for the exercise of the rights recognized in this Code, any of its members with a legitimate interest may exercise the corresponding action to prove its existence before the competent court through the process determined by law.

2. The action is brought by any of them within an expiration period of five (5) years, counted from the day after the union was terminated.

**Article 314. Judicial recognition of the affective de facto union after the death of one or both members of the couple.** 1. In the event of the death or judicial presumption of death of one or both members of the couple, judicial recognition of the affective de facto union may be claimed within the same period provided for in the previous article by the survivor, or by those who result heirs of the deceased or presumed dead person.

2. The term for the exercise of the action is counted from the day following the death or the day on which the judicial decision declaring presumption of death becomes final.

**Article 315. Judicial resolution. Inscription.** The court that knows the judicial recognition of the affective de facto union, pronounces on the existence or not of the union and, where appropriate, sets the date of its beginning and termination, which is recorded in the corresponding registry.

**Article 316. Recognition of rights in favor of the bona fide member of the affective de facto union.** When the affective, notorious and stable de facto union is not singular, because one of its members was married or in a previous affective de facto union, instrumented by notarial means and registered in the corresponding registry, it has full legal effects in favor of the person. had acted in good faith and of the daughters and sons of the union.

CHAPTER IV  
OF ADVERTISING AND PROOF OF UNION  
IN FACT AFFECTIVE

**Article 317. Advertising.** 1. The existence of the de facto union is registered in the section of affective de facto unions of the registry that corresponds to the place where it was instrumented by notarial means, or to the place where its existence was recognized by judicial means.

2. Its termination and the agreements concluded by the couple, only for evidentiary purposes, are registered outside the main entry of the registration of the affective de facto union.

3. The registration of a new de facto affective union is not applicable without first registering the extinction of the pre-existing one.

4. The agreements agreed by the members of the affective de facto union, as well as their modification or termination, are opposable to third parties from their registration.

**Article 318. Proof of the existence of an affective de facto union.** 1. The existence of an affective de facto union can be accredited by any means of proof before the notary who implements it or the court before which its recognition is sought.

2. Only the registration in the corresponding registry of the act of notoriety that has implemented it or the judicial resolution that has recognized it, generates the legal effects provided for in this Code.

3. Such registration does not create a new marital status.

**Article 319. Constant possession of the affective de facto union.** In any process unrelated to the solution of family conflicts in which the existence of the de facto affective union could not be proven in accordance with the provisions of articles 308 and 309 of this Code, the constant possession of said union proves its existence, together with to the certifications of the registration seat of the birth of the daughters and sons, if any, with the effects provided for in Chapter IV of this Title.

CHAPTER V  
OF THE EFFECTS OF THE AFFECTIVE UNION

**Article 320. Limits.** The personal and property relations of the de facto couple must be governed in all cases by the rights, duties and guarantees recognized for all persons in the Constitution of the Republic of Cuba.

**Article 321. Personal relationships.** 1. The members of an affective de facto union owe each other mutual assistance, solidarity, loyalty, consideration and respect for as long as their common life project lasts.

2. They are compelled to develop their relationships free from the use of violence and discrimination. crime in any of its manifestations.

**Article 322. Patrimonial relations.** 1. The relations of economic content between the members of an affective de facto union are governed by what is agreed in the agreement that they have entered into.

2. In the absence of an agreement, each one of the members of the union freely exercises the powers of administration and disposal of the property owned by them.

3. The rules contained in articles 213 to 220 of this Code, relating to the provisions common to all matrimonial economic regimes, apply in what is pertinent to de facto affective unions.

**Article 323. Liability for debts to third parties.** 1. The members of the de facto affective union are jointly and severally liable for the debts that one of them may have contracted with third parties to pay for the ordinary needs of the home that fully favor the achievement of the family goals.

2. The same applies in the case of minor daughters and sons, whether common or not, or of legal age in a situation of disability, of these or of other family members in their care, which entails a situation of economic vulnerability.

3. Apart from those cases, and unless otherwise provided in the agreements, no one of the members of the union is responsible for the obligations of the other.

#### CHAPTER VI

#### OF THE EXTINCTION OF THE AFFECTIVE DE FACTO UNION

**Article 324. Termination of the affective de facto union.** 1. The affective de facto union is extinguished by:

- a) Death of one of its members;
- b) firm judicial resolution of presumption of death of one of its members;
- c) intermarriage of the members of the affective de facto union;
- d) mutual agreement, through notarial public deed, in case of having been entered and registered is previously in the corresponding registry; either
- e) Marriage or by the unilateral will of one of the members of the couple, recorded in a notarial public deed and, in both cases, reliably notified to the other.

2. When the cause of termination of the de facto affective union is the one provided for in subparagraph d) of the previous section, its termination must be instrumented before a public notary, as well as that of the patrimonial content agreements that have been established.

**Article 325. Distribution of assets.** 1. In the absence of an agreement, the assets acquired during the existence of the affective de facto union belong to the member of the couple in whose name these were acquired, without prejudice to the application of the principles relating to solidarity, the prohibition of enrichment improper and the interposition of people.

2. Assets acquired in common are considered to be those obtained by the member of the domestic partner with the purchasing power to do so when the other provided their financial contribution by working at home or when for reasons of age, disability, illness or other insurmountable impediment is unable to work and also lacks other means of subsistence.

3. The legal regime of co-ownership is applied to assets acquired in common by quotas established in the Civil Code.

**Article 326. Preferential attribution of goods and rights by valuation of domestic work and care.** In the corresponding cases, it can be arranged, for domestic and care work, that the use and enjoyment of the assets acquired in common be attributed to whoever has dedicated himself to it until the liquidation operations are judicially approved.

**Article 327. Right to alimony and financial compensation.** An alimony and financial compensation can be determined for the member of the couple in a vulnerable situation if the conditions provided for in articles 275 and 276 of this Code occur.

**Article 328. Inheritance rights.** The death or the judicial declaration of presumption of death, contained in a final resolution of one of the members of the affective de facto union, creates inheritance rights for the survivor of the same nature as those of a spouse.

**Article 329. Termination agreements related to daughters and sons.** 1. Once the termination of the affective de facto union has been mutually agreed upon, the members of the couple may terminate, through an agreement, instrumented by notarial public deed, with the intervention of the public prosecutor's office, matters relating to the children, in the following terms:

- a) The system of custody and care of the common minor children and daughters of the couple, and in correspondence with it, the system of communication that they adopt for this purpose;
- b) the determination of the amount of alimony that corresponds to minor daughters and sons, or of legal age incorporated into a national educational institution that makes it difficult for them to engage regularly in paid work, or of legal age in disability situation; the content of the obligation, the currency of payment, and the place and time of its fulfillment; Y
- c) any other aspect contained in the exercise of parental responsibility.

2. Regarding minor daughters and sons who are part of the common home of the couple, in the case of reconstituted families, the agreement is in accordance with the provisions of this Code on the legal regime of mothers and fathers.

3. In the event that daughters and sons are in a situation of disability, such circumstance is taken into account to make reasonable adjustments in order to properly weight the legitimate interests of the people involved.

4. The prosecutor's office rules in writing on such agreements, after listening to the daughters and sons. children, so that they conform to the law, equity and their best interests.

**Article 330. Determination by judicial means of the legal regime of relations with minor daughters and sons.** 1. If after the termination of the de facto affective union there is no agreement between the members of the couple, the issues related to their relationships with the minor daughters and sons referred to in the previous article, are substantiated by judicial means. in the manner regulated by the Code of Processes.

2. The provisions of the previous article on minor children in a situation of disability, are also taken into account by the court.

**Article 331. Attribution of the real right of habitation of the dwelling where he resided de facto affective union.** The rules relating to the real right of habitation contained in Article 285 of this Code are also applicable to de facto affective unions.

#### TITLE VIII

### FROM OTHER CARE AND PROTECTION INSTITUTIONS IN THE FAMILY SPHERE

#### CHAPTER I

### COMMON PROVISION TO THE STORAGE OF FACT AND FAMILY FOSTER

**Article 332. Scope of application.** The provisions on de facto custody and family foster care of minors cannot contradict the regulations provided in this Code for:

- a) The voluntary delegation of the exercise of parental responsibility;
- b) the rights of grandmothers, grandfathers, other relatives and people emotionally nearby;
- c) the duties and rights of similar mothers and fathers with respect to daughters and sons allied; Y
- d) standards for family caregivers.



## CHAPTER II OF THE GUARD OF FACT

**Article 333. Scope.** De facto custody is a stable and voluntary protection institution through which a person related by family or emotionally close ties, without being legally obliged to do so and without judicial or administrative appointment, continuously assumes duties of care in the personal and patrimonial with respect to minors, older adults or people with disabilities, provided that there are no other voluntary or judicial measures that are being applied effectively.

**Article 334. Accreditation.** The existence of a de facto custody can be accredited by notarial means, through an act of notoriety, or by any other means of proof valid in law.

**Article 335. De facto custody of minors.** The actual guard of minors is of a temporary nature and is maintained until:

- a) Reestablish the parental responsibility of its holders;
- b) judicially authorizes its adoption; c) granting a notarial public deed or judicially homologating the agreement of deletion

gation of the exercise of parental responsibility;

d) provide them with guardianship; either

- e) adopt any other of the measures established in this Code for the protection of children and adolescents.

**Article 336. De facto custody of persons of legal age.** The de facto guardianship of persons of legal age may be of a permanent nature as long as it is properly exercised and there is no reason to advise the adoption of another protection measure, or of a transitory nature until the corresponding protection measure is voluntarily or judicially decided. .

**Article 337. Content.** 1. The person exercising custody in fact must protect the person in custody and always act for the latter's benefit, and their actions are limited to acts of a personal nature, care and necessary assistance.

2. In the case of acts of a patrimonial nature, their performance only includes the administration ordinary treatment.

3. In any case, it must meet the general criteria of respect for the capacity and progressive autonomy of the minor and the wishes, desires and preferences of the person of legal age in custody, facilitating the decision-making process.

**Article 338. Judicial recognition of the custody of fact and acts it comprises.**

1. The person exercising de facto custody may request judicial recognition through the voluntary jurisdiction procedure and with it, of the powers to carry out specific acts that involve risk to life, health, physical integrity or freedom. of the person in your care when they cannot do it for themselves.

2. In the case of minors, when due to the nature of the acts it is required to accredit the representation, the person exercising custody in fact must request the corresponding judicial authorization that authorizes the celebration of one or more of these acts. in a concrete way.

**Article 339. Control over the actions of the person who exercises custody in fact.** Any person who has a legitimate interest or the prosecutor's office can request the establishment of the control and surveillance measures that it deems appropriate on the actions of the guardian and, likewise, that this report and render accounts of the situation of the person and the goods that require custody.

**Article 340. Compensation and responsibility.** 1. The person who exercises custody in fact has the right to reimbursement of expenses and compensation for damages caused to his assets by the exercise of his functions, provided that there is no fault on his part, and at the expense of the assets of the person who requires custody, if he cannot obtain his compensation by other means.

2. The acts carried out within the scope of its competence, in the interest of the minor or for the benefit of the person of legal age that require custody, cannot be challenged if they are advantageous and redound to their usefulness.

3. Against the damages caused by the person who actually exercises custody to the person who requires it, the rules of non-contractual liability referred to in the Civil Code are applied, where appropriate.

**Article 341. Termination.** 1. Custody in fact expires when the causes that motivated it disappear or by the adoption of other protection measures that, due to their content, are incompatible with its exercise.

2. At the end of the de facto custody, if there are causes that warrant it or are considered necessary, it may be arranged that the person who has exercised it renders final accounts of its management.

**Article 342. Custody of administrative fact.** If the person interned in a social assistance center is subject to parental or guardianship responsibility, the person who directs said center exercises de facto custody.

#### CHAPTER III

### OF FAMILY FOSTER

#### FIRST SECTION

#### Family fostering of minors

**Article 343. Family fostering of minors.** Family foster care is a preferential and alternative protection measure to institutional foster care, ordered by the judicial authority, whose purpose is to provide the child or adolescent with a more convenient family environment for their affective and developmental needs, according to their needs. conditions, when:

- a) He is deprived of his family environment of origin;
- b) it is impossible for the family environment to guarantee their well-being; Y
- c) is deprived of the necessary affective or material assistance as a result of non-compliance or inadequate exercise of the protection duties established by law by the holders of parental responsibility.

**Article 344. Object.** Family foster care is arranged with the preferential objective of supporting efforts aimed at keeping the girl, boy or adolescent in a family environment with conditions that promote their integral and harmonious development, while the appropriate and permanent solution is found for them. their prompt reintegration into the family of origin or, if applicable, facilitate their subsequent adoption.

**Article 345. Participants in family foster care.** The subjects involved in foster care are:

- a) The girl, boy or adolescent who needs to be taken in by a family due to lack of the attention of those who are legally obliged to do so;
- b) the foster family, which must meet the requirements established in this Code; c) the family of origin that, for various reasons, is not able to offer the necessary care to the minor; d) the prosecution; Y
- e) the court.

**Article 346. Requirements.** Members of a foster family must meet the requirements for those appointed as guardians.

**Article 347. Provisionality.** Foster care is provisional and transitory in nature and subsists as long as the situation that gave rise to it exists and until the problems that prevent the holders of parental responsibility from exercising it correctly are resolved, without thereby creating a family legal bond between the foster family and the foster minor.

