

# FAMILY ACT

## Part One BASIC PROVISIONS

### *Scope of Act* Article 1

This Act shall govern: marriage and marriage relations, relations in common-law marriage, parent-child relations, adoption, fosterage, guardianship, support, property relations in the family, protection from violence, proceedings regarding family relations and personal name.

### *Family* Article 2

- (1) Family shall enjoy special protection of the state.
- (2) Everyone shall have the right to respect of his or her family life.

### *Marriage* Article 3

- (1) Marriage is cohabitation between a man and a woman, governed by statute.
- (2) Marriage may be concluded only on the grounds of free consent of future spouses.
- (3) Spouses shall be equal.

### *Common-law Marriage* Article 4

- (1) Common-law marriage is a more permanent cohabitation of man and woman, between whom there are no marriage obstacles (common-law partners).
- (2) Common-law marriage, under the conditions provided for in this Act, shall create an obligation of mutual support and the right to joint property of common-law partners.

### *Birth, Mother and Child* Article 5

- (1) Everyone shall have the right to freely decide on birth.
- (2) Mother and child shall enjoy special protection of the state.

*Child*  
Article 6

State shall have the obligation to respect, protect and promote the rights of child.

*Child Under Parental care*  
Article 7

(1) Child shall have the right to know who his/her parents are, unless otherwise provided by this Act.

(2) Child shall have the right to be taken care of by his parents, before anyone else.

(3) Child born out of wedlock shall have equal rights as a child born in marriage.

(4) Adopted child shall have equal rights towards adoptive parents as a child towards parents.

*Child Without Parental care*  
Article 8

(1) Child without parental care shall have equal rights as child under parental care.

(2) State shall be under the obligation to provide adequate protection to child without parental care.

*Parents*  
Article 9

(1) Parental right shall pertain to mother and father together.

(2) Parents shall be equal in exercise of parental right.

(3) Abuse of parental right shall be prohibited.

(4) Adopters shall have the legal status of parents.

*Support*  
Article 10

(1) Support shall be right and duty of members of family determined by virtue of this Act.

(2) Waiving the right to support shall have no legal bearing.

*Property Relations*  
Article 11

Property relations in family shall be governed by statute, and may be governed by consent, in accordance with this Act.

*Domestic Violence*  
Article 12

- (1) Violent behaviour in family shall be prohibited.
- (2) Everyone shall have the right to protection from domestic violence in accordance with statute.

*Age of Majority and Business Capacity*  
Article 13

- (1) Age of majority shall be acquired by reaching 18 years.
- (2) Full business capacity shall be acquired by the age of majority and by concluding marriage with court permission before reaching the age of majority.
- (3) Court may also allow for the acquiring of full business capacity of person under age who has reached 16 years of age, has become a parent and has reached physical and mental maturity necessary for independent care of own person, rights and interests.

*Guardianship Authority*  
Article 14

Operations of guardianship authority shall be performed by the social service.

*Personal Name*  
Article 15

- (1) Everyone shall have the right to personal name.
- (2) Personal name shall be acquired by birth.
- (3) Personal name may be changed under the conditions provided for by this Act.

*Supervision*  
Article 16

- (1) Supervision over the implementation of this Act shall be performed by the ministry competent for family protection affairs.

(2) Minister competent for family protection affairs shall pass the instruction on the manner of performing the supervision.

Part Two  
MARRIAGE

*Opposite Sexes, Statement of Will and Competence*  
Article 17

Marriage shall be concluded by two persons of opposite sexes by giving the statements of will before the registrar.

*Cohabitation*  
Article 18

Marriage shall be concluded in order to realise the cohabitation of spouses.

*Marriageability*  
Article 19

Marriage may not be concluded by a person already in marriage.

*Incapability to Reason*  
Article 20

Marriage may not be concluded by a person incapable of reasoning.

*Blood Relation*  
Article 21

Marriage may not be concluded between blood relations in straight line, and from among relatives in lateral line, between: brother and sister, brother and sister having the same mother or the same father, uncle and niece, aunt and nephew, and children of brothers and sisters having the same mother or the same father.

*Adoptive Relation*  
Article 22

Relation based on adoption shall constitute an obstacle for concluding marriage in the same manner as blood relation.

*In-law Relation*  
Article 23

(1) Marriage may not be concluded between in-law relatives in the first degree of straight line. These are: father-in-law and daughter-in-law, son-in-law and mother-in-law, stepfather and stepdaughter and stepmother and stepson.

(2) Court may, for justified reasons, allow the concluding of marriage between in-law relations referred to in paragraph 1 of this Article.

*Guardianship*  
Article 24

Marriage may not be concluded between guardian and ward.

*Minority*  
Article 25

(1) Marriage may not be concluded by a person who has not reached 18 years of age.

(2) Court may, for justified reasons, allow for the concluding of marriage to a minor who has reached 16 years of age, and who has reached physical and mental maturity necessary for performing rights and duties in marriage.

*Free Will*  
Article 26

Marriage may not be concluded by a person who is not of free will.

## II EFFECTS OF MARRIAGE

*Cohabitation, Respect and Help*  
Article 27

Spouses shall be under the obligation to cohabit and to mutually respect and help each other.

*Choice of Work and Profession*  
Article 28

Spouses shall be independent in choice of work and profession.

*Place of Residence and Joint Household*  
Article 29

Spouses shall, in consent, determine the place of residence and shall decide on managing the joint household.

*Support*  
Article 30

Spouses shall be under the obligation to support each other under the conditions provided for by this Act.

*Property Relations*  
Article 31

- (1) Property of spouses may be joint and separate.
- (2) Spouses may, under the conditions provided for by this Act, arrange their property relations by **nuptial contract**.

III TERMINATION OF MARRIAGE

*Modes of Termination of Marriage*  
Article 32

(1) Marriage shall be terminated by death of spouse, pronouncing the missing spouse dead, annulment and divorce.

(2) When the missing spouse is pronounced dead, marriage shall be terminated on the day designated as the day of death in the finally binding ruling on declaring the missing person dead.

(3) Marriage shall be terminated by annulment and divorce on the day the judgement on annulment and/or divorce becomes finally binding.

1. Voidness of Marriage

*Opposite Sexes, Statement of Will and Competence*  
Article 33

Marriage shall be null and void if concluded by two persons of the same sex, if the spouses' statements of will were not affirmative and if marriage was not concluded before the registrar.

*Cohabitation*  
Article 34

(1) Marriage shall be null and void if it was not concluded in order to realise cohabitation of spouses.

(2) Marriage between persons referred to in paragraph 1 of this Article may not be annulled if cohabitation was subsequently established.

*Marriageability*  
Article 35

(1) Marriage shall be null and void if concluded for the time of duration of former marriage of one of the spouses.

(2) New marriage shall not be annulled if the former marriage was terminated in the meantime.

*Incapability to Reason*  
Article 36

Marriage shall be null and void if concluded by a person incapable of reasoning.

*Kinship*  
Article 37

(1) Marriage shall be null and void if concluded between blood relatives, adoptive relatives or in-law relatives, between which conclusion of marriage is not permitted.

(2) Marriage between in-law relatives referred to in paragraph 1 of this Article may not be annulled if there are justified reasons for that.

*Guardianship*  
Article 38

Marriage shall be null and void if concluded between guardian and ward.

## 2. Voidableness of Marriage

*Minority*  
Article 39

(1) Marriage shall be voidable if concluded by a minor without court permission.

(2) Marriage of minor need not be adjudged void if there are justified reasons for that.

*Duress*  
Article 40

(1) Marriage shall be voidable if spouse had consented to its conclusion under duress.

(2) Duress shall exist when other spouse or third person caused, by force or threat, justified fear in the spouse, causing him/her to consent to concluding the marriage.

(3) Fear shall be considered justified when it can be seen from the circumstances, that life, body or other important good of one or other spouse or third person is endangered.

*Error*  
Article 40

(1) Marriage shall be voidable when the spouse consented to its conclusion due to error concerning the personality of other spouse or spouse's important personal characteristic.

(2) Error in person shall exist when the spouse thought he/she was concluding marriage with one person, and has concluded marriage with other person (error in physical personality), or when he/she concluded marriage with the person he/she wanted to conclude it with, but that person is not the one it presented himself/herself to be (error in civil personality), and the spouse would have not concluded marriage had he/she known of that.

(3) Error in important personal characteristic shall exist when the personal characteristic is such that the spouse would not have concluded marriage had he/she known of it, and in particular, in case of permanent, dangerous and grave disease, unnatural habits, sexual impotence, psychosexual orientation disorder, pregnancy of woman with another man, etc.

3. Divorce

*Divorce Agreement*  
Article 42

(1) Spouses shall have the right to divorce if they conclude a written agreement on divorce.

(2) Divorce agreement shall mandatorily include the written agreement of exercise of parental right and written agreement on division of joint property.



(3) Agreement on exercise of parental right may have the form of agreement on joint exercise of parental right or agreement on independent exercise of parental right.

*Divorce on Action*  
Article 43

(1) Each spouse shall have the right to divorce if the marriage relations are seriously and permanently disturbed or if the cohabitation of spouses may not be objectively realised.

(2) Husband shall not have the right to divorce during the pregnancy of woman, that is, until their child reaches one year of age, except on the grounds of divorce agreement.

Part Three  
PARENT-CHILD RELATIONS

1. FAMILY STATUS OF CHILD

1. Maternity and Paternity

*Maternity*  
Article 44

Child's mother is the woman who gave birth to the child.

*Establishment of Maternity by Court Decision*  
Article 45

(1) If the woman who gave birth to child is not entered in the register of births as the child's mother, her maternity may be established by a finally binding court judgement.

(2) The right to establishment of maternity shall pertain to child and the woman claiming to be the child's mother.

(3) It shall not be allowed to establish maternity if the mother used the right to anonymous childbirth.

*Contesting Maternity*  
Article 46

(1) If the woman entered in the register of births as the child's mother did not give birth to the child, her maternity may be contested.

(2) The right to contesting maternity shall pertain to: child, the woman entered in the register of births as the child's mother, the woman claiming to be the mother, if she, in the same action, requests the establishing of her maternity, and the man considered the father of the child under this Act.

(3) It shall not be allowed to contest maternity established by a finally binding court judgement.

(4) It shall not be allowed to contest maternity after the adoption of child.