**Article 348. Duties assumed in foster care.** 1. The duties assumed in foster care are assimilated to the personal care of children and adolescents with the same scope that is required for the holders of parental responsibility and guardians.

2. The foster minor must respect and consider the foster family.

3. The court appoints within the foster family the person who assumes the main responsibility in the fostering and who is entitled to initiate as many acts as necessary in favor of the fostered minor.

4. In the cases of marriages or affective de facto unions, this responsibility corresponds joint liability to the spouses or domestic partner.

5. This responsibility does not include powers of representation or of administration and disposal of assets, which continue to correspond to the holders of parental responsibility who have not been deprived of this or to whoever exercises guardianship.

**Article 349. Legal obligation to provide food.** It corresponds to the person designated by the court within the foster family the legal obligation to provide food to the minor, in accordance with the provisions of Article 25 of this Code, without prejudice to that corresponding to mothers and fathers, even in cases where they do not have parental responsibility.

**Article 350. Modalities of foster care.** The foster care of minors can take place within their own extended family, or in a family outside the family to whom the judicial authority entrusts care, in a domestic environment different from the family of origin.

**Article 351. Pre-adoptive foster care.** Those who have had a minor in foster care have a preferential option for adoption, provided they meet the legal requirements for it.

**Article 352. Of emergency family foster care.** When it is necessary to offer immediate care to a child or adolescent without having to institutionalize him, the court may urgently order the foster care measure for a period of up to six (6) months until the definitive family protection measure is decided.

**Article 353. Causes of termination of family foster care for people under old beef.** 1. The foster care ends for the following reasons:

- a) The reinsertion of the girl, boy or adolescent in their family of origin; b) the adoption or guardianship of the girl, boy or adolescent; c) the age of majority of the underage person received;
- d) the death or judicial declaration of presumption of death of the fostered person;
- e) the death, judicial declaration of presumption of death of the person who assumes the main responsibility in foster care or for having been appointed intense support with powers of representation, except in the case of a marriage or an affective de facto union, in which case the fostering measure subsists with respect to the survivor or the cohabitant who has no cause that prevents him or her due to his or her disability situation;

- f) request of the person who assumes the main responsibility in the fostering due to duly justified legitimate cause; either
  - g) failure to perform the duties of the foster family.
2. In the last three cases, the cessation of foster care can generate a new appointment.

**Article 354. Consent for the formalization of foster care.**

For the formalization of foster care, the opinion of the minor is taken into account, according to their ability to understand, the possibility of forming their own judgment and their progressive autonomy, as well as the criteria of the members of the family. host.

## SECOND SECTION

### Family fostering of older adults or people with disabilities

**Article 355. Scope.** The foster care of older adults or people with disabilities referred to in this Section is the one that occurs between people not legally obliged to give each other food, or between people emotionally close or united by a notorious emotional bond, regardless of the existence or not of a family relationship.

**Article 356. Purpose.** 1. The purpose of foster care for older adults or people with disabilities is to keep them in their usual social environment or incorporate them into a family environment, facilitate their integration and inclusion, respect their right to live as a family and avoid their internment when this is not appropriate or desired.

2. Coexistence caused by the fostering that one or more people offer to another or other people occurs in conditions similar to the relationships that occur in the family.

**Article 357. Modes and object.** 1. Foster and fostered people live together in the same dwelling that belongs to any of them, so that the former take care of the latter, provide them with food, provide them with assistance, ensure their general well-being and attend to them in situations of emergency. disease, respecting their capacity for self-determination.

2. When coexistence is the result of a voluntary alimony agreement, it is governed by the provisions of said agreement, in accordance with the rules regulated in this Code.

**Article 358. Form.** 1. Family fostering agreements can be implemented by notarial public deed containing the conditions, duration, possible causes of termination and its effects.

2. If the foster family agreement includes voluntary food, it is mandatory to implement it by public deed, in accordance with the provisions of this Code in this regard.

**Article 359. Duration.** Family fostering of older adults or people with disabilities can be temporary or indefinite according to the circumstance that imposes it and what has been foreseen in the family fostering agreements.

**Article 360. Duties of welcoming people.** 1. The foster person or persons must always act for the benefit of the foster person or persons, attend to their material and emotional needs, respect their communication and ties with the rest of their family members and people who are emotionally close, fully protect their health physical and psychological, as well as promoting their social integration.

2. They must seek measures to guarantee their full development and their family, community and social integration, as well as the affection, respect, consideration, solidarity, health conservation, appropriate family environment and adequate recreation that these people require.

3. They must also be informed and trained on the treatment they must give to people with disabilities in order to achieve better understanding and individualized attention.

**Article 361. Causes of extinction.** 1. Foster care for older adults or people with disabilities can be terminated by:

- a) The causes provided for in the agreements established for such purposes;
- b) the agreement between the welcoming and the welcomed persons or the will of one of them; c) the death or the judicial declaration of presumption of death of the fostered person; in cases of fostering more than one person, the fostering agreement is maintained with respect to the person who has not died; d) the death or judicial declaration of presumption of death of the foster person; in cases where it is exercised by more than one person, the fostering agreement is maintained with respect to the person who has not died; e) the will of one of the parties, and with immediate effect, if the other fails to comply with the duties that correspond to it or if any cause that makes coexistence difficult is attributable to it; Y

f) Failure to comply with the duties that correspond to foster persons in the care demanded by foster persons in a situation of disability.

2. The termination of foster care can be recorded in the same way scheduled for completion.

**Article 362. Effects of termination.** 1. When the foster care does not include the provision of voluntary food referred to in Chapter V of this Title, the effects of its extinction are at the will of the parties, without generating property rights for any of them.

2. If voluntary alimony was arranged, it adheres to the provisions of the contract that gave rise to it in accordance with the rules contained in this Code.

#### CHAPTER IV

### INSTITUTIONAL RECEPTION OF MINORS

#### FIRST SECTION

#### General disposition

**Article 363. Scope.** The reception of minors in social assistance centers and homes occurs in collective institutional environments, in which children and adolescents are provided living conditions that are similar to those of a home.

**Article 364. Object.** Institutional foster care is a temporary protection measure, arranged by the competent authority, whose purpose is to provide a girl, boy or adolescent with protection and attention to their affective and developmental needs according to their conditions, when they are deprived of their rights. family environment of origin or due to the impossibility of it adequately guaranteeing their well-being, or as a consequence of non-compliance or inadequate exercise of parental responsibility, and always with the preferential objective of their prompt reintegration into the family of origin or, if it were the case, facilitate their foster care or adoption, in accordance with what best suits their best interests.

**Article 365. Procedure for urgent admissions.** Any person, official or institution that, in the performance of their responsibilities, becomes aware of cases of children or adolescents who are in a state of vulnerability, risk or abandonment, or that the holders of parental responsibility, tutors or custodians de facto seriously fail to comply with their duties, they must proceed to notify it urgently to the corresponding instance of the Ministry of Education or the Ministry of Public Health so that they immediately guarantee their reception in one of the social assistance centers dedicated to these purposes, provided that there is no relative or emotionally close person who can take charge and in the same way they will inform the prosecution, while the pertinent investigations are carried out or another protection measure is adopted.

**Article 366. Guardianship representation or de facto custody.** 1. Those who run the social assistance centers and homes hold the administrative guardianship of the girls, boys and adolescents sheltered in them over whom parental responsibility or guardianship is not exercised.  
2. Apart from the previous cases, they have de facto custody.

**Article 367. Permanence of emotional ties with the family of origin.** The directors of social assistance centers and homes must promote and guarantee that children and adolescents sheltered there can exercise their right to maintain personal relations and regular direct contact with their mothers, fathers, other family members and people who are emotionally close, always that this is not contrary to their best interests, as well as, if possible, that they return to their family of origin in the shortest possible time or that their foster care is arranged.

**Article 368. Circumstances and terms to promote the deprivation of parental responsibility.** In the event that the holders of parental responsibility fail to comply with their duties towards their internal children by neglecting them in an obvious, systematic and unjustified manner for one hundred and eighty (180) days, whoever has the de facto administrative custody of the girl, the child or adolescent, after this period, initiates the procedures referred to in Article 192 of this Code for the purposes of possible adoption.

**Article 369. Control of the management of administrative guardians and de facto guardians.** The prosecutor's office annually controls the management of the administrative guardians and de facto guardians of minors interned in social assistance centers and homes and adopts the determinations that are necessary in each case to guarantee the best interests of the girls, the children and adolescents.

## SECOND SECTION

### **From supportive families linked to social assistance centers and homes**

**Article 370. Scope.** The supportive family is one that, on a voluntary basis, is linked to social assistance centers and homes in the work of housing, caring for and caring for girls, boys and adolescents welcomed there during weekends, vacations and other periods; providing them with the attention, care and affection they require in a family space.

**Article 371. Appointment.** 1. The directorates of the social assistance centers and homes are empowered to designate the supportive families that take in internal children and adolescents and, within these, the people who have the main responsibility for care; For this, they carry out the corresponding investigations and are assisted by the criteria of authorized specialists to ensure that they can fully comply with their responsibilities.

2. In any case, it is a requirement to listen to the opinion of the minor, in accordance with their capacity and progressive autonomy, before joining a caring family.

**Article 372. Responsibilities.** The duties of the people who have the main responsibility for care within the supportive family are assimilated, in the same scope, to those required for the holders of parental responsibility with regard to personal, affective and family care. protection of their needs, without prejudice to the responsibility that corresponds to the directors of the social assistance centers and homes, which maintain administrative guardianship or de facto guardianship with respect to said children and adolescents.

**Article 373. Preferential option.** The solidarity family does not have the purpose of adoption, but if it is requested and it is appropriate and beneficial for the best interests of the minor, it proceeds in accordance with the provisions of Article 351 of this Code.

**Article 374. Permanence.** 1. The permanence of the girl, boy or adolescent within a supportive family is determined by their best interests and the affective ties that have been created between them.

2. The direction of the social assistance center periodically evaluates the stay of the minor in the bosom of the solidary family, and the attention and care that it provides with the help of trained personnel.

3. Failure to comply with the duties that correspond to the supportive family, determine It undermines the immediate disassociation of the minor from it.

#### CHAPTER V

#### OF VOLUNTARY FOOD

**Article 375. Scope.** 1. Voluntary alimony is constituted through an assistance contract, where the obligor undertakes to offer alimony to the obligor, in exchange for the transfer of assets or rights as consideration.

2. When the alimony contract involves the transfer of movable or immovable property subject to public registration, it is registered in it for the purposes of making it effective against third parties.

3. The assets and rights transmitted by the obligee to the obligee cannot be in turn transmitted by the latter to a third person during the term of the contract.

4. If the prohibition contained in the previous section is violated, the contract concluded by the supplier with the third party is null.

**Article 376. Exception.** People can enter into food contracts, whether or not they are related by kinship, except in the case of the first-order relative, as provided in Article 28 of this Code and, in any case, those included in the first degree of the straight line. or between spouses, or between the members of the affective de facto couple.

**Article 377. Content of the contract.** 1. The contracting parties determine the scope of the obligation to provide food, with a wide margin for the autonomy of the parties.

2. In case of not agreeing on the matter or changing the circumstances that were taken into account at the time of the agreement, it is understood that the content of the contract includes all types of assistance, that is, food, maintenance, accommodation, recreation, support family, personal and affective care, living conditions and limits on compliance with the benefit.

3. The obligee undertakes to provide food until death or declares judicial sanction of presumption of death of the obligee, unless otherwise agreed.

**Article 378. Form.** The food contract is formalized by notarial public deed.

**Article 379. Stipulation in favor of a third person.** 1. The food contract can be concluded with a stipulation in favor of a third person, in a way that guarantees the personal and patrimonial protection of those with disabilities, older adults, minors and the conceived.

2. Additionally, the rules of the Civil Code on the matter apply.

**Article 380. Failure to comply with the obligations by the provider.** If the main obligations derived from the contract are not fulfilled by the obligee, the other party to the contract, or, where appropriate, the prosecutor or the family defender, may judicially request the resolution of the latter, with the consequent restitution in his favor of the assets and transferred rights.

**Article 381. Possibility of agreement by legal persons.** Legal entities that have care and assistance among their purposes, can conclude this contract, forcing themselves to provide food to dependent people or in a situation of vulnerability.

**Article 382. Death of the obligee or any other circumstance that prevents the fulfillment of the obligations derived from the contract.** 1. If during the term of the contract the obligee dies or is declared presumed dead, said contract is terminated and, consequently, the assets and rights transmitted are reverted in favor of the obligee.

2. The provisions of the preceding paragraph also apply when a circumstance arises that seriously affects the physical or mental health of the obligee, or due to any other event that prevents him from executing by himself the benefits to which he was obliged by reason of the contract. .

CHAPTER VI  
**GUARDIANSHIP**  
FIRST SECTION

**General disposition**

**Article 383. Scope and ways to defer.** 1. Guardianship is an institution for the family and social protection of the person, property and rights of a girl, boy or adolescent who has not fully exercised their legal capacity, when there is no person exercising parental responsibility.

2. Guardianship may be granted by will, by notarial public deed or by court order.

**Article 384. Constitution and purpose.** 1. In any case, guardianship is constituted by judicial resolution issued by a competent court, and its purpose is the custody and care, education, defense of the rights and protection of the patrimonial interests of minors. with respect to which there is no ownership or exercise of parental responsibility.

2. The prosecution always intervenes in the process.

**Article 385. Plural guardianship.** 1. Guardianship can be exercised by up to two people; in such circumstances, the differences of criteria are resolved before the court that has constituted it, with the intervention of the prosecutor's office.

2. When constituting the plural guardianship, the content of the powers and duties is determined that correspond and for which each of the tutors is responsible.

**Article 386. Testamentary guardianship.** 1. The holder of parental responsibility who is not deprived or suspended from its exercise, may defer guardianship of their minor children by will.

2. If there are provisions of the holders of parental responsibility, they are applied jointly, as long as they are compatible.



3. If not, the competent court to establish guardianship must adopt the provisions that it deems most convenient for the best interests of the child or adolescent.

4. The provisions that exempt the guardian from making an inventory or authorize him to receive the assets without fulfilling said requirement, or release him from the duty to render accounts are null and void.

**Article 387. Judicial verification.** 1. To constitute guardianship, the court verifies, through the voluntary jurisdiction procedure, if the person in favor of whom guardianship is granted meets the requirements set forth in this Code, also listening to the opinion of the girl, the boy or adolescent according to their age and degree of maturity, if it is in their best interest.

2. In case of plural guardianship, if one of the persons in favor of whom the guardianship is deferred does not meet the requirements established in this Code, the court constitutes it in favor of the one who does meet them, constituting in this case a guardianship. sole proprietorship

**Article 388. Guardianship voluntarily deferred by non-testamentary act.** 1. The holders of parental responsibility, in the circumstances provided for in the two previous articles, may defer guardianship to one or more guardians through a legal act contained in a notarial public deed, the effects of which are subject to:

- a) His death or the judicial declaration of presumption of death; either
- b) that a situation of disability arises that entails the appointment of a  
intense support with powers of representation.

2. The other provisions contained in said articles are also applicable.

**Article 389. Special guardianships.** 1. The appointment by judicial means of special guardianship in the following cases:

- a) When the holders of parental responsibility do not have the administration of the assets of minor children;
- b) when the person in respect of whom the guardianship has been established has acquired assets, with the condition that they be managed by a specific person or not be managed by their guardian; either
- c) when specific knowledge is required for an adequate exercise of administration due to the characteristics of the asset to be managed.

2. Special guardianships are substantiated through the voluntary jurisdiction procedure and are subject to the same requirements, constitution and registration rules established in this Code for ordinary guardianship.

**Article 390. Guardianship dative.** 1. In the absence of designation of a guardian or guardians by the holders of parental responsibility, or in the face of the excuse, rejection or impossibility of exercising those who were designated, the court must grant guardianship to the person who is most suitable to provide protection. to the girl, the boy or adolescent, having to reasonably establish the reasons that justify said suitability.

2. In the event that there are two most suitable persons, a plural guardianship is constituted.

**Article 391. Acceptance of the position and inalienability.** The acceptance of the position of guardian is voluntary, but once accepted it is inalienable, except for legitimate cause duly justified in the opinion of the court.

**Article 392. Persons with the duty to report on the disclosure of guardianship.** 1. They have the duty to inform the prosecutor of the need for a girl, boy or adolescent to be appointed guardian, so that it proceeds to promote the corresponding process:

- a) Those who live with the minor;
- b) the closest neighbors or the most immediate mass organizations; Y
- c) public officials who, due to the exercise of their position, are aware of the existence of the state of necessity referred to in the initial paragraph of this article.

2. They can also inform the prosecutor of the need to promote the process of appointing a guardian of a girl, a boy or adolescent, their relatives up to the third degree of consanguinity and second degree of affinity, regardless of the fact that any of them can do so .

**Article 393. People who can request guardianship.** They can promote the constitution of the guardianship of a girl, a boy or adolescent, their relatives up to the third degree of consanguinity or second of affinity, or the prosecution whenever it deems it necessary, based on the information received referred to the previous article, or when by final judgment the person who exercises it is deprived or suspended from parental responsibility.

**Article 394. Rules for the constitution of guardianship.** 1. To establish guardianship, whether unilateral or plural, outside the cases of testamentary guardianship or by legal act contained in a notarial public deed, the court summons the relatives of the girl, boy or adolescent up to the third degree of consanguinity and second of affinity that reside within its demarcation, or in that of another court of the same city or town in which it has its headquarters, in order to hold an appearance in which all those who attend and the opinion of the court are heard. underage person, according to their age, mental and emotional maturity.

2. To proceed with the appointment of the guardian, the following rules are followed:

- a) The preference expressed by the minor;
- b) the majority opinion, if any, of the aforementioned relatives as long as it is acceptable, in the judgment of the court;
- c) if the holders of parental responsibility have delegated the exercise of parental responsibility for their daughters and sons to a relative, it is presumed that they will be named their guardian, unless it is not beneficial to their best interest from them;
- d) if it is not possible to appoint a guardian in accordance with the above rules, the court decides guided by what is most beneficial to the best interests of the minor, and under equal conditions, appoints a guardian to the relative in whose company halle; Y
- e) if they are not in the company of any relative, or if they are in the company of several of them at the same time, the person with whom the emotional ties with the girl are closest is preferred, within the family members, the child or adolescent, also in attention to their best interests.

3. When special reasons so advise, the court may appoint a guardian who is not related to the minor; in this case, it names the person who shows interest in taking care of the girl, boy or adolescent, based on their affective ties, preferring the person who had taken care of them.

**Article 395. Requirements for designation.** To be appointed guardian of a person  
A minor is required:

- a) Be of legal age; b)  
have observed a conduct that allows it to be reasonably presumed that the duties established in Article 138 of this Code will be fulfilled with respect to the pupil;
- c) be a resident in the country and remain in it most of the time with the ward, with exceptions, prior authorization of the court;
- d) have sufficient income to defray the expenses of the ward as necessary;
- e) not have a criminal record for crimes related to gender or family violence, against freedom and sexual indemnity or against children, youth and the family;

f) who has not been deprived or suspended in the exercise of parental responsibility for their daughters and sons, or removed from guardianship or as support for a person with a disability, for reasons attributable to them; g) not have conflicting interests with the minor; Y

h) Other causes that, in the opinion of the court, disqualify him from being a guardian.

**Article 396. Administrative guardianship.** 1. Administrative guardianship is that exercised by those who run social assistance centers and homes for minors housed in said establishments, and with respect to whom there is no parental responsibility or guardianship, in the manner established in Article 366. of this Code.

2. The representation of the ward before the courts by those who exercise administrative guardianship may be delegated to a member of the legal body of the respective agencies or by appointment of a family defender.

## SECOND SECTION

### Of the exercise of guardianship

**Article 397. Representation.** The guardian legally represents the minor in all legal acts that are not of a very personal nature, without prejudice to the personal action of the girl, boy or adolescent in the exercise of their right to be heard and the progressive recognition of their autonomy. granted by law or authorized by the competent court.

**Article 398. Duties of the guardian.** 1. The guardian, with respect to the ward, has the following duties:

- a) Educate and guide him based on positive, non-violent and participatory forms of upbringing, in accordance with the provisions of articles 138 subsection c) and 146 of this Code;
- b) take care of their food;
- c) make an inventory of their assets and present it to the court within the period established by the court;
- d) diligently manage their assets;
- e) request the authorization of the court for the necessary acts that he cannot perform without her; Y
- f) render a periodic account of the management of the guardianship before the competent court, when this establishes it.

2. If the ward's resources are not sufficient to meet his financial needs cases, the guardian can sue in court for food to those who are obliged to give it.

3. The duties that the position of guardian entails cannot be delegated, except for the exception that for the legal representation of the ward before the courts is provided for in Article 396.2 of this Code for those who exercise administrative guardianship.

**Article 399. Duties of the pupil.** The minors in relation to whom the guardianship is constituted, must respect and consideration to the guardian.

**Article 400. Pupil in a situation of disability.** It is up to the guardian of a minor with a disability to carry out the necessary actions that allow their school, community and social inclusion, as well as to promote the full enjoyment of all their rights and freedoms, especially those that concern life in family, on equal terms with other girls, boys and adolescents, for which they must attend to the evolution of their faculties and stimulate the development of their potentialities.

**Article 401. Patrimonial precautions.** 1. When controlling the exercise of guardianship, the court may directly order the deposit of cash, jewelry and other high-value assets of the ward, in accordance with the provisions of the Code of Procedures.

2. Likewise, you can determine the availability limits of the funds that the conservatee has in his bank account.

**Article 402. Acts for which judicial authorization is required.** The guardian needs court authorization to:

- a) Hospitalize the pupil in a care facility for a prolonged period of time to receive medical treatment related to his mental health;
- b) carry out acts of ownership or any other act that may compromise the property ward child;
- c) reject donations, renounce inheritances, legacies or other dispositions due to death, as well as to divide these or other assets that the ward owns in common with others;
- d) make major investments and repairs in the property of the ward; Y
- e) Compromise or acquiesce to lawsuits established against the ward.

**Article 403. Utility and necessity.** The court cannot authorize the guardian to dispose of the property of the ward except for reasons of utility and duly justified need.

**Article 404. Prohibited acts.** 1. Whoever exercises guardianship cannot arrange with his ward the acts prohibited to mothers and fathers with respect to their minor children.

2. The guardian cannot conclude any contract with the ward before they are approved. you give the accounts judicially.

**Article 405. Civil liability of the guardian.** 1. The tutor is responsible for the damages and losses caused to the pupil in the exercise or on the occasion of the performance of his duties due to his fault, action or omission.

2. The pupil, his relatives or the prosecutor's office may exercise the actions derived from the illicit act for the purpose of reparation or compensation, as appropriate, in accordance with the provisions of the Civil Code regulations.

**Article 406. Rendering of accounts.** 1. The guardian is obliged to render accounts of the guardianship periodically within a minimum period of one (1) year before the court with the intervention of the prosecution.

2. When the guardianship ceases or the guardian is removed, the latter or, as the case may be, his heirs, has the duty to render a final account of his administration.

3. Guardianship bills are reviewed by the court for approval, or to make the repairs or arrange the corresponding refunds, as appropriate.

**Article 407. Removal of the tutor.** 1. When the guardian during the exercise of the guardianship ceases to meet the requirements demanded by this Code for his appointment, or when he fails to comply with the duties imposed on him, the court may order his removal ex officio or at the request of the prosecution or the relatives of the pupil within the third degree of consanguinity or second degree of affinity who are aware of such circumstances.

2. In order for the prosecution to act, the persons referred to in subsections a) and b) of Article 392.1 of this Code must inform them of the facts that, in their opinion, may determine said removal.

3. The guardianship can also be removed by final criminal sentence in the cases of crimes committed as a result of gender or family violence.

**Article 408. Death or judicial declaration of presumption of death of guardian.**

1. In case of death, judicial declaration of absence or presumption of death of the guardian, his executor, his heirs or the other guardian, if any, they must immediately notify the competent court.

2. In such a circumstance, urgent measures must be taken to protect the person.  
person and property of the ward.

**Article 409. Termination of guardianship.** Guardianship is terminated by:

- a) Arrive the pupil to the age of majority; b) be adopted; either
- c) the death or judicial declaration of presumption of death of the ward.

**Article 410. Gratuity of the position and expenses of the management.** 1. Guardianship is exercised free of charge.

2. The tutor has the right to the restitution of the reasonable management expenses incurred, even if they are not useful to the ward; such right of restitution is exercised against the property of the ward, according to the provisions of the Civil Code, prior approval of the court.

### THIRD SECTION

#### From the registry of guardianships

**Article 411. Content of the registration of guardianship.** The record kept in the courts of each guardianship constituted in its territory must contain:

- a) The name, surnames, age, sex and address of the ward, and the provisions adopted by the court regarding the exercise of guardianship;
- b) the name, surnames, age, sex, occupation and address of the guardian;
- c) the date on which the guardianship was established;
- d) the reference to the inventory of goods, which is kept in a separate file with the deposit receipts and the limitations on bank account operations; Y
- e) the center where the ward is hospitalized and the changes of establishment that are do, if that's the case.

**Article 412. Registration of the guardian's accountability.** 1. At the bottom of each registration, at the beginning of the year, the annual rendering of accounts of the tutor's management is stated.

2. The annual rendering of accounts is carried out in the court that corresponds to the domicile of the guardian, which, in turn, communicates it to the one in which the registration of the guardianship is made with remission of the minutes, of the documents that accompany, as well as the individuals who modify the data of the registration practiced.

### CHAPTER VII

#### OF FAMILY CAREGIVERS

**Article 413. Scope.** For the purposes of this Code, the person considered a family caregiver is one who assumes total or partial responsibility for the care of one or more people who are part of their family, who, for reasons derived from age, illness or disability, they are in a situation of dependency to carry out their activities of daily living and satisfy their material and emotional needs.

**Article 414. Content.** It is up to the family caregiver to assume personal care, help with education and social life, administrative procedures, mobility, permanent surveillance, psychological help, communication, domestic activities or others of a similar nature, supported by other people in the family group .