(5) It shall not be allowed to contest maternity after the death of child.

*Paternity*  
Article 47

(1) The husband of the child's mother shall be considered the father of child born in marriage.

(2) The husband of child's mother shall be considered the father of child born within 300 days after the termination of marriage, if the marriage was terminated due to death of husband or him being pronounced dead and if the mother had not concluded another marriage in the meantime.

(3) Husband from the subsequent marriage shall be considered father of the child born within a longer time limit.

(4) Man whose paternity was established by recognition, or finally binding court judgement, shall be considered the father of child born out of marriage.

*Who May Recognise Paternity*  
Article 48

Paternity may be recognised by a man who has reached 16 years of age and who is capable of reasoning.

*When Paternity May be Recognised*  
Article 49

(1) Paternity may be recognised only if the child is alive in the moment of recognition.

(2) Exceptionally, paternity may be recognised if the child is conceived in the moment of recognition, and is born alive.

*Consent of Mother*  
Article 50

(1) Mother has to consent to recognition of paternity if she has reached 16 years of age and is capable of reasoning.

(2) If mother cannot give her consent, consent of child shall suffice.

*Consent of Child*  
Article 51

(1) Child has to consent to recognition of paternity if he/she has reached 16 years of age and is capable of reasoning.

(2) If the child cannot give consent, consent of mother shall suffice.

*Consent of Child's Guardian*  
Article 52

If neither mother nor child can give consent, consent to recognition of paternity shall be given by the child's guardian, with prior consent of guardianship authority.

*How Can Paternity Be Recognised*  
Article 53

(1) Statement on recognition of paternity may be given before registrar of births, guardianship authority or court.

(2) Statement on recognition of paternity may also be given in the testament.

*Revocation of Recognition*  
Article 54

Neither the statement of recognition of paternity nor the statement of consent to recognition of paternity may be revoked.

*Nullity of Recognition*  
Article 55

Both the statement of recognition of paternity and the statement on consent to recognition of nullity shall be null and void if the conditions for their validity provided for by this Act have not been met.

*Voidableness of Recognition*  
Article 56

Both the statement of recognition of paternity and the statement on consent to recognition of paternity shall be voidable if given under duress or in error.

*Establishment of Paternity by Court Decision*  
Article 57

(1) If paternity is not established by recognition, it may be established by finally binding court judgement.

(2) The right to establishment of paternity shall pertain to: child, mother and the man claiming to be the child's father.

*Contesting Paternity*  
Article 58

(1) If the man entered in the register of births as the child's father is not the father, his paternity may be contested.

(2) The right to contest paternity shall pertain to: child, mother, mother's husband and the man claiming to be the child's father, if, by the same action, he requests the establishment of his paternity.

(3) It shall not be allowed to contest paternity established by a finally binding court judgement.

(4) It shall not be allowed to contest paternity established by recognition to the persons who have consented to the recognition of paternity.

(5) It shall not be allowed to contest paternity after the adoption of child.

(6) It shall not be allowed to contest paternity after the death of child.

2. Maternity and Paternity in Case of Biomedically Assisted Conception

*Maternity*  
Article 59

(1) Mother of child conceived with biomedical assistance is the woman who gave birth to the child.

(2) If the mother has granted written consent to the procedure of biomedically assisted fertilization, her maternity may not be contested.

(3) If child is conceived with biomedical assistance by a donor **egg/ovum**, the donor's maternity may not be established.

*Paternity*  
Article 60

(1) Mother's husband shall be considered the father of child conceived with biomedical assistance, provided he has granted written consent to the procedure of biomedically-assisted fertilization.

(2) Mother's common-law partner shall also be considered the father of child conceived with biomedical assistance, provided he has granted written consent to the procedure of biomedically assisted fertilization.

(3) Paternity of man considered the child's father in terms of paragraphs 1 and 2 of this Article may not be contested.

(4) The man considered the child's father in terms of paragraphs 1 and 2 of this Article shall have the right to contest paternity only if the child was not conceived by the procedure of biomedically assisted fertilization.

(5) If the child was conceived with biomedical assistance by semen cells of a donor, the donor's paternity may not be established.

## II CHILD UNDER PARENT'S CARE

### 1. Rights of Child

#### *Origin*

##### Article 61

(1) The child shall have the right to know who his/her parents are.

(2) Child's right to know who his/her parents are may only be limited by this statute.

(3) Child who has reached the age of 15 and who is capable of reasoning shall have the right of insight into the register of births and other documentation relating to his/her origin.

#### *Life With Parents*

##### Article 62

(1) Child shall have the right to live with parents and right to be taken care of by the parents, before all others.

(2) The right of child to live with his/her parents may be limited only by this Act, when it is in the best interest of the child and when court so decides.

(3) Court may pass a decision on separation of child from parents and entrusting the child to a foster parent or social service institution only if there are reasons for the parents to be fully or partially deprived of the parental right.

(4) Child who has reached the age of 15 and who is capable of reasoning shall have the right to decide with which parent he/she will live.

#### *Personal Contact*

##### Article 63

(1) Child shall have the right to maintain personal contact with the parent he/she does not live with.

(2) The right of child to maintain personal contact with the parent he/she does not live with may only be limited by this Act, when it is in the best interest of the child and when the court so decides.

(3) Court may pass a decision on limiting the right of child to maintain personal contact with the parent he/she does not live with only if there are reasons for the parent to be fully or partially deprived of parent's right.

(4) Child who has reached 15 years of age and who is capable of reasoning shall have the right to decide on the manner of maintaining personal contact with the parent he/she does not live with.

(5) Child shall have the right to maintain personal contact with relatives and other persons he/she is particularly close with, if that is in his/her best interest.

#### *Development of Child*

##### Article 64

(1) Child shall have the right to provision of optimum living and health conditions for his/her correct and full development.

(2) Child who has reached 15 years of age and who is capable of reasoning shall have the right to decide on consent for undertaking of medical intervention.

#### *Education of Child*

##### Article 65

(1) Child shall have the right to education in accordance with his/her abilities, wishes and inclinations.

(2) Child who has reached 15 years of age and who is capable of reasoning shall have the right to decide which secondary school he/she shall attend.

#### *Business Capacity of Child*

##### Article 66

(1) Child who has reached 7 years of age (young minor) may undertake legal operations of small significance and legal operations whereby he/she acquires exclusive rights.

(2) Child who has reached 14 years of age (senior minor) may undertake, in addition to legal operations referred to in paragraph 1 of this Article, and all other legal operations with prior or subsequent consent of parents.

(3) Child who has reached 15 years of age shall have the right to undertake legal operations by which he/she manages and disposes of his/her income or income acquired by own work.

(4) Child shall have the right to undertake other legal operations when so provided for by statute.

*Child's Opinion*  
Article 67

(1) Child who is capable of forming his/her own opinion shall have the right to freely express such opinion.

(2) Child shall have the right to duly receive all information necessary for forming own opinion.

(3) Child's opinion must be given due attention in all issues concerning the child and in all proceedings whereupon his/his rights are decided on, in accordance with age and maturity of the child.

(4) Child who has reached 10 years of age shall have the right to freely and directly express his/her opinion in every court and administrative proceedings where his/her rights are decided upon.

(5) Child who has reached 10 years of age shall have the right to address court or administrative organ, alone or through another person, and request assistance in realisation of his/her right to free expression of opinion.

(6) Court and administrative organ shall establish child's opinion in informal conversation taking place in appropriate location, in co-operation with school psychologist or guardianship authority, family counselling service or other institution specialised for mediation in family relations, in the presence of person the child chooses himself/herself.

*Child Protection*  
Article 68

Child shall have the right to protection from any and all physical harm, economic, sexual and psychological exploitation.

*Duty of Child*  
Article 69

(1) Child shall have the duty to respect parents and help them in accordance with his/her age and maturity.

(2) Child who earns wages or has income from property shall be under the obligation to partially finance the needs of his/her support, or support of parent or minor brother or sister under the conditions provided for in this Act.

## 2. Parental Right

### *Meaning of Parental Right* Article 70

Parental right is derived from the duty of parent and shall exist only to the extent necessary for the protection of personality, rights and interests of child under age.

#### 2.1. Content of Parental Right

### *Taking Care of Child* Article 71

- (1) Parents shall have the right and duty to take care of the child.
- (2) Taking care of child shall include: protection, raising, upbringing, education, representation, supporting and managing and disposing of child's property.

### *Protection and Raising of Child* Article 72

- (1) Parents shall have the right and duty to protect and upbringing the child by personally taking care of child's life and health.
- (2) Parents may not subject the child to humiliating actions and punishments that insult human dignity of child and shall be under the obligation to protect the child from such actions of other persons.
- (3) Parents must not leave a child of pre-school age unsupervised.
- (4) Parents may temporarily entrust another person with the child only if the person meets the requirements for being a guardian.

### *Upbringing of Child* Article 73

Parents shall have the right and duty to develop a relationship based on love, trust and mutual respect with the child, and to direct the child towards adopting values of universal character.



*Education of Child*  
Article 74

(1) Parents shall be under the obligation to provide elementary education to child, and shall be under the obligation to take care of further education of the child in accordance with their capabilities.

(2) Parents shall have the right to provide to child such education that is in accordance with their religious and philosophical beliefs.

*Representation of Child*  
Article 75

(1) Parents shall have the right and obligation to represent the child in all legal operations and in all proceedings exceeding the limits of child's business capacity and capacity in to be a party in proceedings.

(2) Parents shall have the right to undertake, instead of child, legal operations referred to in paragraphs 1 and 2 of Article 66 of this Act.

(3) Parents shall have the right to undertake legal operation whereby they manage and dispose of income the child under 15 years of age acquired by work.

*Child Support*  
Article 76

Parents shall have the right and obligation to support the child under the conditions provided for in this Act.

*Management and Disposal of Child's Property*  
Article 77

Parents shall have the right and obligation to manage and dispose of child's property under the conditions provided for in this Act.

## 2.2. Exercise of Parental Right

*Joint Exercise of Parental Right*  
Article 78

(1) Parents shall exercise parental right jointly and in consent when they lead a common life.

(2) Parents shall also exercise parental right jointly and in consent when they do not lead a common life if they conclude an agreement of joint exercise of

parental right and if the court deems this agreement to be in the best interest of the child.