**Article 415. Respect for autonomy and dignity.** The family caregiver assumes jointly and altruistically with the person in their care the decisions and behaviors to follow, guaranteeing that in any case the autonomy, wills, desires, preferences and dignity of the person to be cared for are respected. who cares

**Article 416. Prohibition of discrimination and violence.** The State, society and families act to prevent all forms of abuse, exploitation, discrimination and violence in any of its manifestations against the family caregiver or the family caregiver against the person they care for.

**Article 417. Training.** The State must institutionally guarantee the necessary training processes to provide the family caregiver with the specific skills that allow them to carry out their activity in an optimal and comprehensive manner, be able to prevent actions or practices that may cause damage or aggravate the conditions existing, and to take care of itself.

**Article 418. Rights of the family caregiver.** The following rights are recognized to the family caregiver:

- a) Know the medical diagnosis of the person they care for and everything related to the diseases they suffer from and access all the information that facilitates their performance; b) receive training to perform care optimally and have the time necessary to learn it;
- c) take care of herself and rest, dedicate time to personal activities that do not include her family member, and to enjoy health services and networks that provide economic, moral, psychological, physical and social support;
- d) be treated with respect, receive cooperation from the rest of the family and refuse excessive or inappropriate demands by the person you care for;
- e) that other people participate in the care of their family member, even if they oppose it, if it is for an unjustified cause, as well as recognizing the limits of their own strength and resistance;
- f) carry out their work part-time or full-time, as the case may be, in such a way that they can reconcile it with their personal, family and social life project; g) be reimbursed or restituted, in accordance with the provisions of the Civil Code, for the expenses or disbursements that they assume with their own patrimony in the care of the family member; Y
- h) have support networks for family care at the community and institutional level.

**Article 419. Duties of the family caregiver.** The family caregiver has the following duties:

- a) Facilitate the decisions, inclusion and social participation of the person they care for, promoting the greatest possible material and formal autonomy in relation to their possibilities and guaranteeing in all cases the dignity of the family member under their care;
- b) share with other relatives the determinations related to care and any other aspect related to the person they care for, which in no case should affect their well-being and quality of life; Y
- c) Not to use for their own benefit the patrimonial resources available to them.

**Article 420. Extensive application.** The above provisions apply, where relevant, to those who work as personal assistants, informal caregivers and professional caregivers who are not family members of the person to whom the care is provided.

#### TITLE IX

### OF ELDERLY PEOPLE AND PEOPLE WITH DISABILITIES IN THE SOCIO-FAMILY ENVIRONMENT

#### CHAPTER I

### OF ELDERLY PEOPLE IN THE SOCIO-FAMILY ENVIRONMENT

**Article 421. Right to family life with dignity.** Older adults have the right to a decent family life, with the family being primarily responsible for attending to their needs, both in the affective and patrimonial order; Likewise, their privacy, communication and links with the rest of the members of their family must be respected.

**Article 422. Right to an autonomous and independent life.** Families, society and the State must recognize and respect the self-determination of older adults, their right to make decisions, define and develop their life project autonomously and independently in accordance with their convictions, under equal conditions. and to have mechanisms that allow them to exercise their rights.

**Article 423. Right to choose the place of residence.** The right of the older person to choose their place of residence, permanently or temporarily, is recognized, as well as to determine with whom they want to live, on equal terms with others, in accordance with the limits established by law.

**Article 424. Right to family life free from discrimination and violence.** 1. Older adults have the right to live a family life free from discrimination and violence in any of its manifestations, inside or outside the family home.

2. It is the responsibility not only of families, but also of society and the State, as far as each one is concerned, to adopt measures of a diverse nature to sanction and eradicate acts of violence and discrimination against older adults, as well as those that propitiate the reparation of the damages caused by these acts.

**Article 425. Right to an accessible environment.** 1. Older adults have the right to an accessible, safe, healthy and adaptable environment that allows them to live independently and participate fully in all aspects of life.

2. Families, society and the State must ensure accessibility for older adults, on equal terms with others.

**Article 426. Right to self-regulation of future protection.** Older adults have the right to configure the protection system that must govern when there are circumstances that make it difficult for them to exercise their legal capacity, based on their wills, desires and preferences, which prevail over those adopted by the judicial authority. .

**Article 427. Support and reasonable adjustments.** Families, society and the State, in accordance with their respective responsibilities, make the reasonable adjustments that are necessary and create a support system that allows older adults to exercise and defend their rights, taking into account their dignity, their autonomy and their choices.

**Article 428. Right to social and family participation and inclusion.** Families, society and the State, in accordance with their respective responsibilities, have the duty to contribute to the protection of older adults through their agencies and institutions, and provide them with their participation and social, community and family inclusion in an environment of full equality that allows them to develop their capacities and potentialities.

**Article 429. Duties of older adults towards their family.** Older adults, to the extent that their physical and psychological potentialities allow it, have the duty to take care of themselves and their family, as well as to actively participate in their daily lives, transmit their life experiences, values and principles of family and social behavior to younger members.

**Article 430. Duties of families towards older adults.**

1. The daughters and sons and other relatives have the duty to contribute to the satisfaction of the affective and care needs, and to the maintenance of older adults, even if they do not reside together, as well as to preserve their assets.

2. If the elderly person is hospitalized in a social assistance center  
It is the duty of their relatives:

- a) Maintain the bond of the former with the family home; b)  
maintain permanent contact with the institution;
- c) attend every time you are summoned;
- d) accompany him during hospital admissions provided there are no circumstances that  
they prevent it;
- and e) any other action that results in your general welfare.

**Article 431. Content of the protection.** 1. The protection of older adults includes their full development and the satisfaction of their affective and patrimonial needs, as well as the physical, psychological, social and legal aspects of their lives, based on values such as affection, respect for their wishes, desires and preferences, consideration, inclusion, solidarity and preservation of their mental and physical health, in accordance with the principles of proportionality, subsidiarity and respect for their autonomy.

2. Likewise, the acts that the person has granted in anticipation of their future protection against the possible loss of aptitudes associated with age.

**Article 432. Institutional and community protection networks.** The action of the State aimed at older adults, in coordination with families, materializes fundamentally through the National Health and Security and Social Assistance systems, as well as the governing institutions of education, sports, recreation, culture and others that have among their functions the guarantee of these rights and that develop the respective programs to ensure that these people live with due physical, psychological and social health, and effectively enjoy dignity and self-determination.

**Article 433. Role of mass and social institutions and organizations.** Institutions and mass and social organizations in the community must watch over the performance of families in the care and attention of older adults, and if necessary urge the corresponding organizations, so that they respond to make effectively their protection and their possibilities of participation and social inclusion.

## CHAPTER II

### OF PEOPLE IN A SITUATION OF DISABILITY IN THE SOCIAL AND FAMILY ENVIRONMENT

**Article 434. Right to family life with dignity.** 1. People with disabilities have the right to a decent family life and to be included in community and social life.

2. Society and the State provide, through their agencies and institutions, the support system, the due protection, the education and the necessary orientation that allow them to develop their capacities and aptitudes to the maximum.

**Article 435. Exercise of rights under equal conditions.** Families, society and the State, in what corresponds to each of them, guarantee support and make reasonable adjustments so that people with disabilities exercise their rights fully and on equal terms with others.

**Article 436. Prohibition of interference in family life.** No person with a disability, regardless of their place of residence, may be the object of arbitrary or illegal interference in their family life.

**Article 437. Right to authorization and rehabilitation.** 1. The bodies, institutions and organizations of society and the State promote empowerment and rehabilitation programs aimed at people with disabilities, in order for them to develop their personal autonomy and independence in the social and family environment.



2. Families promote the incorporation of people with disabilities to these programs and are linked to the process as part of their training to contribute to their adequate participation and inclusion in the community.

**Article 438. Sexual and reproductive rights.** 1. Persons with disabilities have the right to decide freely and responsibly the number, the way to have their offspring and the time that must elapse between one birth and another and it is the responsibility of the family to collaborate, guide and duly inform about the exercise of his right.

2. Likewise, they have the right to access information on topics of sexual education and family planning appropriate for their age in case they are girls, boys or adolescents, and to be offered the necessary means that allow them to exercise that right.

**Article 439. Other rights.** In addition to the rights recognized in this Chapter, people with disabilities also have the rights recognized to older adults in articles 421 to 428 of this Code.

**Article 440. Comprehensive development.** The families of people with disabilities stimulate and enhance their comprehensive development as human beings and their training, economic independence and social inclusion; its members participate in this process and are adequately informed for this purpose.

**Article 441. Duties of families towards people with disabilities who are hospitalized.** The families of persons with disabilities interned in specialized centers have the duty to maintain systematic communication with them and provide them with emotional care during the time that the internment lasts.

**Article 442. Duties of the State and social institutions in the education and promotion of the rights of people with disabilities.** The State and the agencies, institutions and organizations of society must promote a culture of priority attention to people with disabilities in public, cultural and social services; as well as promoting programs aimed at their families and members of the community, aimed at instilling favorable attitudes in relation to family institutions, sexuality, motherhood or fatherhood, adequate methods of family planning and work.

TITLE X  
MEDIATION AND FAMILY OMBUDSMANSHIP  
CHAPTER I  
OF FAMILY MEDIATION

**Article 443. Scope.** Mediation can be used as an alternative method for the management and harmonious solution of family conflicts, it is developed through an out-of-court procedure, in which qualified professionals, without decision-making power, facilitate communication and help people negotiate collaboratively and reach agreements.

**Article 444. Mediatable matters.** 1. Matters that can be mediated are all those conflicts in which the claims of the parties do not affect the public interest or encourage discrimination and violence in any of its manifestations, and in which there are no imbalances between them that affect communication, voluntariness and effective compliance with agreements.

2. The filial claims, those related to the suspension and deprivation of parental responsibility, the waiver of the right to claim maintenance and others that cannot be the subject of an agreement because they are outside the device scope of the persons in conflict according to the law. are excluded from the possibility of agreement through mediation or conciliation.

**Article 445. Guiding principles.** For the harmonic solution of family conflicts, the general principles established for mediation are respected, especially those of balance of power, responsible voluntariness, multipartiality and confidentiality.

**Article 446. Withdrawal of mediation.** Withdrawal of mediation  
It harms those who have participated in said procedure.

**Article 447. Notarial instrumentation and judicial approval of mediation agreements.**

1. People in conflict can go to mediation and, once the procedure is over, they can implement the agreement reached by means of a notarial public deed or homologate it through the voluntary jurisdiction procedure that is regulated in the Code of Procedures.

2. The agreements obtained in mediation cannot be implemented through a notarial process or judicially approved when their foundations affect criteria of public order or violate the best interests of children and adolescents or the protection of people in a situation of vulnerability.

3. Mediation can also derive from a judicial process or in the executive phase, in accordance with the provisions of the Code of Processes.

**Article 448. Participation of specialized professionals.** The participation of girls, boys, adolescents or any other person in a situation of vulnerability in mediation procedures requires the assistance of specialized professionals in the sessions they attend.

**Article 449. Intervention of third parties.** The agreement of all those involved in the mediation process is required for the participation of third parties, including the support of those who require it.

**Article 450. Application of the rules of mediation to family conciliation.**

What is established in this Code regarding family mediation applies, where relevant, to family conciliation as an alternative method of managing and resolving conflicts.

## CHAPTER II

### OF THE FAMILY OMBUDSMAN

**Article 451. Scope.** 1. The family ombudsman is the institution in charge of protecting, guaranteeing and restoring the exercise of the rights of girls, boys and adolescents, people with disabilities, older adults, people who are victims of discrimination or violence in any of the its manifestations, as well as any other person in a situation of vulnerability in the family environment.

2. It is understood, for the purposes of this Code, that a person is in a situation of vulnerability in the socio-family environment when this limits or hinders their possibilities of action in the face of a natural, economic, social or any other threat and, as Consequently, they present a situation of risk or deterioration that affects their quality of life and their well-being that can lead to social exclusion.

3. The aforementioned persons may be represented in matters arising from the application of this Code by family defenders freely chosen by them, or designated, in the cases that proceed, at the request of the person himself, the defender's office or at the request of the prosecution.

4. The provisions of the previous section also apply to matters that can be mediated.

**Article 452. Opposition of interests.** The persons referred to in the previous article may be represented by family defenders whenever there is opposition of interests in the following cases:

a) If they have the same or several legal representatives;

- b) if their legal representatives are prevented from exercising their function or are the cause before the violation of rights; either
- c) when they lack a representative.

## TITLE XI

**NORMS OF INTERNATIONAL PRIVATE FAMILY LAW**

## CHAPTER I

**APPLICATION RULES**

**Article 453. Determination of domicile and habitual residence.** 1. For the purposes of this Code, domicile is understood to be the place of residence of a person with the intention of staying, and for its determination, circumstances of a personal, family or professional nature that demonstrate lasting ties with said place are taken into account.

2. Habitual residence is understood to be the place where a person is physically established as the main person, even if it does not appear in any registry and lacks a residence permit.

**Article 454. Interpretation.** Foreign family law is applied according to their criteria for interpretation and application over time.

**Article 455. Adaptation.** 1. The various laws that may be competent to regulate the different aspects of the same legal relationship are applied harmoniously to the end pursued by each of the laws.

2. The possible difficulties arising from their simultaneous application are resolved taking into account the equity criteria in the specific case, in accordance with the principles and regulations of this Code.

**Article 456. Exclusion of forwarding.** When foreign law is applicable for the resolution of matters in family matters, it is understood that it is the substantive or material law of that State, excluding the rules of conflict that may apply to another law, except if the reference was to Cuban law.

**Article 457. Public Order.** 1. Foreign law is not applied if its effects are manifestly incompatible with public order, which is appreciated taking into account the link between the legal situation and the provisions of this Code and the seriousness of the effect produced by the application of that.

2. Once the incompatibility is admitted, the law indicated is applied through the other connection criteria provided for by the same conflict rule and, if this is not possible, the Cuban law is applied.

3. For these purposes, public order is understood as the set of principles and norms that inspire and support the Cuban legal-social regime, and the culture of society to preserve its assets, values and general interests, consistent with the protection of rights of girls, boys, adolescents and people in vulnerable situations.

4. The norms of public order are of unconditional compliance and non-derogable by the will of the parties.

## CHAPTER II

**REGULATORY STANDARDS**

## FIRST SECTION

**Of marriage**

**Article 458. Capacity to formalize marriage, form, existence and validity.** 1. The capacity of people to formalize marriage is governed by the law of their domicile.

2. The form of the act, its existence and validity are governed by the law of the place of formalization.

3. The law of the place of formalization governs the proof of the existence of the marriage.

4. For the recognition of a marriage celebrated abroad, the non-existence of any of the prohibitions provided for in articles 205 and 206 of this Code is taken into account.

**Article 459. Law applicable to personal relationships between spouses.** 1. The relations Personal relationships between spouses are governed by the law of the conjugal domicile.

2. In the absence of this, they are governed by the last marital domicile, by the law of common citizenship at the time of its formalization, or by the law of the place of marriage formalization.

**Article 460. Law applicable to property relations between spouses.** 1. Property relations between spouses are governed by the laws agreed upon by the contracting parties before the formalization of the marriage, except in what, being of a strictly real nature, is prohibited by the law of the place where the assets are located.

2. The agreed laws can be: a) That of

the domicile of any of the contracting parties at the time of the formalization  
tion of the pact;

b) that of the domicile of the spouses after the formalization of the marriage; Y

c) that of the citizenship of any of the contracting parties at the time of the formalization of the  
agreement.

3. The choice of any of these laws is made in the marriage agreement, according to the chosen matrimonial economic regime.

4. In the absence of such a choice, the property relations between the spouses are governed by the law applicable to personal relationships.

**Article 461. Modification of the law applicable to property relations between spouses.** 1. The spouses, during the marriage, may agree in writing to submit their matrimonial property regime to another of the aforementioned laws.

2. The exercise of this power must not affect the rights of third parties.

3. The law that governs the property relations between spouses in accordance with the preceding paragraphs of this article, whether elected or not, is applicable until the spouses validly determine a new law, regardless of possible changes in citizenship or address of any of them.

**Article 462. Law applicable to the marital status.** The marital status of persons is governed by the law of the State of which they are citizens or, failing that, by the law of the domicile.

## SECOND SECTION

### Of the affective de facto union

**Article 463. Law applicable to the affective de facto union.** 1. The law of the place where de facto affective unions are instrumented and registered, or recognized by the competent authorities, governs the conditions of their instrumentation, registration or recognition, the effects on the assets and the conditions of their dissolution.

2. The de facto affective couple may agree in writing during the term of the union to submit their economic regime to the law of the domicile or citizenship of any of them, or to the law of the State where the de facto affective union has been registered. .

3. This choice can be made before or at the time of registration and as long as it does not harm the rights of third parties.

4. Any effect of the affective de facto union that does not have a specific solution attributed by this Code, is subject to the law of the place where it is intended to be enforced.

## THIRD SECTION

### Of the grounds for dissolution and termination of marriage

**Article 464. Law applicable to the dissolution and termination of marriage.** 1. The spouses may agree by public document, before or during the marriage, the law applicable to its dissolution and termination, provided that it is one of the following laws:

- a) That of the State in which they have their common domicile at the time of formalization of the pact;
- b) that of the State of the last place of marital domicile, provided that one of them still resides there at the time of the formalization of the agreement;
- c) that of the common citizenship of the spouses at the time of the formalization of the covenant; O
- d) the country of the court hearing the process.

2. Once the petition for divorce or the lawsuit has been filed with the competent Cuban authorities, as the case may be, the spouses may decide that the divorce be governed by Cuban law.

**Article 465. Supplementary application.** 1. In the absence of a choice of law applicable to the dissolution and termination of the marriage, the law of the common domicile of the spouses or that of the last common domicile applies, provided that one of them still resides there or, ultimately, Cuban law.

2. The provisions of this Section apply to other causes of termination of marriage, where relevant.

#### FOURTH SECTION

##### The right to receive food

**Article 466. Law applicable to the right to receive food.** 1. The right to receive food is governed by the law of the domicile of the obligor, unless the law of the domicile of the obligor provides greater guarantees to him.

2. In the event of a change of address, the law of the new habitual residence applies from the moment this takes place.

3. Cuban law applies if the creditor cannot obtain food from the debtor in accordance with the designated law.

4. The right to alimony between spouses or domestic partners is governed by the law of the last marital domicile, of the last effective cohabitation, or of the country whose law applies to the dissolution or nullity of the bond.

5. The alimony contract is governed, at the option of the parties, by the law of the domicile of any of them at the time of its perfection; failing that, by the law of the place of its formalization.

#### FIFTH SECTION

##### of the affiliation

**Article 467. Law applicable to filiation.** 1. Parentage is governed by the law of the domicile of the daughter or son at the time of birth.

2. However, the law of the habitual residence of the daughter or son in the moment of filing the filiation claim, if it is more favourable.

**Article 468. Law applicable to assisted filiation.** For the purposes of recognizing assisted filiation and its registration, the competent authority, in the event that its intervention is required, must prioritize the best interests of the girl, boy or adolescent born with the use of assisted reproduction techniques.

**Article 469. Law applicable to adoption.** The requirements and legal effects of the adoption are governed by the law of the domicile of the adoptee at the time of approval.

**Article 470. Recognition of the adoption constituted abroad.** 1. The adoption constituted abroad is recognized in the Republic of Cuba when it has been authorized by the competent authority of the country of domicile of the adoptee in accordance with to their standards.

2. Authorized adoption in the country of domicile of the adopter is also recognized when it is capable of being recognized in the country of domicile of the adoptee.

3. The annulment or revocation of the adoption carried out abroad is governed by the law of its approval or by the law of the adoptee's domicile.

**Article 471. Conversion of simple adoption.** 1. The simple adoption authorized abroad, in accordance with the law of the domicile of the adopted person, can be transformed into a full adoption provided that: a) It meets the requirements established by Cuban law; b) the adopter and the adoptee give their consent; c) the opinion of the adopted minor is heard in accordance with their capacity and progressive autonomy; Y d) the intervention of the prosecutor's office is counted on.

2. In all cases, the court must assess the advisability of maintaining the legal relationship with the family of origin.

#### SIXTH SECTION

##### **Parental responsibility, protection of minors and supports, safeguards and reasonable adjustments**

**Article 472. Law applicable to parental responsibility and protection of minors.** Parental responsibility or any other analogous institution is governed by the law of the domicile of the daughter or son.

**Article 473. Law applicable to guardianship and support, safeguards and reasonable adjustments.** 1. The determination and exercise of the guardianship of minors and of the supports, safeguards and reasonable adjustments for the exercise of the legal capacity of persons with disabilities are governed by the law of the domicile of the ward or the person required of those.

2. Other figures of a similar nature regularly constituted under foreign law, are recognized and display their effects in the country, provided that they are compatible with the rights enshrined in this Code and the requirements established for the recognition of acts and decisions.

3. In the application of the measures referred to in the previous sections of this article, the best interests of the girl, boy or adolescent and the wishes, desires and preferences of people with disabilities are taken into account.

#### SEVENTH SECTION

##### **On the international restitution of children and adolescents**

**Article 474. Regime of international cooperation.** In terms of displacement, retention or abduction of minors that give rise to requests for location and international restitution, the competent Cuban courts or authorities seek to ensure the best interests of the girl, boy or adolescent, after analyzing the particularities of each case, and in correspondence with the provisions of the Constitution of the Republic of Cuba and the international treaties in force in the country that are related to the matter.

#### TRANSITORY DISPOSITIONS

**FIRST:** The legal relations constituted and the rights acquired under protection of the Family Code, Law No. 1289, of February 14, 1975, remain valid.

**SECOND:** The matters filed in any of the courts, related to the judicial recognition of the non-formalized marriage union referred to in the Family Code, Law No. 1289, of February 14, 1975, which are in process at the

entry into force of this Family Code, will continue to be substantiated in accordance with the provisions contained in the previous Code; the rest of the matters pending processing will be adjusted to the rules contained in this Code.

**THIRD:** The People's Supreme Court issues the necessary instructions so that within a period of two (2) years, counted from the entry into force of this Code, it reviews all the records of declaration of incapacity, as well as the guardianships of persons older than of age constituted under the Family Code, Law No. 1289, of February 14, 1975, for the purpose of adopting the provisions related to the provision of supports and safeguards with respect to said persons, according to the reform contained in this regulation and the provisions of the First Final Provision of the Process Code.

**FOURTH:** People who formalized marriage under the Family Code of February 14, 1975 and whose economic regime is that of the matrimonial community of property, may enter into marriage agreements to modify the current one and fix any other of the economic regimes in the manner established by this Code.

**FIFTH:** Family relations and legal acts that are regulated for the first time in this Code, are governed by its provisions, even if the causes that originated them have occurred during the validity of the previous Family Code.

### **FINAL PROVISIONS**

**FIRST:** Articles 29 to 32, both inclusive, of the Second Section "Exercise of civil legal capacity", of Chapter I "Individuals", of Title II "Subjects of the legal relationship", of Book I "Legal relationship", of Law No. 59, of July 16, 1987, "Civil Code", which are worded as follows:

#### **SECOND SECTION**

##### **Exercise of civil legal capacity**

"ARTICLE 29.1. Every natural person has legal capacity to enjoy and exercise their rights, except for the exceptions established by law.

2. People with disabilities have the capacity to exercise under equal conditions in all aspects of life.

3. The full capacity to exercise rights and carry out legal acts is acquired with the age of majority, at 18 years of age.

4. The minor person exercises their rights and performs legal acts through their legal representatives. However, a person who is old enough and has a sufficient degree of maturity can exercise by himself the acts that are permitted by the legal system, including those related to the exercise of the rights inherent to personality. Likewise, if you are in a situation of disability, you can name the support provided in this Code for the conclusion of such acts and the exercise of said rights.

5. Minors have the right to be heard in any process or matter that concerns them, as well as to participate in decisions about their person in accordance with their progressive autonomy.

6. Any minor person, 12 years of age or older, can validly grant a will or any act of self-protection.

7. The law, however, may establish other ages to perform certain acts.

ARTICLE 30.1. Any person in a situation of disability who requires reasonable adjustments or support for the exercise of their legal capacity may request them or designate them according to their free choice.

2. Reasonable adjustments are the necessary and appropriate modifications and adaptations that do not impose a disproportionate or undue burden, when required in a particular case, to guarantee persons with disabilities the enjoyment or exercise, on equal terms with the others, of their rights.

3. Support is understood as those forms of assistance, freely chosen by a person to facilitate the exercise of their rights, including communication, understanding of legal acts and their consequences, and the manifestation and interpretation of the will. who needs it. The support does not have powers of representation, except in cases where, exceptionally, it is expressly established by the person in need or so ordered by the competent court.

4. To interpret the will of the person being assisted, in cases where it is necessary, the criterion of the best interpretation of the will, the life trajectory of the person, the previous manifestations of will are taken into account. In similar contexts, the information that the trusted people of the person to support have, their wishes, preferences and any other pertinent consideration for the specific case.

5. The person who designates his own support by notarial public deed determines its form, identity, scope, duration, guidelines and amount of support. Likewise, it may establish which persons should not fall to such designation, as well as the moment or circumstances in which the designation of support has legal effects.

6. The person with supports is responsible for his or her decisions, including those made with such support.

7. Safeguards are measures to ensure respect for the rights, will, wishes and preferences of the person receiving support, to prevent abuse and undue influence by the person providing such supports; as well as avoiding the affectation or putting at risk the rights of the people assisted.

8. The person requesting the support, in the notarial public deed in which they are designated, or the competent court, establishes the safeguards that they deem appropriate for the specific case, for which they indicate at least the deadlines for reviewing the props.

ARTICLE 31.1. In the absence of a designation made before a notary, the court is responsible for the designation of the supports. This measure is justified after having made the pertinent efforts to obtain a manifestation of the person's will, and having provided accessibility measures and reasonable adjustments, and when the appointment of supports is necessary for the exercise and protection of their rights. .

2. For this, the competent court will take into account the relationship of coexistence, with bond, friendship, care or kinship that exists between the person in a situation of disability and the support. Likewise, it sets the term, scope and responsibilities. In all cases, you must carry out the pertinent steps to obtain the best possible interpretation of the will, desires and preferences of the person, and attend to their life trajectory. Persons convicted of gender-based or family violence in any of its manifestations cannot be designated as supports.