(3) If parents cannot reach agreement on the manner of exercise of some right or duty being a comprising part of parental right, the decision shall be passed by the guardianship authority.

*Agreement on Joint Exercise of Parental Right*  
Article 79

(1) Agreement on joint exercise of parental right shall include parents' agreement that they shall jointly and in consent exercise all rights and duties comprising the parental right.

(2) Comprising part of the agreement on joint exercise of parental right shall also be the agreement on the child permanently living with one of the parents and/or **intermittently** living with one, and **intermittently** with the other parent.

*Independent Exercise of Parental Right*  
Article 80

(1) One parent shall exercise parental right alone when the other parent is unknown, or has died, or has been declared dead, or is fully deprived of parental right or business capacity.

(2) One parent shall exercise parental right alone on the grounds of guardianship authority's decision when the other parent is temporarily incapable of actually exercising the parental right due to illness, more permanent absence or other reason.

(3) One parent shall exercise parental right on the grounds of court decision when the parents do not lead a common life, and have not concluded an agreement on exercise of parental right.

(4) One parent shall exercise parental right alone on the grounds of court decision when parents do not lead a common life, and have concluded agreement on joint or independent exercise of parental right, but the court deems this agreement not to be in the best interest of the child.

(5) One parent shall exercise parental right alone on the grounds of court decision when parents do not lead a common life if they conclude agreement on independent exercise of parental right and the court deems this agreement to be in the best interest of the child.

*Agreement on Independent Exercise of Parental Right*  
Article 81

(1) Agreement on independent exercise of parental right shall include parents' agreement on entrusting the common child to one parent, agreement on amount of contribution for child support from the other parent and agreement on manner of maintaining personal contacts of child and the other parent.

(2) Agreement on independent exercise of parental right shall transfer the exercise of parental right to the person to whom the child is entrusted.

(3) The parent who does not exercise parental right shall have the right and duty to support the child, to maintain personal contact with the child and to decide, jointly and in consent with the parent exercising the parental right, on issues that significantly influence the child's life.

(4) If parents cannot reach agreement on the manner of exercise of parental right in regard to issues significantly influencing the child's life, the decision shall be passed by the guardianship authority.

### 2.3. Supervision Over the Exercise of Parental Right

*Preventive Supervision*  
Article 82

Preventive supervision over the exercise of parental right shall be performed by the guardianship authority when it passes decisions enabling the parents to exercise parental right, which have been placed in its competence by virtue of this Act.

*Corrective Supervision*  
Article 83

(1) Corrective supervision over the exercise of parental right shall be performed by the guardianship authority when it passes decisions correcting the parents in exercise of parental right.

(2) In performing corrective supervision the guardianship authority shall pass decision by which it:

1. warns parents of deficiencies in exercise of parental right;
2. refers parents to consultative conversation in institution specialised in mediation in family relations;
3. requests that parents submit account on managing child's property;
4. initiates court proceedings in accordance with law.

## 2.4. Deprivation of Parental Right

### *Full Deprivation of Parental Right*

#### Article 84

(1) Parent abusing rights or grossly neglecting duties that are a comprising part of parental right may be fully deprived of parental right.

(2) Parent is abusing rights that are comprising part of parental right:

1. if he/she physically, sexually or psychologically abuses the child;
2. if he/she abuses the child by forcing the child to excess labour, or labour that endangers the moral, health or education of child, or labour that is prohibited by law;

3. if he/she instigates the child to commit criminal actions;

4. if he/she accustoms the child to indulge in bad propensities;

5. if he/she in another manner maliciously abuses the rights of child.

(3) Parent grossly neglects duties that are a comprising part of parental right:

1. if he/she has abandoned the child;

2. if he/she does not at all take care of the child he/she lives with;

3. if he/she avoids supporting the child or maintaining personal contact with the child he/she does not live with;

4. if, within one year, he/she fails to create conditions for common life with child living in social service institution;

5. if he/she in another manner grossly violates the rights of child.

(4) Finally binding court decision on full deprivation of parental right shall deprive the parent of all rights and duties that are the comprising part of parental rights, save for the duty of supporting the child.

(5) One or more measures for protecting the child from domestic violence may be pronounced in the decision on full deprivation of parental right.

### *Partial Deprivation of Parental Right*

#### Article 85

(1) Parent who endangers the best interest of child by his/her actions may be partially deprived of parental right.

(2) Parent shall endanger the best interest of child when he/she exercises parental right unconscionably, although not abusing rights and not grossly neglecting duties that are comprising part of parental right.

(3) Finally binding court decision on partial deprivation of parental right may deprive the parent of one or more rights and duties, save for the duty of supporting the child.

(4) Parent exercising the parental right may be deprived of right and duty to protect, raise, upbringing, educate, represent the child, and manage and dispose of child's property.

(5) Parent who does not exercise parental right may be deprived or right to maintaining personal contact with the child and the right to decide on issues significantly influencing the life of child.

(6) One or more measures for protecting the child from family violence may be pronounced by the decision on partial deprivation of parental right.

## 2.5. Termination of Parental Right

### *When the Parental Right is Terminated* Article 87

(1) Parental right shall be terminated:

1. when the child reaches 18 years of age;
2. when the child acquires full business capacity before becoming of age;
3. when the child is adopted;
4. when the parent is fully deprived of parental right;
5. when child or parent dies.

(2) Parental right shall not be terminated to a parent when his/her child is adopted by his/her spouse.

## 2.6. Prolongation of Parental Right

### *When is Parental Right Prolonged* Article 88

Parental right may be prolonged after the child reaches maturity, if the child, due to illness or impediments in psychophysical development, is incapable of taking care of himself/herself and the protection of his/her rights or interests or if he/she endangers his/her own rights and interests by his/her actions.

### *When is Prolonged Parental Right Terminated* Article 89

Prolonged parental right may be terminated when the reasons for its prolongation are terminated.

### *Entry of Court Decision in Public Records*

## Article 90

(1) Court decision on exercise of parental right, on deprivation and restitution of parental right, as well as decision on prolongation and termination of prolonged parental right, shall be entered in the register of births.

(2) If the child owns immovable property, the decision shall also be entered in the public record where rights on immovable are registered.

## Part Four ADOPTION

### I FOUNDING OF ADOPTION

#### *Statement of Will and Competence*

##### Article 91

Adoption shall be founded by the adopters and the child's guardian by giving statements or will before the guardianship authority.

#### *Interest of Adoptee*

##### Article 92

(1) Child may be adopted if it is in the child's best interest.

(2) The best interest referred to in paragraph 1 of this Article shall be established on the basis of psychophysical, educational, socio-economic and legal status of the child (general eligibility of adoptee for adoption).

#### *Minority of Adoptee*

##### Article 93

(1) Only a minor may be adopted.

(2) Child may not be adopted before reaching the 3<sup>rd</sup> month of life.

(3) A minor who has acquired full business capacity may not be adopted.

#### *Family Status of Adoptee*

##### Article 94

(1) The following may be adopted:

1. child who has no living parents;

2. child whose parents are unknown;

3. child whose both parents are fully deprived of parental right;

4. child whose both parents are fully deprived of business capacity;

5. child who has one living parent.

*Blood Relation*  
Article 95

Blood relative in straight line may not be adopted, and from among relatives in lateral line, brother or sister, or brother or sister of the same mother or father.

*Adoptive Relation*  
Article 96

- (1) A child already adopted may not be adopted.
- (2) Spouse or common-law partner of the adoptee may adopt his/her formerly adopted child.

*Guardianship*  
Article 97

Guardian may not adopt his/her ward.

*Consent of Adoptee's Parents*  
Article 98

- (1) Child may be adopted only with the parents' consent.
- (2) Parent shall grant consent for adoption with or without denominating the adopters.
- (3) Parent may not grant consent for adoption before child reaches the 6<sup>th</sup> week of life.
- (4) Parent may withdraw consent for adoption within 30 days from the day of granting consent.

*When Consent of Adoptee's Parents is Not Necessary*  
Article 99

- Parents' consent for adoption shall not be necessary:
1. if parent is fully deprived of parental right;
  2. if parent is deprived of right to decide on issues significantly influencing the life of child;
  3. if parent is fully deprived of business capacity;
  4. if parent fails to create within one year conditions for common life with the child living in social service institution.

*Consent of Adoptee's Guardian*  
Article 100

If child is under guardianship, consent for adoption shall be granted by his/her guardian.

*Adoptee's Consent*  
Article 101

Child who has reached 10 years of age and who is capable of reasoning has to consent to adoption.

*Business Capacity of Adopter*  
Article 102

Only a person having full business capacity may adopt.

*Age of Adopter*  
Article 103

- (1) As a rule, a person between 21 and 45 years of age may adopt.
- (2) As a rule, a person who is at least 18 years older than the adoptee may adopt.
- (3) Exceptionally, the minister in charge of family protection affairs may allow adoption to a person who has reached 45 years of age or to person who is less than 18 years older than the adoptee if there are particularly justified reasons for doing so.

*Personal Characteristics of Adopter*  
Article 104

- (1) Only a person for whom, on the grounds of psychophysical, education, socio-economic and legal status, it has been established that he/she has personal characteristics requested from an adopter (general eligibility of adopter for adoption) may adopt.
- (2) The following persons may not adopt:
  1. person fully or partially deprived or parental right;
  2. person whose spouse or common-law partner is fully or partially deprived or parental right or business capacity;
  3. person suffering from illness that may have detrimental effects on the adoptee and
  4. person whose spouse or common-law partner suffers from illness that may have detrimental effect on the adoptee.



*Marital Status of Adopter*  
Article 105

- (1) As a rule, spouses or common-law partners may adopt together.
- (2) Exceptionally, ministry competent for family protection affairs may allow adoption to a person who lives alone, if there are particularly justified reasons for doing so.
- (3) Notwithstanding paragraph 1 of this Article, a person who is the spouse or common-law partner of child's parent may adopt.

*Nationality of Adopter*  
Article 106

- (1) A foreign national may adopt equally as a domestic national, provided that adopter may not be found among domestic nationals.
- (2) It shall be considered that adopters may not be found among domestic nationals if more than one year has passed from the day of entry of data on the future adoptee in the Single Personal Register of Adoption.