3. The sentence issued by the competent court determines and specifies, according to the specific circumstances of each case, the acts that are limited, ensuring that the affectation of personal autonomy is as little as possible. Likewise, it designates one or more support persons and indicates the conditions of validity of the acts in which the support intervenes. Exceptionally, the legal representation of the person in a situation of disability can be arranged for intense support.



4. The sentence is registered in the Registry of Civil Status in which the seat of birth registration of the person with a disability.

ARTICLE 32.1. The representation of minors is determined in the manner regulated in the Family Code.

2. The provision of support, safeguards and reasonable adjustments is regulated, in addition to the rules contained in this Code, by those provided in the Code of Processes and in the notarial rules.”

**SECOND:** Article 33 of the Third Section "Absence and presumption of death", of Chapter I "Individuals", of Title II "Subjects of the legal relationship", of Book I "Legal Relationship", of Law No. 59, of July 16, 1987, "Civil Code", which is worded as follows:

“ARTICLE 33. (...)

2. The person declared absent is represented by his or her spouse or de facto partner and, in the absence of these, by a child of legal age, father, grandfather, brother, son or related father, and if there are several relatives of the same degree and there is no agreement between them, by which, between them, the court is designated. Exceptionally, and when there are reasons that advise it, the court may appoint persons other than those listed above.”

**THIRD:** Article 50 of the Second Section “Form and interpretation”, of Chapter III “Legal act”, of Title IV “Causes of the legal relationship”, of Book I “Legal relationship”, of Law No. 59, of July 16, 1987, "Civil Code", which is worded as follows:

“ARTICLE 50.1. The express legal acts can be carried out orally, in writing or through any direct, manual, mechanical, digital means, through sign language or some alternative means of communication, including the use of reasonable adjustments or the supports required by law. person.

2. Tacit legal acts are those in which the will is inferred unquestionably, or conclusively, from an attitude or repeated conduct of the person.”

**FOURTH:** Article 55.3 of the Third Section “Condition, term and manner”, of Chapter III “Legal act”, of Title IV “Causes of the legal relationship”, of Book I “Legal relationship”, of Law No. 59, of July 16, 1987, “Civil Code”, which is worded as follows: “ARTICLE 55.3. Failure to do so by the beneficiary makes him responsible for the damages caused for this reason, except for the provisions of sections 3 and 4 of Article 376 of this Code regarding donations.”

**FIFTH:** Articles 67 b) and 68.2 of the Fifth Section “Ineffectiveness of legal acts”, of Chapter III “Legal act”, of Title IV “Causes of the legal relationship”, of Book I “Legal relationship”, are modified. of Law No. 59, of July 16, 1987, "Civil Code", which are worded as follows: "ARTICLE 67. Legal acts performed are null and void:

(...)

b) by people who have no discernment;

ARTICLE 68. (...)

2. People cannot bring an action for annulment alleging lack of discernment of those with whom they performed a legal act.”

**SIXTH:** Articles 90, 91 and 92 of the Third Section “Responsibility of natural persons”, of Chapter IV “Illegal acts”, of Title IV “Causes of the legal relationship”, of Book I “Legal relationship”, are modified. of Law No. 59, of July 16, 1987, "Civil Code", which are worded as follows:

“ARTICLE 90.1. Parents or guardians are responsible for damages caused by minors. In the case of people in a situation of disability who have been appointed intense support with powers of representation, they will also be responsible for the damages caused by them.

2. However, the responsibility referred to in the previous section corresponds to the people who have been entrusted with the care of minors or people in a situation of disability because their parents or designated supports are away from their home, in compliance of internationalist missions, or other tasks or duties.

ARTICLE 91. Persons who work in care establishments or for minors with behavioral disorders, outside the national education system, are liable for the damages caused by them.

ARTICLE 92. The responsibility referred to in the two previous articles does not arise if those who have said persons in their care prove that the damage or loss occurred despite their having acted with due diligence.”

**SEVENTH:** Article 123 of Chapter IV "Suspension of prescription", of Title VIII "Prescription of actions", of Book I "Legal Relationship", of Law No. 59, of July 16, 1987, is modified. Civil Code”, which is worded as follows: “ARTICLE 123.1. The statute of limitations is suspended:

- c) during the marriage, in relation to the rights of one of the spouses with respect to the other, if it were an affective de facto union, as provided in the Family Code, while said union subsists, in relation to the rights of one of the members with respect to the other;

**EIGHTH:** Article 133 of Chapter I "General Provisions", of Title II "Property Rights", of Book II "Property Rights and other rights over goods", of Law No. 59 of July 16, 1987, "Civil Code", which is worded as follows: "ARTICLE 133. (...)

2. Whoever is affected in his personal integrity or in his property when fulfilling the duty referred to in the previous section, has the right to compensation, and the same right has his spouse, domestic partner, relatives or persons under his care, in case of his death.”

**NINTH:** A new Chapter is included, V "Habitation", with an article, 230 bis, while Chapter V "Common provision" becomes Chapter VI, both of Title III "Other rights on property", of the Book II "Property and other rights over goods", of Law No. 59, of July 16, 1987, "Civil Code", article that is worded as follows:

#### "CHAPTER V ROOM

ARTICLE 230 bis.1. The right of habitation is that by which a person natural can reside for free in a foreign property or in part of it.

2. The legal regime of the right of habitation is the one determined in its constitutive title.

3. It is always constituted temporarily and can never exceed the life of the inhabitant.

4. The inhabitant cannot assign, transmit, lease or encumber the right of habitation by acts inter vivos or by reason of death, nor can this right be enforced by his creditors.

5. The inhabitant has the obligation to conserve the property and not transform its nature or habitual form, and the owner, the obligation to maintain the inhabitant in the peaceful exercise of his right".

**TENTH:** Article 254 of the Third Section "Debt of the creditor", of Chapter I "Compliance with obligations", of Title I "Obligations in general", of Book III "Law of obligations and contracts", of the Law is modified. No. 59, of July 16, 1987, "Civil Code", which is worded as follows: "ARTICLE 254. (...)

2. Appropriation proceeds, in addition, if:

a) The creditor is absent or deprived of discernment, at the moment in which the  
make the payment;"

**ELEVENTH:** Article 376 of Title VI "Donation", of Book III "Law of obligations and contracts", of Law No. 59, of July 16, 1987, "Civil Code", is modified, which is written from the following way: "ARTICLE 376.1. The donation can be made under condition.

2. The parties to the contract may agree to reserve the right of usufruct in favor of the donor and the non-disposal or alienation of the donated asset for a period not exceeding five years. In the case of real estate, said agreement is opposable to a third party from its registration.

3. The donation already consummated can be revoked by the donor due to non-compliance with the imposed method, due to ingratitude of the donee or because children befall the donor.

4. The revocation for breach of the method imposed by the donor does not harm third parties for whose benefit it was established. If the donee has transferred to third parties the encumbered assets with a method, they must return them to the donor when the donation is revoked, if they have acted in bad faith, unless they execute the method imposed on the donee, if the services in which it consists do not have a very personal character. The donee who disposes of the donated goods, or makes their return impossible for reasons attributable to him, must compensate the donor with the value of the things donated at the time of requesting the revocation.

5. The donation may be revoked due to ingratitude of the donee when he has incurred in any of the circumstances provided by article 469.1 of this Code.

6. The revocation of the donation is documented by notarial public deed and is effective against the donee from its authentic notification."

**TWELFTH:** Subsection c) of Article 409 is modified and two sections are added, corresponding to Chapter IV "Extinction", of Title XI "Mandate", of Book III "Law of obligations and contracts", of Law No. 59, of July 16, 1987, "Civil Code", which is worded as follows: "ARTICLE 409.1. In addition to the general causes of extinction of obligations,

the mandate is extinguished

by: (...)

c) provision of intense support with powers of representation to the person in a situation of disability, absence, disqualification or death of the principal or agent;

(...)

2. If the grantor grants power of attorney only in the event that support is needed in the future in the exercise of legal capacity, the cause for termination provided for in section c) regarding the appointment of intense support with powers of representation does not apply, of this article.

3. The principal may also include in the power of attorney a clause that stipulates its subsistence possession, if in the future he needs support in the exercise of his legal capacity.”

**THIRTEENTH:** Article 466 of Chapter I is modified, whose name is replaced by "Content of the succession, capacity and titles to succeed", of Title I "General Provisions", of Book IV "Inheritance Law", of Law No. 59, of July 16, 1987, "Civil Code", which is worded as follows:

#### CHAPTER I

##### **“SUCCESSION CONTENT, CAPACITY AND TITLES TO HAPPEN**

ARTICLE 466.1. The right of succession includes the set of rules that regulate the transmission of the patrimony and other existential legal situations of the deceased after his death.

2. They have the capacity to succeed the deceased:
- a) Natural persons existing at the time of their death or those conceived to be born alive, according to Article 25 of this Code;
  - b) Those conceived after their death through assisted human reproduction techniques in the cases referred to in Article 126 of the Family Code; Y
  - c) Legal entities existing at the time of his death and those created by his will.”

**FOURTEENTH:** Article 469 of Chapter II "Incapacity to inherit" is modified, whose name is replaced by "Incapacities to succeed", of Title I "General Provisions", of Book IV "Inheritance Law", of Law No. 59, of July 16, 1987, "Civil Code", which is worded as follows:

#### CHAPTER II

##### **DISABILITIES TO SUCCESS**

- “ARTICLE 469.1. The following are incapable of becoming heirs or legatees:
- a) Those who commit alleged intentional criminal acts against the life and bodily integrity, honor, sexual indemnity, freedom or property rights of the deceased, their descendants, ascendants, spouse or domestic partner, siblings, nephews and uncles, as well as related sons and daughters, related fathers and mothers and other socio-affective relatives within the third degree of kinship;
  - b) those who have used deception, fraud or violence to force the deceased to grant a testamentary disposition, or to change or nullify the one granted;
  - c) those who have denied food or care to the deceased;
  - d) those that have led to the state of physical or emotional abandonment of the person causing the succession, in the case of an elderly person or a person with a disability;
  - e) the father or mother of the deceased who has been deprived of parental responsibility;
  - f) those who have incurred in a situation of family violence or gender violence, in any of its manifestations, on the cause of the succession; Y
  - g) Children who, without just cause, have prevented the successor in his capacity as grandparent from exercising the right to communicate and interact with their grandchildren.
2. In all the aforementioned cases, the proof that the person who has incurred in such circumstances is attributable to the harmful act is sufficient, without the need for criminal conviction.
3. The incapacity ceases due to the express or implied forgiveness of the deceased.”

**FIFTEENTH:** Article 476, Section One "Testament", of Chapter I "General Provisions", of Title II "Testamentary Succession", of Book IV "Inheritance Law", of Law No. 59, of July 16, is amended of 1987, "Civil Code", which is worded as follows:

“ARTICLE 476.1. Through a will, a person disposes of all or part of their assets for after their death, with the limitations established by this Code and other legal provisions.

2. The will may also contain non-patrimonial provisions, related to situations based on the existence and centrality of the person.”

**SIXTEENTH:** A new article, 479 bis, and two paragraphs are added to Article 481 of the First Section “Testament”, of Chapter I “General Provisions”, of Title II “Testamentary Succession”, of Book IV “Inheritance Law”, of Law No. 59, of July 16, 1987, “Civil Code”, which are worded as follows:

“ARTICLE 479 bis

1. The institution of heir, legacies and other provisions that have been ordered in favor of the spouse of the deceased become ineffective if, after being granted, there is a break in the couple's affective life project, or they divorce, or the marriage is declared null, as well as if at the time of death there is a lawsuit pending for divorce or marriage annulment.

2. The provisions in favor of one of the members of the registered affective de facto union become ineffective if, after having been granted, there is a break in the couple's affective life project, unless they resume their coexistence, or it is extinguished. the union for a cause that is not the death of one of the members of the couple or the marriage between both.

3. Provisions in favor of the spouse or one of the members of the de facto affective union remain effective if, from the context of the will, it turns out that the testator would have ordered them even in the cases regulated by sections 1 and 2.”

“ARTICLE 481.1. The institution of heir cannot be subject to condition or term.

2. However, the condition of caring for and assisting the testator or his ascendants is admitted, descendants, spouse or domestic partner who require it.

3. It corresponds to the appointed executor, or failing that, to whoever has a legitimate interest in it, the power to assess compliance or non-compliance with the imposed condition.”

**SEVENTEENTH:** Article 484 of the Second Section “Form of wills”, of Chapter I “General Provisions”, of Title II “Testamentary Succession”, of Book IV “Inheritance Law”, of Law No. 59, is modified. of July 16, 1987, “Civil Code”, which is worded as follows: “ARTICLE 484.

(...)

2. The testator himself expresses his will verbally or in writing. In the case of a person with a disability, if they require it to express their will, they do so through their support or with reasonable adjustments, as the case may be. The notary draws up the will in accordance with what was declared or written by the testator.

3. The notary makes sure that the testator has the discernment to grant a testament, and makes it clear. In case of doubt, you can demand an expert opinion.”

**EIGHTEENTH:** Article 493.1 is modified in subparagraphs a) and b) and a section 3 is added, as well as the content of Article 495, from which section 2 is deleted, while three other sections are added, all included in Chapter II “Specially Protected Heirs”, of Title II “Testamentary Succession”, of Book IV “Inheritance Law”, of Law No. 59, of July 16, 1987, “Civil Code”, those that remain worded as follows:

“ARTICLE 493.1. They are specially protected heirs, provided they are not able to work and economically dependent on the deceased, the following:

- a) The descendants;
- b) the spouse or surviving member of the registered domestic partner; Y
- c) ascendants.

2. If two or more specially protected heirs participate in the inheritance, they inherit equally.

3. The installment deferred in favor of a specially protected heir and not awarded upon his death, is not transferred to their respective successors.”

“ARTICLE 495.1. The exclusion of the specially protected heirs who at the moment of deferring the succession prove compliance with the requirements established in Article 493 of this Code, reduces the testamentary dispositions of patrimonial content made by the testator by way of inheritance or legacy, in that order, to half of the hereditary wealth of which he can freely dispose.

2. If the deceased is one or more of all the specially protected heirs of the testator, he may demand his share charged to the assets and rights attributed by him, by any title, to the rest of the heirs who have such condition.

3. Specially protected by-passed heirs have the right to demand, judicially or extrajudicially, the recognition of their condition and that half of the hereditary estate be attributed to them through the corresponding judicial or notarial succession title.

4. If the foregone specially protected heir dies after the testator, his heirs cannot exercise any action for the purpose of recognizing such condition in the deceased.”

**NINETEENTH:** A section is added to Article 498 of Chapter III “Legatees”, of Title II “Testamentary Succession”, of Book IV “Inheritance Law”, of Law No. 59, of July 16, 1987, “Civil Code”, which is worded as follows:

“ARTICLE 498.1. Legacies cannot be subject to conditions or term and acquired from the death of the testator.

2. However, the provisions of Article 481.2 and 3 of this Code also apply to legacies.”

**TWENTIETH:** Articles 510 and 511 of Chapter I “General Provisions”, of Title III “Intestate Succession”, of Book IV “Inheritance Law”, of Law No. 59, of July 16, 1987, are modified. Civil Code”, which are worded as follows:

TITLE III  
**INTESTATE SUCCESSION**  
CHAPTER I  
**GENERAL DISPOSITION**

“ARTICLE 510. The children and other descendants, the mothers and the fathers, the spouse, the surviving member of the affective de facto couple, the other ascendants, the brothers and nephews, and the uncles are heirs called by law.

ARTICLE 511.1. The closest relative in degree, within the same order, is called in preference to the most remote, except for the right of representation and the provisions on the right of the spouse, as well as the ascendants unfit to work and who depended economically on the deceased.

2. If any of the heirs has served as a family caregiver of the deceased and has assumed all the necessary expenses in economic order, their share in the inheritance is double that of the rest of the concurrent heirs.

3. If the person who has assumed the family care belongs to a later call, he has the right to go to the succession with the closest heirs and also receive double the fee of the rest of the concurrent heirs.”

**TWENTY-FIRST:** Articles 514 of the First Section “Succession of children and other descendants” are modified; 515 and 516 of the Second Section, which will be called “Succession of mothers and fathers”; 517, 518 and 519 of the Third Section, whose name is also changed, being called "Succession of the spouse and the surviving member of the affective de facto couple"; 520 of the Fourth Section “Succession of grandparents or other ascendants”; all of Chapter III "Order to succeed", of Title III "Intestate succession", of Book IV "Inheritance Law", of Law No. 59, of July 16, 1987, "Civil Code", which are redacted as follows: CHAPTER III

## **ORDER OF HAPPENING**

### **FIRST SECTION**

#### **Succession of children and other descendants**

“ARTICLE 514. (...)

2. The children of the deceased inherit it in their own right. Among them, the inheritance is divided equally without prejudice to the right of the surviving spouse or domestic partner, and of the mothers and fathers and other ascendants not able to work and who depended economically on the deceased.

3. The grandchildren and other descendants inherit by right of representation.

4. If there are children with descendants of other children who cannot or do not want to assign it to the deceased, the former inherit in their own right and the latter by representation rights.

5. If single grandchildren or other descendants of the same degree attend the succession, alone, they inherit in their own right.”

### **SECOND SECTION**

#### **"Succession of mothers and fathers**

ARTICLE 515.1. The succession corresponds secondly to mothers and fathers.

2. The mothers and fathers, if they survive, inherit in equal parts, without prejudice to the right of the surviving spouse or domestic partner.

ARTICLE 516. The grandparents or other ascendants not fit to work and who depended economically on the deceased, concur with their mothers and fathers, and with the surviving spouse or domestic partner, and inherit a portion equal to that of those .”

### **THIRD SECTION**

#### **“Succession of the spouse and the surviving member of the affective de facto couple**

ARTICLE 517. If the surviving spouse or member of the de facto couple participates in the inheritance with the descendants or the mothers and fathers of the deceased, a portion equal to that of the heirs with whom they participate corresponds to them.

ARTICLE 518.1. If there are no descendants or mothers or fathers of the deceased, the entire inheritance corresponds to the spouse or surviving member of the domestic partnership, unless there are grandparents or other ascendants who are unfit to work and who are financially dependent on the deceased, who inherit in such circumstances a portion equal to that of the former.

2. The rupture of the affective life project of the couple, married or in a registered affective de facto union, extinguishes the right of succession between its members, even if the divorce has not been processed nor has the affective de facto union been legally dissolved. Proof of such particular is the responsibility of the interested heirs.

3. The bona fide putative spouse, whose marriage has not been annulled, or the surviving member of the bona fide domestic partner of a putative union do not have the right to claim the inheritance of the deceased, should they die married.

4. If the deceased is the member of the couple, whether married or in a registered affective de facto union, who has acted in bad faith, the other of them, if he has done so in good faith, is awarded all the assets that between them in common they acquired. If both have acted in bad faith, the rules of co-ownership by quotas apply, where relevant.

ARTICLE 519. If the marriage is extinguished due to the death or due to the judicial declaration of presumption of death of one of the spouses during the substantiation of their divorce process, in any instance, the succession right of the surviving spouse is extinguished."

#### FOURTH SECTION

##### **Succession of grandparents or other ascendants**

"ARTICLE 520.1. In the absence of the heirs included in the preceding sections, the grandparents or other ascendants, both by maternal and paternal line, succeed in equal parts.

2. The grandparents or other ascendants not able to work and who depended economically on the deceased, concur with the latter's descendants, their parents and their surviving spouse or domestic partner, and inherit a portion equal to that of the former."

**TWENTY-SECOND:** A new section is included, the Sixth, "Succession of uncles", with an article, 521 bis, contained in Chapter III "Order to succeed", of Title III "Intestate Succession", of Book IV "Right of inheritance", of Law No. 59, of July 16, 1987, "Civil Code", which is worded as follows: "SIXTH SECTION

##### **succession of uncles**

ARTICLE 521 bis. In the absence of the heirs included in the sections that before they yield, the uncles inherit in equal parts."

**TWENTY-THIRD:** Subsection b) of section 1 of Article 29, contained in the Second Section "Exercise of civil legal capacity", of Chapter I "Individuals", of Title II "Subjects of the legal relationship", and the Article 60, contained in the Fourth Section "Representation", of Chapter III "Legal Act", of Title IV "Cause of the legal relationship", both located in Book I, "Legal Relationship"; as well as articles 542 to 544, contained in Chapter IV "Transfer of goods for domestic use to cohabitants", of Title IV, "Acquisition of inheritance", of Book IV "Inheritance Law"; the First and Third Special Provisions, and modify the Second Special Provision, all of the Civil Code, Law No. 59, of July 16, 1987; being worded as follows:

"SECOND SPECIAL PROVISION: The civil status of persons is governed by the law of the State of which they are citizens."

**TWENTY-FOURTH:** Decree-Law 76, of January 20, 1984, "On adoption, homes for minors and substitute families" and its Regulations, contained in Resolution 48, of February 13, 1984, of the Ministry of Education.

**TWENTY-FIFTH:** Decree-Law 154, of September 6, 1994, "On notarial divorce" and its Regulations, contained in Resolution 182, of November 10, 1994, of the Minister of Justice, are repealed.



**TWENTY-SIXTH:** Article 28 of the Second Section of Chapter II, of the Civil Status Registry Law, No. 51, of July 15, 1985, is modified in the sense of including the partner of the registered affective de facto union, which is written as follows:

Chapter II

**OF THE CIVIL STATUS REGISTRY**

**SECOND SECTION**

**From the Registrar of Civil Status**

“ARTICLE 28. The Registrar of Civil Status or his substitute may not make registrations, issue certifications or intervene in proceedings or acts referring to the civil status that concerns his person or spouse or partner of the registered affective de facto union, or the of their relatives or affines in a direct or collateral line up to the second degree. In these cases, one or the other will act, as appropriate, and, in the absence of both, the closest Civil Status Registrar of the same province, nor may they intervene as witnesses in the facts or acts related to the civil status of the persons to whom referred to in this Article, inscribable in their own registry.”

**TWENTY-SEVENTH:** Article 40 of the Second Section "Of birth registration", of Chapter III "Of the inscriptions, books and certifications of the Civil Status Registry", of Law No. 51, of July 15, 1985, "Of the Registry of Civil Status", to add a subsection, and is worded as follows:

CHAPTER III

**OF THE INSCRIPTIONS, BOOKS AND CERTIFICATIONS OF THE  
CIVIL STATUS REGISTRY**

**SECOND SECTION**

**of birth registration**

“ARTICLE 40. The Registrar of Civil Status will register the birth lie in accordance with:

- a) The declaration of the mother and the father jointly, or that of one of them, before the director of the unit of the National Health System where the birth occurs.

The director of the unit may delegate this function to the person he designates. If, due to exceptional circumstances, said declaration could not be made by the mother or the father, it will correspond to the aforementioned director to make it before the Registrar of Civil Status. The declaration will be made within seventy-two hours after the birth and in any case before the discharge of the newborn;

- b) if the delivery does not occur in a unit of the National Health System, it will be done before the Registrar of Civil Status.

In this case, it will be up to the mother or father, or both jointly, to make said declaration and, failing these, to their legal representatives, a relative of legal age or who has seen or witnessed the birth, finds the minor abandoned or keep under your coat or guard and watch out.

The persons referred to in the preceding paragraph shall be required to make the declaration of birth within thirty days after delivery or the finding of the abandoned minor;

- c) the documents authorized by the persons referred to in articles 10, 11, 20 and 67 of this Law;
- ch) the declaration of the interested party, if he/she is of legal age;
- d) the documents that contain the inscriptions made in those extinguished to the caldías of the neighborhood, at the request of a party;

- e) judgment of the court; Y
- f) by declaration of the mother and father contained in a notarial public deed or ment.

In the cases referred to in subparagraphs a), b) and ch) of this article, declarants will be required to display the official identity document, for the purpose of consigning the necessary data to carry out the registration.”

**TWENTY-EIGHTH:** Subsection e) of Articles 42 of the Second Section "Of birth registration" and 81 of the Fifth Section "Of the registration of acquisition, loss or recovery of Cuban citizenship" are modified, both of Chapter III "Of the inscriptions, books and certifications of the Civil Status Registry", of Law No. 51, of July 15, 1985, "Of the Civil Status Registry", to eliminate all reference to civil incapacity and limit guardianship to minors, which are worded as follows:

CHAPTER III  
**OF THE INSCRIPTIONS, BOOKS AND CERTIFICATIONS OF THE  
CIVIL STATUS REGISTRY**  
SECOND SECTION

**of birth registration**

“ARTICLE 42. The following information shall be entered in the margin of the birth registration:

- a) The executory on affiliation;
- b) the adoption, unless a competent court orders that a new seat;
- c) marriage;
- ch) the executory of divorce;
- d) the execution of the annulment of the act of marriage or the entry of its registration,  
depending on the case;
- e) the enforcement of the provision of support and safeguards and the guardianship of minors old;
- f) the loss and recovery of citizenship;
- g) the change, addition, modification or deletion of names and surnames;
- h) death or presumption of death;
- i) recognition as a child made by the registered father or mother;
- j) the correction of errors or omissions;
- k) widowhood, only at the request of a party;
- l) the executory of nullity of the registration entry;
- ll) mutual reference notes to relate registry entries;
- m) the permanent identity number of the registrant;
- n) other information that allows the later identification of the affiliation, if it is an abandoned minor; Y
- ñ) any other that refers to the marital status of the registrant.”

FIFTH SECTION

**Of the registration of acquisition, loss or recovery of Cuban citizenship**

“ARTICLE 81. Apart from the acquisition, loss or recovery of citizenship  
The following cases will be recorded, depending on the case:

- a) The loss or recovery of Cuban citizenship;

- b) the correction of errors or omissions;
- c) marriage;
- ch) the execution of the divorce;
- d) the enforcement of the annulment of the act of marriage or the entry of its registration;
- e) the enforcement of the provision of support and safeguards and the guardianship of minors old;
- f) the change, addition, modification or deletion of names and surnames;
- g) death;
- h) the enforcement of the nullity of the registration;
- i) the presumption of death;
- j) widowhood, only at the request of a party;
- k) mutual reference notes, to relate registry entries;
- l) permanent identity number of the registrant; Y
- ll) any other that refers to the marital status of the registrant.”