II EFFECTS OF ADOPTION

*Adopter-Adoptee Relation*  
Article 107

Adoption shall result in founding of equal rights and duties among adoptee and his/her offspring and adopter and his/her relatives as between child and parent or other relatives.

*Adopter-Parent Relation*  
Article 108

- (1) Parental right of parent shall cease by adoption, unless the child is adopted by spouse or common-law partner of the child's parent.
- (2) Rights and obligations of child towards his/her relatives and the rights and duties of relatives towards him/her shall also cease by adoption.

## II TERMINATION OF ADOPTION

### *Modes of Termination of Adoption* Article 109

- (1) Adoption shall be terminated by:
1. simultaneous death of adopters or their being pronounced dead;
  2. death of person who was the only adopter or such person being pronounced dead;
  3. death of child;
  4. annulment of adoption.
- (2) Adoption may not be rescinded.

### *Nullity of Adoption* Article 110

Adoption shall be null and void if, upon its founding, conditions for its validity provided for by this Act have not been met.

### *Voidableness of Adoption* Article 111

Adoption shall be voidable if consent for adoption was given under duress or in error.

### *Consequences of Termination* Article 112

After the termination of adoption due to death or annulment of adoption, guardianship authority shall decide on care of the child.

## Part Five FOSTERING

### I FOUNDING OF FOSTERING

#### *Statement of Will and Competence* Article 113

- (1) Fostering shall be founded by foster parent and parent, or guardian of child, by granting the statement of will before guardianship authority.
- (2) Fostering may be free of charge or with consideration.

(3) Fostering may be occasional (weekend fostering, fostering during holidays, fostering during state and religious holidays, etc.)

(4) Instruction on additional requirements for founding of occasional fostering shall be passed by the minister competent for family protection affairs.

*Interest of Foster Child*

Article 114

(1) Child may be given to fostering if it is in child's best interest.

(2) The best interest referred to in paragraph 1 of this Article shall be established on the grounds of psychophysical, educational, socio-economic and legal status of the child (general eligibility of foster child for fostering).

*Minority of Foster Child*

Article 115

Only a minor may be given to fostering.

*Family and Personal Status of Foster Child*

Article 116

(1) Child without parental care, as well as child under parental care, if such child has obstacles in psycho-physical development or is a child with behavioural disorder, may be given to fostering.

(2) Child without parent's care, in terms of this Act, shall be: child who has no living parents; child whose parents are unknown; child whose parents are fully deprived of parental right and/or business capacity; child whose parents have not yet acquired business capacity; child whose parents are deprived or right to protect and raise the child, or educate the child, and child whose parents fail to show serious interest in the child.

(3) When foster children are brothers and sisters, as a rule, they shall be given to the same foster parent.

*Consent of Foster Child's Parent*

Article 117

(1) Child may be given to fostering only with parents' consent.

(2) Parents' consent to fostering shall not be necessary when the child is without parental care.

*Consent of Foster Child's Guardian*  
Article 118

If child is under guardianship, his/her guardian shall give consent to fostering.

*Consent of Foster Child*  
Article 119

Child who has reached 10 years of age and who is capable of reasoning must consent to fostering.

*Business Capacity of Foster Parent*  
Article 120

Only person having full business capacity may be a foster parent.

*Personal and Family Characteristics of Foster Parent*  
Article 121

(1) Only a person for whom it is reasonably presumed that he/she shall take care of child in the child's best interest and in the manner that to the largest extent corresponds to parental care (general eligibility of foster parent for fostering) may be a foster parent.

(2) Person who cannot adopt may not be foster parent.

## II EFFECTS OF FOSTERING

*Rights and Duties of Foster Parent*  
Article 122

(1) Foster parent shall have the right and duty to protect, raise, upbringing and educate the child.

(2) Foster parent shall have the duty to take special care to prepare the child for independent life and work.

(3) Foster parent shall have the right to consideration.

(4) Foster parent shall have the right to enter into relation of employment with the social service institution under the conditions provided for in statute and general act of such institution.

*Rights and Duties of Parents*  
Article 123

(1) Parents of child who was given to fostering shall have the right and duty to represent the child, manage and dispose of child's property, to support the child, to maintain personal contact with the child and to decide on issues significantly influencing the child's life together and in consent with the foster parent, unless they are fully or partially deprived of parental right and/or business capacity.

(2) If parents and foster parent cannot reach agreement on the manner of exercise of parental right concerning an issue significantly influencing the child's life, the decision shall be passed by the guardianship authority.

III TERMINATION OF FOSTERING

*Modes of Termination of Fostering*  
Article 124

(1) Fostering shall be terminated:

1. when the child reaches 18 years of age;
2. when the child acquires full business capacity before becoming of age;
3. when the child is adopted;
4. when child or parent die;
5. by rescission of fostering contract.

(2) Fostering may be prolonged to the child's 26 year of life at the longest, if the child is **being educated regularly**.

(3) In case of death of foster parent, the person who lived with him/her in the same family household shall have priority upon the conclusion of new fostering contract.

*Rescission of Fostering Contract*  
Article 125

(1) Fostering contract may be rescinded by decision of guardianship authority.

(2) Guardianship authority shall be under the obligation to pass a decision on rescission of fostering contract at the request of one of contracting parties or at their consensual request.

(3) Guardianship authority may pass the decision on rescission of fostering contract if it establishes that the need for fostering had ceased or that fostering is no longer in the best interest of the child.

*Consequences of Rescission*  
Article 126

(1) After the termination of fostering by death of foster parent or rescission of fostering contract, parents shall take of child under parental care.

(2) After the termination of fostering by death of foster parent or rescission of fostering contract, guardianship authority shall decide on care of child without parental care.

Part Six  
GUARDIANSHIP

I PLACING UNDER GUARDIANSHIP

*Who is Placed Under Guardianship*  
Article 127

Child without parental care (minor ward) or person of age who is deprived of business capacity (mature ward) are placed under guardianship.

*Decision on Placing Under Guardianship*  
Article 128

(1) Decision on placing under guardianship shall be passed by the guardianship authority.

(2) By the decision on placing under guardianship, guardianship organ shall also appoint the guardian and decide on ward's placement.

(3) If the ward has property, inventory and estimate of value of ward's property shall be performed by the guardianship authority's standing commission.

(4) Instruction on composition, manner of work and financing of the standing commission shall be passed by the minister competent for family protection affairs.

## II GUARDIAN

### 1. Appointment of Guardian

#### *Who is Appointed Guardian* Article 129

(1) Person having personal characteristics and abilities necessary for performing the duty of guardian and who has consented to being a guardian shall be appointed guardian.

(2) Ward's spouse, relative of foster parent shall primarily be appointed guardian, unless the ward's interests require otherwise.

(3) Court or barrister's assistant, or a student of final year or post-graduate at a Faculty of Law may also be appointed guardian.

#### *Ward's Opinion* Article 130

Ward who has reached 10 years of age and who is capable of reasoning shall have the right to propose the person who shall be appointed his/her guardian.

#### *Who May not be Appointed Guardian* Article 131

The following may not be appointed guardian:

1. person fully or partially deprived of business capacity;
2. person fully or partially deprived of parental right;
3. person whose interests are adverse to the ward's interests;
4. person who, given his/her personal relations with the ward, ward's parents or other relatives, may not be expected to properly perform guardianship activities.

#### *Guardian of More than One Ward* Article 132

The same person may be appointed guardian of more than one ward, if he/she consents to that and if that is in wards' interest.

*Collective Guardian*  
Article 133

Manager of social service institution, or person employed in such institution, may be appointed guardian of all wards placed in the social service institution, if he/she consents to that and if it is in wards' interest.

*State Guardian*  
Article 134

(1) Guardianship authority may decide not to appoint guardian but that guardianship activity shall be performed directly by the state.

(2) Activities of state guardian referred to in paragraph 1 of this Article shall be performed by the head of local administration competent for family protection affairs.

*Temporary Guardian*  
Article 135

(1) Guardianship authority may decide to appoint temporary guardian to a ward, as well as to child under parental care, or person having business capacity, if it deems it indispensable for temporary protection of person, rights or interests of such persons.

(2) Under the conditions referred to in paragraph 1 of this Article, guardianship authority shall be under the obligation to appoint temporary guardian to:

1. person whose dwelling place is unknown, and who does not have statutory representative;
2. unknown owner of property;
3. person whose interests are adverse to the interests of his/her statutory representative, or to persons who have adverse interests and the same statutory representative (collision guardian);
4. foreign national who is or has property on the territory of the Republic of Serbia;
5. person who requests a temporary guardian to be appointed to him/her and gives a justified reason for that;
6. other person, if so provided by statute.

(3) Decision on appointment of temporary guardian shall also determine the legal operation or type of legal operations the guardian may undertake, depending on circumstances of each specific case.



## 2. Relieving of Guardian

### *When is Guardian Relieved*

#### Article 136

(1) Guardianship authority shall be under the obligation to relieve the guardian without delay if it establishes that the guardian has, for any reason, stopped to perform the activity, or that guardian abuses rights or grossly neglects duties of a guardian, or that a circumstance has occurred due to which he/she could not have been appointed guardian.

(2) Guardianship authority shall be under the obligation of relieving the guardian within 30 days from the day it establishes that the guardian performs the duty of guardian unconscionably or that it would be more useful for the ward to have another person appointed his/her guardian.

(3) Guardianship authority shall be under the obligation to relieve the guardian within 60 days from the day the guardian so requests.

### *Duty of Guardianship Authority*

#### Article 137

(1) Guardianship authority shall be under the obligation, upon relieving one guardian, to duly carry out the procedure of appointment of new guardian.

(2) If the ward has property, inventory and estimate of value of ward's property shall be performed by the guardianship authority's standing commission.

## III EFFECTS OF GUARDIANSHIP

### 1. Duties of Guardian

#### *Taking care of Ward*

#### Article 138

(1) Guardian shall be under the obligation to take due care of ward.

(2) Taking care of ward shall include: taking care of person, representation, acquiring assets for support and managing and disposing of ward's property.

*Taking Care of Person*  
Article 139

(1) Guardian shall be under the obligation to take care that protecting, raising, upbringing and educating of a minor ward should lead, as soon as possible, to his/her ability to lead an independent life.

(2) Guardian shall be under the obligation to take care of eliminating reasons due to which a mature ward was deprived of business capacity, and that such ward is enabled for independent life as soon as possible.

(3) Guardian shall be under the obligation to visit the ward and directly gain information on the conditions under which the ward lives.

*Representation of Ward*  
Article 140

(1) Guardian shall be under the obligation to represent the ward.

(2) Ward shall have equal business capacity as a child under parental care.

(3) Guardian shall be independent in performing regular representation operations.

(4) Guardian may, only with prior consent of guardianship authority:

1. terminate education of ward or change the ward's type of school;
2. decide on choice of work and occupation of ward;
3. decide on undertaking of medical intervention on the ward;
4. grant consent for undertaking of legal operations of a senior minor;
5. represent ward in other legal operations when so provided by statute;
6. represent ward in court and administrative proceedings when so provided by statute.

*Acquiring Assets for Supporting the Ward*  
Article 141

(1) Guardian shall be under the obligation to undertake all necessary measures in order to acquire assets for supporting the ward.

(2) Assets for supporting the ward shall be acquired from:

1. ward's income;
2. assets obtained from persons who have the statutory obligation to support the ward;
3. social security assets;
4. ward's property;
5. other sources.

*Managing Ward's Property*  
Article 142

(1) Guardian shall be under the obligation to manage the ward's property, which the ward did not gain by work, or has gained it by work, but is younger than 15.

(2) Guardian shall be independent in performing the operations of regular management of ward's property.

(3) Guardian may perform operations exceeding the regular management of ward's property only with prior consent of guardianship authority.

*Disposing of Ward's Property*  
Article 143

(1) Guardian shall dispose of ward's property, which the ward did not gain by work or gained it by work, but is younger than 15.

(2) Guardian may dispose of ward's property only with prior consent of guardianship authority.

(3) Guardian may use the principal of ward's property only for ward's support and when so required by other important interest of the ward.

(4) Guardian may use income from ward's property for paying his/her own justified expenses, that is, his/her remuneration.

*Liability of Guardian*  
Article 144

(1) Guardian shall be liable for damage caused to ward in the course of performing guardianship activity, unless he/she proves that damage was caused without his/her fault.

(2) Culpability of guardian shall exist when he/she caused the damage intentionally or by gross negligence.

(3) Guardianship authority shall be jointly and severally liable for damage referred to in paragraph 1 of this Article.

*Reporting to the Guardianship Authority*  
Article 145

(1) Guardian shall be under the obligation to submit reports and accounts on his/her work to the guardianship authority in the beginning of each calendar year for the previous year (regular report), when the guardianship authority so requires (specific report), and after the termination of guardianship (final report).

(2) Guardian shall be under the obligation to submit the regular report by the end of February for the previous year, and specific and final reports within 15 days from the day the guardianship authority so requests.

(3) Guardian's report should include data on personality of ward, on **housing conditions**, health, upbringing and education, as well as on all other issues relevant for ward's personality.

(4) Report should also include data on managing and disposing of ward's property, and ward's incomes and expenditures over the past period, as well as the final state of ward's property.

(5) Guardian shall submit the report in written, or orally, to be recorded in the minutes.

(6) Instruction on the manner of submitting the report and account shall be passed by the minister competent for family protection affairs.

## 2. Rights of Guardian

### *Right to Compensation of Costs* Article 146

(1) Guardian shall have the right to compensation of justified costs incurred in the course of performing guardianship activities.

(2) Compensation of costs to guardian shall be primarily paid from ward's incomes, unless this would endanger ward's support.

### *Right to Remuneration* Article 147

(1) Guardian shall have the right to remuneration.

(2) Guardian's remuneration shall be paid primarily from ward's income, unless this would endanger ward's support.

(3) Instruction on the conditions for compensation of costs and guardian's remuneration shall be passed by the minister competent for family protection affairs.

## IV TERMINATION OF GUARDIANSHIP

### *Modes of Termination of Guardianship* Article 148

(1) Guardianship shall be terminated:

1. when minor ward reaches 18 years of age;
2. when minor ward acquires full business capacity before becoming of age;

3. when minor ward is adopted;
4. when finally binding decision is passed on restitution of parental right and/or on acquiring or restitution of business capacity to minor ward's parent;
5. when parent who has failed to show serious interest in the child starts taking care of the child;
6. when finally binding decision is passed on restitution of business capacity to a mature ward;
7. when ward dies.

(2) By the termination of guardianship, rights and duties of guardian shall also be terminated.

(3) Guardianship shall not be terminated by relieving or death of guardian.

## V DEPRIVATION OF BUSINESS CAPACITY

### *Full Deprivation of Business Capacity* Article 149

(1) Person of age who, due to mental illness, is incapable of normal reasoning and is hence incapable of taking care of himself/herself and the protection of his/her own interests, may be fully deprived of business capacity.

(2) Mental illness, in terms of this Act, shall be a psychological disorder, insufficient mental development, dependence on psychoactive substances or other mental impediment.

### *Partial Deprivation of Business Capacity* Article 150

(1) Person of age who, due to mental illness, by his/her actions directly endangers his/her own rights and interests or rights and interests of other persons may be partially deprived of business capacity.

(2) Business capacity of person referred to in paragraph 1 of this Article shall be equal to business capacity of senior minor.

(3) Legal operations that person deprived of business capacity may or may not undertake independently may be determined by decision on partial deprivation of business capacity.

### *Restitution of Business Capacity* Article 151

Business capacity may be restituted to person of age deprived of business capacity when the conditions due to which it was fully or partially deprived cease to exist.

*Servicing Court Decision to Guardianship Authority*  
Article 152

Finally binding decision on deprivation and restitution of business capacity shall be serviced without delay to guardianship authority.

*Entry of Court Decision in Public Records*  
Article 153

(1) Finally binding decision on deprivation and restitution of business capacity shall be entered in the register of births.

(2) If the person deprived of business capacity has immovable property, decision shall also be entered in the public record were rights on immovable are registered.

Part Seven

SUPPORT

I SUPPORT OF SPOUSE

*Who is Entitled to Support*  
Article 154

(1) A spouse who does not have enough means for support, and is incapable for work or is unemployed, shall have right to support from the other spouse in proportion to his/her capacities.

(2) Spouse whose request for support would represent manifest injustice for the other spouse shall not have the right to support.

II SUPPORT OF COMMON-LAW PARTNER

*Who is Entitled to Support*  
Article 155

(1) Common-law partner who does not have enough means for support , and is incapable for work or is unemployed, shall have right to support from the other common-law partner in proportion to his/her capacities.

(2) Provisions of this Act governing the support of spouse shall apply accordingly to support of common-law partner.

### III SUPPORT OF CHILD'S MOTHER

*Who is Entitled to Support*  
Article 156

(1) Child's mother of who does not have enough means to support shall have the right to support from the child's father for the time of 3 months before childbirth and one year after the childbirth.

(2) Mother whose request for support would present manifest injustice for the father shall not have the right to support.

### IV SUPPORT OF CHILD, PARENTS AND OTHER RELATIVES

*Support of Minor Child*  
Article 157

(1) A minor child shall have the right to support from parents.

(2) Minor child shall have the right to support from other blood relatives in straight ascending line if his/her parents are not alive or do not have enough means for support.

(3) The duty of minor child to partially pay for the needs of his/her support from his/her own income or property shall be subsidiary in relation to the duty of parents and blood relatives.

*Support of Mature Child*  
Article 158

(1) A mature child who is incapable of work, and who does not have enough means for support, shall have the right to support from parents, for the duration of such state.

(2) A mature child who is being regularly education shall have the right to support from parents in proportion to their capacities, and by reaching 26 years of age at the latest.

(3) A mature child in terms of paragraphs 1 and 2 of this Article shall have the right to support from blood relatives in straight ascending line in proportion to their capacities only if parents are not alive or do not have enough means for support.

(4) A mature child whose request for support would represent manifest injustice for the parents or other blood relatives shall not have the right to support.

*Support of Parents*  
Article 159

(1) Parent who is incapable for work, and does not have enough means for support, shall have the right to support from mature child or other blood relative in straight descending line and/or from minor child who gains income or has income from property, in proportion to his/her capacities.

(2) Parent whose request for support would represent manifest injustice to child or other blood relative shall not have the right to support.

*Support of Sibling*  
Article 160

Minor sibling shall have the right to support from mature sibling and/or minor sibling who gains income or has income from property, if the parents are not alive or do not have enough means for support.

*Support of Adoptive Relatives*  
Article 161

Provisions of this Act governing the support of child, parent and other blood relatives shall apply accordingly to support of adoptive relatives.

*Support of In-law Relatives*  
Article 162

(1) Minor stepchild shall have the right to support from stepmother or stepfather.

(2) Minor stepchild shall not have the right to support if marriage between parent and stepmother or stepfather had ceased.

(3) Stepmother or stepfather who are incapable of work, and do not have enough means for support, shall have the right to support from mature stepchild in proportion to his/her capacities.

(4) Stepmother or stepfather whose request for support would represent manifest injustice for the stepchild shall not have the right to support.



## V DETERMINATION AND TERMINATION OF SUPPORT

### *Criteria for Determining Support* Article 163

(1) Support shall be determined in accordance with the needs of support creditor and capacities of the support debtor, whereby care shall be taken of the normal sum for support.

(2) Needs of support creditor shall depend on his/her age, health, education, property, income, possibility of employment and earning income and other circumstances significant for the determination of support.

(3) Capacities of support debtor shall depend on his/her income, possibility of employment and earning income, obligation to support other persons and other circumstances significant for the determination of support.

(4) Normal sum of support shall be the sum that is periodically determined by the ministry competent for family protection affairs for persons in family placement.

### *Manner of Determining Support* Article 164

(1) As a rule, support shall be determined in money.

(2) Support may also be determined in another manner, but only if the support creditor and debtor so agree.

### *Amount of Support* Article 165

(1) Support creditor may, at his/her own choice, request for the amount of support to be determined in a fixed monthly amount or in the percentage of monthly pecuniary income of support debtor.

(2) If the support debtor obtains regular monthly income (salary, compensation of salary, pension, royalties), the amount of income shall be determined in the percentage no less than 11% and not exceeding 28% of gross monthly incomes of the support debtor.

(3) If the support debtor does not realise regular monthly income, the amount of support shall be determined in the same percentage of minimum income established in the manner provided for by statute.

(4) If the support debtor is a child, the amount of support should enable at least such level of life standard for the child as enjoyed by the parent-support debtor.