**TWENTY-NINTH:** Articles 45, 47, 48, 51 and 52 of the Second Section “Of birth registration”, of Chapter III “Of the inscriptions, books and certifications of the Civil Status Registry”, of Law No. 51, of July 16, 1985, “Of the Registry of Civil Status”, which are worded as follows:

### CHAPTER III

## REGISTRATION, BOOKS AND CERTIFICATIONS OF THE CIVIL STATUS REGISTRY

### SECOND SECTION

#### of birth registration

“ARTICLE 45. It will correspond to the children, as the first surname, the first of the father; as second, the first of the mother, without prejudice to the agreement reached in the sense of establishing a different order that will remain so for the rest of the daughters and sons common.

If there is marriage or a registered affective de facto union, the registration of the child made by only one of the parents will have legal effects with respect to both, except in cases where it is challenged in accordance with the provisions of the law.”

“ARTICLE 47. The registration of the birth of the child of parents not united in marriage or a registered affective de facto union, will be done by both of them jointly or by one of them. If both concur, the surnames of the child shall be consigned in the manner established in Article 45 of this Law.”

“ARTICLE 48. In the case of the previous article, when the request for registration of the birth is made only by the mother and she declares the name of the father, the father will be summoned personally to appear before the registrar, provided that, if within the Within ninety days he does not accept or deny paternity, the child will be registered as his.

Once said term has elapsed, the registration will be formalized in accordance with the warning and, once the registration has been made, the challenge may only be made through the corresponding judicial process within a term of one year from the date of said registration.

Denied paternity within the term of the warning, the registration will be carried out without consigning the name and surnames of the father who has challenged it. In these cases, the minor will be registered with the two surnames of the mother, or repeating the only one that she has.

“ARTICLE 51. If the father who denies paternity acknowledges it later, the consent of the person who has registered the child, or of the person who legally represents him, will be required for his entry in the registry, and if he does not grant it, it may be granted. claim paternity in the manner established by law. If it is granted, the surnames will be consigned as provided in Article 45 of this Law, prior to the consent of the child, if he/she is of legal age.”

“ARTICLE 52. When one of the parents, not united by marriage or by a registered affective de facto union, made the declaration for the registration of the birth of the common child and did not record the name and surnames of the other parent, nor offer the data to proceed to its effective location or these are false, or with those provided it is impossible to summon them, the latter may subsequently recognize paternity, without requiring, for their entry in the Registry, the consent of the person who has registered the son, or the one who legally represents him, being safe, in any case, the right to exercise at any time the action of claiming his filiation by judicial means.

**THIRTIETH:** Repeal subsection b) and the last paragraph of Article 58; subsection k) of Article 59; the third paragraph of Article 61; Article 62 in its entirety; the reference that Article 62 makes to Article 68; and subparagraph a) of Article 71, all of the Third Section, “Marriage registration”, of Chapter III “Of the inscriptions, books and certifications of the Civil Status Registry”, of Law No. 51, of 16 of July 1985, “Of the Registry of Civil Status”, which are worded as follows:

CHAPTER III  
**OF THE INSCRIPTIONS, BOOKS AND CERTIFICATIONS OF THE CIVIL  
STATUS REGISTRY**  
THIRD SECTION  
**of marriage registration**

“ARTICLE 58. The Registrar of Civil Status will carry out the registration of marriage child at the time it authorizes the formalization of the act in accordance with:

- a) The authorized copy of the notarial document;
- b) repealed;**
- c) the documents authorized by the persons referred to in articles 10, 11, 20 and 67 of this Law; ch) the documents that record the religious marriages celebrated from January 1, 1885 to August 18, 1918, both inclusive, in accordance with the requirements established in the Regulations of this Law.

In the case of subparagraph a), within seventy-two hours after the celebration of the marriage, the notary will send an authorized copy, and the file instructed to that effect, to the municipal office of the Civil Registry of the place where it was formalized.”

**Repealed.”**

“ARTICLE 59. The registration of the marriage will contain the following data:

- a) Place and date in which the seat is issued;
- b) names and surnames of the registrar;
- c) Registry office where the entry is made; ch) place, day, month and year in which the marriage is formalized;
- d) name, surnames of the contracting parties and their signatures if formalized before the recorder;
- e) places and dates of birth of both spouses and office of the Registry of the Civil Status in which the inscriptions are recorded, with expression of volume and folio, according to the official permanent identity document;

- f) permanent identity numbers of both spouses;
  - g) citizenship, marital status, occupation and domicile of both parties;
  - h) names and surnames of the parents of both spouses;
  - i) names, surnames, address and permanent identity number of the witnesses, and signature of these if the marriage was formalized before the registrar;
  - j) names and surnames of the authorizing official;
  - k) repealed;**
  - l) signature of the registrar and official seal that identifies the office of the Civil Status Registry.”
- “ARTICLE 61. Those who attend to formalize the marriage will present to the official who must authorize the act a declaration in which the following particulars will be stated on each one:

- a) Names and surnames;
- b) place and date of birth and office of the Registry of Civil Status in which its registration is recorded, with expression of volume and folio, according to the official identity document;
- c) citizenship, marital status and occupation;
- ch) neighborhood;
- d) names and surnames of the parents.

The official who receives the statement will warn the contracting parties that, if they are not truthful about what was declared, they will incur the corresponding criminal responsibility.

Said declaration must necessarily be accompanied by a certificate of the marital status of the contracting party whose previous marriage had been terminated for any reason.

#### **Repealed.**

In all cases, the official who must authorize the marriage will require the spouses and witnesses to show the official identity document, for the purpose of consigning the necessary data to practice the registration or formalize the marriage.

#### **“ARTICLE 62. Repealed.”**

“ARTICLE 68. The authorized officials will authorize the marriage of someone who is in imminent danger of death, without the prior presentation of the supporting documents or of the particulars indicated in the last three paragraphs of Article 61 and those provided in articles 63, 64 and 69 of this Law, but in these cases the marriage will be understood as conditional, as long as said individuals are not duly accredited by any of the contracting parties or other interested persons.”

“ARTICLE 71. In the formalization of the marriage, the authorizing official must also comply with the following procedures:

#### **a) Repealed;**

- b) will record the formalization of the marriage in the identity cards of both contracting parties, except that by a provision of the law they do not have them.”

**THIRTY -FIRST:** Articles 70 and 72 of the Third Section "Of the registration of marriage", of Chapter III "Of the inscriptions, books and certifications of the Civil Status Registry", of Law No. 51, of July 16, are modified. of 1985, "Of the Registry of Civil Status", which are worded as follows:

### CHAPTER III REGISTRATION, BOOKS AND CERTIFICATIONS OF THE CIVIL STATUS REGISTRY

#### THIRD SECTION

##### **of marriage registration**

“ARTICLE 70. The marriage will be formalized with the solemnity and dignity that the act requires due to its social significance, appearing before the authorizing official

the contracting parties or one of them and the person to whom the absent party grants special power to represent him, accompanied by two adult witnesses who are not relatives of the contracting parties within the second degree.”

“ARTICLE 72. Marriage is proven with the certification of its registration in the Civil Status Registration.”

**THIRTY-SECOND:** Modify the name of the Second Section “Of the summons for the registration of the birth of the child of parents not united in a formalized or legally recognized marriage”, of Chapter IV “Of the registration of the birth”, of Resolution 249 of the Minister of Justice, of December 1, 2015, containing the "Regulations of the Civil Status Registry Law", which will be named as follows: SECOND SECTION

**"Of the citation for the registration of the birth of the child of  
parents not united in marriage"**

**THIRTY-THIRD:** The first paragraph of Article 96 is modified and the remaining text of the Sixth Section “Of names and surnames”, of Chapter IV “Of birth registration”, of Resolution 249 of the Minister of Justice, of December 1, 2015, containing the "Regulations of the Civil Status Registry Law", which is worded as follows:

CHAPTER IV  
**OF THE REGISTRATION OF THE BIRTH**  
SIXTH SECTION

**of names and surnames**

“ARTICLE 96. It will correspond to the children, as the first surname, the first of the father, as second, the first of the mother, without prejudice to the agreement reached in the sense of establishing a different order, which will remain so for the rest of the common daughters and sons, except in the cases provided for in...”

**THIRTY-FOURTH:** Article 113 is modified regarding the repeal of subsection b); subsection b) of Article 114 and the repeal of its subsection d); and Articles 115 and 116 of the First Section “Of the registration and formalization of marriage”, of Chapter V “Of marriage”, of Resolution 249 of the Minister of Justice, of December 1, 2015, containing the “Regulation of the Civil Status Registry Law” which are worded as follows:

CHAPTER V  
**OF MARRIAGE**  
FIRST SECTION

**Registration and formalization of marriage**

“ARTICLE 113. The registration of the marriage is carried out by the registrar in the moment in which it authorizes the formalization of the act or in accordance with:

a) The authorized copy of the notarial document;

**b) repealed;**

c) the documents authorized by the persons referred to in articles 10, 11, 20 and 67 of the Law; or d) the documents that record the religious marriages celebrated from January 1, 1885 to August 18, 1918, both inclusive, in accordance with the requirements established by the Regulations of this Law.”

“ARTICLE 114. Applications to formalize marriage will be submitted, by the interested persons, to any registry office or notary's office.

The official who receives the request will prepare a file that will contain, where appropriate, the following documents:

- a) Official form containing the statement referred to in Article 61 of the Law, signed by the applicants and, on the back, the general statements of the witnesses;
- b) the certification referred to in Article 64 of the Law; c) a copy of the special power of attorney, if it is a proxy; **d) repealed;** and e) certification of the marital status of the Cuban spouse whose previous marriage had been terminated.”

“ARTICLE 115. The marriage will be formalized with the solemnity and dignity that the act requires due to its social significance and, in any case, articles 204 to 208, both inclusive, of the Code will be read to the contracting parties, before ratification. of the Families.”

“ARTICLE 116. The registry entry of the marriage formalized in imminent danger of death will be understood as conditional and will be recorded as such by means of a marginal note.

To validate the marriage referred to in this article, compliance with the particulars indicated in the last two paragraphs of Article 61 and those provided for in articles 63, 64 and 69, all of the Law, will be required.

The validation of the marriage will be consigned by means of a marginal note.

**THIRTY-FIFTH:** Modify Article 121 of the Second Section “Of the formalization of the marriage of Cubans with foreigners”, of Chapter V “Of marriage”, of Resolution 249 of the Minister of Justice, of December 1, 2015, containing the “Regulation of the Civil Status Registry Law”, as drafted by Resolution 218, of March 30, 2020, of that same Minister, which is drafted as follows:

CHAPTER V  
**OF MARRIAGE**  
SECOND SECTION

**Of the formalization of the marriage of Cubans with foreigners**

“ARTICLE 121. The request to obtain the certification referred to in the previous article is presented directly by the interested party or by his voluntary representative, before: a) The Cuban consular officer or diplomat abroad, who sends it, through the corresponding Directorate of the Ministry of Foreign Affairs, to the Special Registry of Civil Status of the Ministry of Justice;

- b) The registrar of the Civil Status where your birth takes place or in which it corresponds to on domicile.

The registrar receiving the request verifies, ex officio, the data relating to the identity entity and marital status of the person interested in obtaining the certification.”

**THIRTY- SIXTH:** The domestic partner or the surviving member of the domestic partner is understood to be included, unless otherwise provided by law, in any provision of the legal system that refers to the spouse or surviving spouse.

**THIRTY-SEVENTH:** All references to "parental authority" that appear in the Cuban legal system are replaced by "parental responsibility".

**TRIGESIMOCTAVE: Subparagraph (k)** of Section 609.1 of the Code of Processes that refer to the judicial authorization of the marriage.

**THIRTY- NINTH:** The Ministry of Public Health, within a period of 30 days, dictates the legal regulations on assisted reproduction and others necessary for the implementation of this Code, in accordance with its functions.

**FORTIETH:** The Ministry of Labor and Social Security, from the approval of this Code, dictates the legal norms on protection of maternity and paternity for mothers and fathers and for the surrogate mother; as well as for the protection of the rights of family caregivers, as appropriate, within the scope of its competence.

**FORTY-FIRST:** The Ministry of Justice, within 30 days from the approval of this Code, dictates the legal regulations on the Family Ombudsman in coordination with the corresponding agencies.

**FORTY-SECOND:** All the organisms of the Central Administration of the State, from the approval of this Code dictate the legal provisions that proceed for its implementation in accordance with their respective missions.

**FORTY-THIRD:** The Family Code, Law No. 1289, of February 14, 1975, and any other legal or regulatory provision that opposes this Code are repealed.

**FORTY-FOURTH:** This Code is published in the Official Gazette of the Republic of Cuba for general knowledge.

**FORTY-FIFTH:** This Code enters into force once ratified in the Popular Referendum to which it submits by constitutional mandate.

BE PUBLISHED in the Official Gazette of the Republic of Cuba.

GIVEN in the Session Room of the National Assembly of People's Power, Convention Center, in Havana, on the twenty-second day of July 2022, "Year 64 of the Revolution."

**Juan Esteban Lazo Hernandez**

President of the National Assembly  
of People's Power

**Miguel Mario Diaz-Canel Bermudez**

President of the Republic of Cuba