*Duration of Support*  
Article 166

- (1) Support may last for a definite or for an indefinite period of time.
- (2) Support of spouse after the termination of marriage may last only for a certain period of time, not exceeding 5 years.
- (3) Exceptionally, support of spouse may be prolonged for a certain period of time if the spouse gives particularly justified reasons that still prevent him/her from working.

*Change of Amount of Support*  
Article 167

Amount of support may be reduced or increased if circumstances on the grounds of which the previous decision has been made change.

*Right to Recovery*  
Article 168

- (1) Person who actually provided support, without being legally obliged to do so, shall have the right to recovery of indispensable and useful costs from the person who, pursuant to this Act, was under the obligation to give support.
- (2) If more persons were under the obligation to give support at the same time, their obligation shall be joint and several.

*Order in Support*  
Article 169

- (1) Spouse shall effect the right to support primarily from the other spouse.
- (2) Blood relatives shall effect the mutual right to support in the order of inheritance laid down in statute.
- (3) In-law relatives shall effect the mutual right to support after blood relatives.
- (4) If there is more than one support creditor, the right of child to support shall have priority.
- (5) If more than one person is under the obligation to give support, their obligation shall be several.

*Termination of Support*  
Article 170

- (1) Support shall be terminated:

1. when the duration of support expires;
  2. when the support creditor acquires enough assets for support, unless the support creditor is not a minor;
  3. when the support debtor loses the capacity to give support or giving support becomes manifestly unjust for him/her, unless the support creditor is a child;
  4. by death of support creditor or debtor.
- (2) Support of spouse shall also be terminated when the support creditor concludes new marriage or common-law marriage.
- (3) Spouse whose right to support had once been terminated may not re-effect his/her right to support from the same spouse.

a      Part Eight  
PROPERTY RELATIONS IN FAMILY

I PROPERTY RELATIONS OF SPOUSES

1. Separate Property

*Acquiring*  
Article 171

(1) Property the spouse acquired before concluding marriage shall be his/her separate property.

(2) Property the spouse acquired during marriage by division of joint property or by inheritance, gift, or other legal operation by which exclusive rights are acquired shall be his/her separate property.

*Managing and Disposing Of*  
Article 172

Each spouse shall independently manage and dispose of his/her separate property.

*Increase of Value*  
Article 173

(1) If, during cohabitation in marriage, the value of separate property of one spouse slightly increases, the other spouse shall have right to pecuniary claim in proportion to his/her contribution.

(2) If, during cohabitation in marriage, the value of separate property one spouse considerably increases, the other spouse shall have right to a share in such property in proportion to his/her contribution.

## 2. Joint Property

### 2.1. Notion of Joint Property

#### *Acquiring* Article 174

(1) Property that spouses have acquired by work during their cohabitation in marriage shall be their joint property.

(2) Spouses may regulate their property relations in another manner by nuptial contract.

#### *Games of Chance* Article 175

Property gained in games of chance during cohabitation in marriage shall be joint property, unless the spouse who won the premium proves that he/she invested separate property in the game.

#### *Intellectual Property Rights* Article 176

Property acquired by using the intellectual property right during cohabitation in marriage shall be joint property.

#### *Management and Disposing Of* Article 177

(1) Spouses shall manage and dispose of property jointly and in consent.

(2) It shall be considered that one spouse always undertakes operations of regular management with consent of the other spouse.

(3) Spouse may not dispose of his/her share in joint property nor may he/she burden it with legal operations *inter vivos*.

*Increase of Value*  
Article 178

If, after the termination of cohabitation in marriage, the value of joint property increases, each spouse shall have the right to pecuniary claim and/or share in the increased value in proportion to his/her contribution.

*Entry Into Public Records*  
Article 179

(1) Rights of spouses on immovable property that is their joint property shall be entered in public records where rights on immovable are registered, and names of both spouses shall be entered.

(2) It shall be considered that entry in terms of paragraph 1 of this Article has been made for both spouses even when only one spouse is entered, unless the entry was made on the grounds of written agreement on division of joint property.

2.2. Division of Joint Property

*Time of Division*  
Article 180

Division of joint property may take place for the duration of marriage and after its termination.

*Consensual Division*  
Article 181

Spouses may conclude an agreement on division of joint property (consensual division).

*Court Division*  
Article 182

(1) If spouses cannot reach an agreement on division of joint property, the division of joint property shall be done by the court (court division).

(2) Share of one spouse in acquiring of joint property shall depend on his/her realised income, household activity, taking care of children, taking care of property, and other circumstances significant for preserving or increasing the value of joint property.

(3) Share in acquiring of joint property shall be established in the same proportion for all rights and obligations in the moment of termination of cohabitation in marriage.

(4) Larger share of one spouse in acquiring a certain right from joint property may be established only if this right has economic independence in regard to other rights from joint property, and the spouse had participated in acquiring of that right with income from his/her separate property.

*Manner of Division*  
Article 183

(1) Division of joint property shall be done by establishing the co-owner's share of each spouse.

(2) If the share of one spouse in joint property is considerably smaller, his/her share may be paid up in money.

*Right to Division*  
Article 184

The right to division of joint property shall pertain to: spouses, heirs of deceased spouse and creditors whose claims could not be settled from spouse 's separate property.

*Division of Things for Spouse's Personal Use*  
Article 185

(1) Things for personal use of one spouse shall be part of that spouse's exclusive property without being calculated in his/her share, provided their value is not in disproportionately large in comparison to the value of joint property and things for personal use of the other spouse.

(2) If the value of things referred to in paragraph 1 of this Article is disproportionately large, they shall part of spouse's exclusive property and shall be calculated in his/her share.

*Division of Things for Child's Personal Use*  
Article 186

(1) Things for personal use of child shall be part of exclusive property of spouse exercising parental right without being calculated in his/her share, provided their value is not disproportionately large in comparison to the value of joint property.

(2) If the value of things referred to in paragraph 1 of this Article is disproportionately large, they shall be part of exclusive property of the spouse exercising parental right, and shall be calculated in his/her share.

*Division of Household Objects*  
Article 188

Household objects that are in possession of one spouse after the termination of cohabitation in marriage for at least 3 years shall be part of that spouse's exclusive property and shall be calculated in his/her share.

### 2.3. Liability for Obligations

*Liability for Personal Obligations*  
Article 189

Spouse shall be liable for his/her personal obligations assumed before or after conclusion of marriage with his/her property.

*Liability for Joint Obligations*  
Article 190

(1) Both spouses shall be jointly and severally liable by their joint and separate properties for obligations undertaken in order to settle the needs of cohabitation in marriage, as well as for obligations which, by virtue of statute, burden both of them.

(2) Spouse who has settled a joint obligation from his/her separate property shall have the right to reimbursement from the other spouse in proportion to his/her share in joint property.

### 3. Spouses' Contracts

*Nuptial Contract*  
Article 191

(1) Spouses or future spouses may regulate their property relations on existing or future property by a contract (nuptial contract).

(2) Nuptial contract shall be concluded in written form and shall have to be certified by a judge or notary public.

*Contract on Management and Disposal of Joint Property*  
Article 192

(1) Spouse may conclude a contract on the grounds of which one of them shall manage and dispose of entire joint property or some of its parts.

(2) Contract referred to in paragraph 1 of this Article may concern: a) only management or b) only disposal of or c) only certain operations of management and disposal of.

(3) Management shall also include disposal of within regular operation, unless otherwise stipulated.

*Contract on Gift*  
Article 193

(1) Spouses may conclude a contract on gift.

(2) If marriage is terminated by divorce or annulment, the usual gifts exchanged among spouses during cohabitation in marriage shall not be returned.

(3) Gifts of considerable value exchanged between spouses during cohabitation in marriage that have been made from separate property of the presenter, shall be returned.

(4) Gifts referred to in paragraph 3 of this Article shall be returned according to their state in the moment of termination of cohabitation in marriage.

II PROPERTY RELATIONS OF COMMON-LAW PARTNERS

*Joint Property*  
Article 194

(1) Property acquired by common-law partners during cohabitation in common-law marriage by work shall be their joint property.

(2) Provisions of this Act governing property relations of spouse shall apply accordingly to property relations of common-law partners.

III PROPERTY RELATIONS OF CHILD AND PARENT

*Managing Child's Property*  
Article 195

(1) Child shall independently manage the property he/she acquires by work.



(2) Parents shall have the right and obligation to manage child's property the child did not acquire by work or did acquire it by work, but the child is younger than 15.

*Disposing of Child's Property*  
Article 196

(1) Child shall independently dispose of property acquired by work.

(2) Parents shall have the right to dispose of child's property the child did not acquire by work or did acquire by work, but the child is younger than 15.

(3) Parents may dispose of immovable property and movable property of considerable value only with previous or former consent of guardianship authority.

(4) Parents may use the principal of child's property only for child's support or when some other important child's interest so requires.

(5) Parents may also use incomes from child's property for their own support and/or for support of their other minor child.

*Right of Residence*  
Article 197

(1) Child and parent exercising parental right shall have the right of residence on apartment owned by the other child's parent if they do not have property right on another apartment.

(2) Right of residence shall last until the child acquired maturity.

(3) Child and parent whose request for residence would represent manifest injustice for the other parent shall not have the right of residence.

IV PROPERTY RELATIONS OF MEMBERS OF FAMILY COMMUNITY

*Joint Property*  
Article 198

(1) Property, which, together with spouses or common-law partners, was acquired by work of members of their families during cohabitation in family community, shall be their joint property.

(2) In terms of paragraph 1 of this Article, members of family shall be blood, in-law and adoptive relatives of spouses and/or common-law partners who live together with them.

(3) Provisions of this Act on property relations of spouses shall apply accordingly to property relations of members of family community, save for provisions under Article 179 (entry into public records).

*Application of Act on Basis of Property-Law Relations and the Code of Obligations*  
Article 199

Provisions of Act on Basis of Property-Law Relations and the Code of Obligations shall apply to property relations of spouses, common-law partners, child and parent and members of family community, when these relations are not regulated by this Act.

Part Nine  
PROTECTION FROM DOMESTIC VIOLENCE

*Violent Behaviour in Family*  
Article 200

(1) Domestic violence, in terms of this Act, shall be the behaviour by which one family member endangers physical integrity, mental health or tranquillity of other family member (violent behaviour in family).

(2) Violent behaviour in terms of paragraph 1 of this Act shall be:

1. when bodily injury was intentionally or consciously inflicted;
2. when there is attempt of inflicting bodily injury;
3. when fear of inflicting bodily injury is intentionally or consciously caused;
4. when force or threat of force are used in order to incite another person to unwanted sexual relation;
5. when freedom of movement or communication with other persons is limited;
6. when insulting.

(3) In terms of paragraph 1, family members shall be:

1. spouses or former spouses;
2. children, parents and other blood relatives, and persons in in-law or adoptive relations;
3. common-law partners or former common-law partners;
4. persons who have had sexual relations during 2 years immediately preceding the submission of motion for pronouncing a protective measure against domestic violence.

*Protective Measures*  
Article 201

(1) Court may pronounce one or more protective measures against domestic violence in regard to a family member who acts violently, temporarily prohibiting or limiting the maintenance of personal contact with other family member.

(2) Protective measures against domestic violence shall be:

1. issuing a warrant for eviction from family apartment or house, regardless of the right of property or lease of immovable;
2. issuing a warrant for moving in the family apartment or house, regardless of the right of property or lease of immovable;
3. restraining order;
4. prohibition of access in the vicinity of place of residence or work of family member;
5. prohibition of further molestation of family member;
6. mandatory treatment from alcoholism or other substance abuse illness;
7. mandatory psychiatric counselling or treatment;
8. other measures that may prevent the commencement or continuation of domestic violence.

(3) Protective measure against domestic violence may last for one year at the longest.

*Prolongation of Protective Measure*  
Article 202

Protective measure against domestic violence may be prolonged until the reasons for which it had been pronounced cease to exist.

*Termination of Protective Measure*  
Article 203

Protective measure against domestic violence may be terminated before the expiry of its duration if the reasons for which it had been pronounced cease to exist.

Part Ten  
PROCEEDINGS REGARDING TO FAMILY RELATIONS

I PROCEEDINGS BEFORE COURT

1. Common Provisions

*Scope of This Part of Act*  
Article 204

Provisions of this part of the Act shall govern special litigation proceedings regarding family relations.

*Application of Litigation Procedure Act*  
Article 205

Provisions of the Litigation Procedure Act shall apply to court proceedings regarding family relations that are not regulated by this Act.

*Composition of Panel*  
Article 206

(1) Proceedings regarding family relations shall in the first instance be adjudicated by specialised panel comprising one judge and two lay judges, and in the second instance, by a specialised panel comprising three judges.

(2) Instruction on the content and duration of judges' specialisation, as well as on the criteria for the selection of lay judges, shall be passed by the minister competent for family protection affairs together with the minister competent for judicial affairs.

*Urgency of Proceedings*  
Article 207

(1) Proceedings regarding family relations shall be urgent if they concern a child or parent exercising parental right.

(2) First hearing shall have to be scheduled within 15 days from the day the action or motion were received in the court.

(3) Court of second instance shall be under the obligation to pass the decision within 30 days from the day when appeal or objection were served to the court deciding on ordinary legal remedy.

*Minors and Persons Deprived of Business Capacity*  
Article 208

Court shall be under the obligation, in the course of proceedings regarding family relations, to take particular care of protection of person who, due to being a minor or being deprived of business capacity, is unable to take care of himself/herself and protection of his/her rights and interests.

*Stay of Proceedings*  
Article 209

(1) If the court, in the course of proceedings regarding family relations, deems that the party is incapable of taking care of himself/herself and protection of his/her interests and should be hence deprived of business capacity and have

a guardian appointed to him/her, it shall be under the obligation to stay the proceedings and inform of that the guardianship authority and the competent court thereof, for the purpose of initiating corresponding proceedings.

(2) If the court, in the course of proceedings regarding family relations, deems that the statutory representative of a party does not show necessary care in representing, or there are conflicting interests between the statutory representative and the party, it shall be under the obligation to order the stay the proceedings and inform of the guardianship authority thereof, for the purpose of initiating corresponding proceedings.

(3) Proceedings in stay pursuant to paragraphs 1 and 2 of this Article, shall be resumed when the decision in the proceedings for deprivation of business capacity becomes finally binding and when the procedure for appointing the guardian is terminated.

(4) For the duration of stay of proceedings pursuant to paragraphs 1 and 2 of this Article, only the actions for which there is danger of delay may be undertaken, particularly those actions that aim to protect or ensure the rights of a party who is incapable of taking care of himself/herself and the protection of his/her interests.

(5) Court may, under the conditions laid down in the Litigation Procedure Act, appoint a temporary guardian to any party in the course of proceedings regarding family relations.

#### *Excluding the Public* Article 210

(1) In proceedings regarding family relations, public shall be excluded.

(2) Data from court records shall be official secret and all participants in the proceedings who had access to such data shall be under the obligation to keep it.

#### *Decision on Costs* Article 211

Court shall decide by discretion on the costs of proceedings regarding family relations, taking care of reasons of justice.

## 2. Proceedings in Matrimonial Dispute

### *Territorial Jurisdiction*

#### Article 212

In matrimonial dispute, in addition to the court of general territorial jurisdiction, the court on the territory of which the spouses had their last joint residence, or dwelling place shall have territorial jurisdiction.

### *Initiation of Proceedings*

#### Article 213

(1) Litigation proceedings for determining the existence of marriage, as well as for annulment and divorce (matrimonial dispute) shall be initiated by action.

(2) Litigation proceedings for divorce shall also be initiated by the motion for consensual divorce.

### *Action for Establishing the Existence of Marriage*

#### Article 214

The right to action in order to determine that marriage exists shall pertain to spouses, persons having legal interest in the establishment of marriage and public prosecutor.

### *Action for Annulment of Marriage*

#### Article 215

(1) Right to action for annulment of marriage for causes listed in Articles 33-38 of this Act shall pertain to spouses, persons having legal interest in the annulment of marriage and public prosecutor.

(2) In cases referred to in paragraph 1 of this Article, marriage may be annulled after its termination.

### *Proving Nullity (Marriageability)*

#### Article 216

(1) In litigation proceedings for annulment of marriage concluded during previous marriage of one spouse, the existence of former marriage shall be proven by the excerpt from the register of marriages.

(2) If the plaintiff may not prove the existence of former marriage by an excerpt from the register of marriages, the court shall order the stay of proceedings and refer the plaintiff to initiate litigation proceedings for

establishing the existence of former marriage within a certain time limit and inform the court thereof.

(3) If the defendant contends the validity of former marriage that is entered in the register of marriages, the court shall order the stay of proceedings and refer the defendant to initiate litigation proceedings for annulment of former marriage within a certain time limit and inform the court thereof.

*Subsequent Disappearance of Cause of Nullity (Marriageability)*  
Article 217

Court shall deny the claim for annulment of marriage if the former marriage ceased by the conclusion of trial of action.

*Action for Annulment of Marriage (Minority)*  
Article 218

(1) Spouse who was under age in the time the marriage was concluded shall have the right to request the annulment of marriage concluded without court permission within one year from becoming of age.

(2) Parents of minor spouse, or his/her guardian, shall have the right to request the annulment of marriage concluded without court permission, by the time the minor spouse becomes of age.

*Action for Annulment of Marriage (Duress and Error)*  
Article 219

Spouse who had concluded marriage under duress or in error shall have the right to request annulment of marriage within one year from the day duress ceased or error was noted.

*Action for Annulment of Marriage (Incapacity to Reason)*  
Article 220

Spouse who was incapable of reasoning in the moment marriage was concluded, and subsequently becomes capable of reasoning, shall have the right to request annulment of marriage within one year from the day the incapacity to reason ceases to exist and/or from the day the decision on restitution of business capacity becomes finally binding.

*Heirs and Guardian*  
Article 221

(1) The right to action for annulment shall not be transferred to spouse's heirs.

(2) Spouse's heirs may continue already initiated proceedings for establishing that there was a reason for annulment of marriage.

(3) Guardian of a minor or spouse who does not have business capacity may initiate action for annulment of marriage only with prior consent of the guardianship authority.

*Action for Divorce*  
Article 222

The right to action for divorce shall pertain to both spouses.

*Heirs and Guardian*  
Article 223

(1) The right to action for divorce shall not be transferred to spouse's heirs.

(2) Spouse's heirs may continue already initiated proceedings for establishing that there was a reason for divorce.

(3) Heirs of the spouses who initiated matrimonial dispute by a motion for consensual divorce may continue already initiated proceedings for establishing the existence of grounds for divorce.

(4) Guardian or spouse who does not have business capacity may initiate action for divorce only with prior consent of the guardianship authority.

*Proxy*  
Article 224

(1) If the action in matrimonial dispute is submitted by the party's proxy, the authorisation must be certified and issued only for the purpose of representation in matrimonial proceedings.

(2) Authorisation should include claims in regard to type of action and grounds for raising the action.

(3) In matrimonial dispute initiated by motion for consensual divorce, spouses may not be represented by the same proxy.



*Waiving the Claim*  
Article 225

In matrimonial dispute, waving the claim shall have the same legal effect as withdrawal of action.

*Withdrawal of Action*  
Article 226

(1) In matrimonial dispute, plaintiff may withdraw action until the conclusion of the trial of action without defendant's consent, and with defendant's consent, until the finally binding termination of the proceedings.

(2) Motion for consensual divorce may be withdrawn by one or both spouses until the finally binding termination of proceedings.

*Investigation Principle*  
Article 226

Court may establish facts relating to exercise of parental right in matrimonial dispute even when these are not at issue among the parties.

*Judgement and Court Composition*  
Article 228

(1) In matrimonial dispute, judgement may not be pronounced on default nor on the grounds on admission or waiver.

(2) In matrimonial dispute, parties may not conclude court composition.

*Divorce Judgement on the Grounds of Divorce Agreement*  
Article 229

(1) Agreement of spouses on exercise of parental right shall be entered in the holding of the judgement, if the court deems this agreement to be in the best interest of the child.

(2) Agreement of spouses on division of joint property shall be entered in the holding of divorce judgement.

(3) Judgment by which marriage is divorced on the grounds of divorce agreement may be challenged only on the grounds of significant provisions of litigation procedure or on the grounds of divorce agreement being concluded under duress or in error.

*Challenging of Finally Binding Judgement*  
Article 230

Finally binding decision in matrimonial dispute may not be challenged by extraordinary legal remedies in the part where decision on annulment or divorce of marriage has been passed.

*Death of Parties*  
Article 231

(1) If, in the course of matrimonial dispute, one or both spouses die, the court of first instance shall establish by a ruling that the procedure is terminated.

(2) Provision of paragraph 1 of this Article shall not withstand the right of heirs to continue the procedure in accordance with Articles 221 and 223 of this Act.

*Decision on Exercise or Deprivation of Parental Right and Protection from Domestic Violence*  
Article 232

(1) Court shall be under the obligation, in judgement in matrimonial dispute, to decide on exercise of parental right.

(2) In the judgment in matrimonial dispute, the court may decide on full or partial deprivation of parental right.

(3) In the judgement in martial dispute, the court may pronounce one or more protective measures from domestic violence.

3. Mediation Procedure

*Scope of Mediation Procedure*  
Article 233

Mediation procedure (hereinafter: mediation) shall include the procedure for attempt at reconciliation (hereinafter: reconciliation) and the procedure for attempt at consensual termination of dispute (hereinafter: settlement).

*When is Mediation Carried Out*  
Article 234

(1) Mediation shall regularly be carried out with the proceedings in matrimonial dispute.

(2) Mediation procedure shall not be carried out:

1. if the spouses do not agree to mediation;
2. if one of the spouses is incapable of reasoning;
3. if the dwelling place of one spouse is unknown.

*Who Carries Out Mediation*

Article 235

- (1) Mediation procedure, as a rule, is carried out by the court.
- (2) Action for annulment or divorce of marriage shall be serviced together with the summons for the mediation hearing.
- (3) Judge who conducts mediation may not participate in the passing of decision in a subsequent phase of procedure.

*How is Mediation Carried Out*

Article 236

- (1) Upon being served the action for annulment or divorce of marriage, the court shall schedule a hearing for mediation, which is held only before individual judge.
- (2) Judge conducting mediation shall be under the obligation to recommend the spouses to undergo psychosocial counselling.
- (3) If the spouses agree to psychosocial counselling, the court, at their proposal or with their consent, shall entrust mediation to the competent guardianship authority, marriage or family counselling service, or other institution specialised in mediation in family relations.
- (4) Entrusting shall be done by serving the action for annulment or divorce of marriage.

3.1. Reconciliation

*When is Reconciliation Carried Out*

Article 237

Reconciliation shall be carried out in matrimonial dispute initiated by action for divorce.

*Purpose of Reconciliation*

Article 238

Purpose of reconciliation shall be to resolve the disturbed relation between spouses without conflict and without divorce.

*Reconciliation Hearing*  
Article 239

- (1) Both spouses shall be invited to reconciliation hearing.
- (2) Proxies may not represent spouses in reconciliation hearing nor may they attend the hearing.

*When is Reconciliation Successful*  
Article 240

- (1) On reconciliation hearing, court and/or institution entrusted with mediation proceedings shall attempt to reconcile the spouses.
- (2) If spouses reconcile in the reconciliation hearing, it shall be considered that the action for divorce has been withdrawn.

*When is Reconciliation Unsuccessful*  
Article 241

- (1) If one or both spouses, although duly summoned, fail to appear at the reconciliation hearing, it shall be considered that reconciliation hearing was unsuccessful and the settlement proceedings shall continue.
- (2) If there is no reconciliation on reconciliation hearing, but the court and/or institution entrusted with mediation deems there are chances for reconciliation, new reconciliation hearing may be scheduled.

*Protocol on Reconciliation*  
Article 242

- (1) Court and/or other institution entrusted with mediation proceedings shall make a protocol including statements of spouses that they have reconciled or that the reconciliation was unsuccessful.
- (2) Institution entrusted with mediation proceedings shall be under the obligation to inform of the results of reconciliation the court to which action for divorce has been submitted and serve the protocol on reconciliation to the court.

*Duration of Reconciliation*  
Article 243

- (1) Court and/or institution entrusted with mediation proceedings shall be under the obligation to carry out reconciliation within 2 months.
- (2) If the institution entrusted with mediation proceedings fails to inform the court on results of reconciliation within 3 months from the day of being

served the action for divorce, reconciliation proceedings shall be carried out by the court.

(3) Court shall be under the obligation to schedule the reconciliation hearing within 15 days from the day of expiry of time limit referred to in paragraph 2 of this Article.

### 3.2. Settlement

#### *When is Settlement Carried Out* Article 244

Settlement shall be carried out in matrimonial dispute initiated by action for annulment of marriage or action for divorce, and reconciliation was unsuccessful.

#### *Purpose of Settlement* Article 245

(1) Purpose of settlement shall be to resolve the disturbed relation between spouses without conflict after the annulment of marriage or divorce.

(2) Court and/or institution entrusted with mediation proceedings shall endeavour for the spouses to reach agreement on exercise of parental right and agreement on division of joint property.

#### *Settlement Hearing* Article 246

Both spouses and their proxies shall be summoned to the settlement hearing.

#### *When is Settlement Successful* Article 247

(1) If, on the settlement hearing, spouses reach agreement on exercise of parental right and agreement on division of joint property, it shall be considered that settlement was successful.

(2) If, on the settlement hearing, spouses only reach agreement on exercise of parental right or only agreement on division of joint property, it shall be considered that settlement was partially successful.

(3) If settlement is successful or partially successful, agreement of spouses on exercise of parental right or division of joint property shall be entered in the holding of judgement on annulment of marriage or divorce.

*When is Settlement Unsuccessful*  
Article 248

(1) If one or both spouses, although duly summoned, fail to appear at the settlement hearing, it shall be considered that the settlement was unsuccessful and the proceedings on the action for annulment of marriage or divorce shall continue.

(2) If agreement is not reached on settlement hearing, but the court and/or institution entrusted with mediation proceedings deems that there is a chance for reaching agreement, new settlement hearing may be scheduled.

*Protocol on Settlement*  
Article 249

(1) Court and/or institution entrusted with mediation proceedings shall make a protocol on settlement hearing, including the agreement of spouses on exercise of parental right and on division of joint property, or statements of spouses that settlement was unsuccessful.

(2) Institution entrusted with mediation proceedings shall be under the obligation to inform the court to which action for annulment of marriage or divorce was submitted on the result of settlement and service the protocol on settlement to the court.

*Duration of Settlement*  
Article 250

(1) Court and/or institution entrusted with mediation proceedings shall be under the obligation to carry out settlement within 2 months.

(2) If the institution entrusted with mediation proceedings fails to inform the court on results of reconciliation within 3 months from the day of termination of reconciliation proceedings and/or from the day of being served the action for annulment of marriage, settlement proceedings shall be carried out by the court.

(3) Court shall be under the obligation to schedule the reconciliation hearing within 15 days from the day of expiry of time limit referred to in paragraph 2 of this Article.

#### 4. Procedure in Maternity and Paternity Dispute

##### *Territorial Jurisdiction*

##### Article 251

Child may file action in maternity and paternity dispute before the court of general territorial jurisdiction or before court on the territory of which he/she has residence or dwelling place.

##### *Initiation of Proceedings*

##### Article 252

Litigation procedure in order to establish or contest maternity (maternity dispute), in order to establish or contest paternity and in order to establish the nullity of recognition of paternity (paternity dispute) shall be initiated by action.

##### *Action to Establish Maternity*

##### Article 253

(1) Child shall have the right to action to establish maternity regardless of the time limit.

(2) Woman claiming to be the child's mother shall have the right to action to establish her maternity within one year from the day of learning that she gave birth to the child, and within 10 years from the child being born at the latest.

##### *Action to Contest Maternity*

##### Article 254

(1) Child shall have the right to action to contest maternity regardless of time limit.

(2) Woman entered in the register of births as the child's mother shall have the right to action to contest her maternity within one year from the day of learning that she is not the child's mother, and within 10 years from the child being born at the latest.

(3) Woman claiming to be the child's mother shall have the right to action to contest maternity of woman entered in register of births as the child's mother within one year from the day of learning she gave birth to child, and within 10 years from the day child is born at the latest.

(4) Man who, according to this Act, is considered the child's father, shall have the right to action to contest maternity within one year from the day of learning that the woman entered in the register of births as the child's mother did not give birth to the child, and within 10 years from the child being born at the latest.

*Action to Establish Paternity*  
Article 255

(1) Child shall have the right to action to establish paternity regardless of time limit.

(2) Mother shall have the right to action to establish paternity within one year from the day of learning that the man she considers the child's father did not recognise paternity, and within 10 years from the child being born at the latest.

(3) Man claiming to be the child's father shall have the right to action to establish his paternity within one year from the day of learning that mother and child, or mother or child did not consent to his recognition of paternity, and within 10 years from the child being born at the latest.

*Action to Contest Paternity*  
Article 256

(1) Child shall have the right to action to contest paternity regardless of time limit.

(2) Mother shall have the right to action to contest paternity of the man considered as the child's father according to this Act within one year from the day of learning he is not the father, and within 10 years from the child being born at the latest.

(3) Mother's husband shall have the right to action to contest his paternity within one year from the day of learning he is not the child's father, and within 10 years from the child being born at the latest.

(4) Man claiming to be the child's father shall have the right to action to contest paternity of man considered the child's father according to this Act within one year from the day of learning he is the child's father, and within 10 years from the child being born at the latest.

(5) Man considered the father of child conceived with biomedical assistance shall have the right to action to contest his paternity within one year from the day of learning that the child was not conceived by the procedure of biomedically assisted fertilization, and within 10 years from the child being born at the latest.

*Action to Establish the Nullity of Recognition of Paternity*  
Article 257

(1) The right to action to establish the nullity of recognition of paternity, as well as statements on consent to recognition of paternity, for causes listed in



Articles 48-53 of this Act, shall belong to persons who gave the statement, persons having legal interest in annulment of statement and the public prosecutor.

(2) Person who gave the statement on recognition of paternity, as well statement on consent to recognition of paternity under duress or in error, shall have the right to annulment of statement within one year from the day duress had stopped or error had been noted.

*Plaintiff's Heirs and Guardian*  
Article 258

(1) Right to action in maternity and paternity dispute shall not be transferred to heirs.

(2) Plaintiff's heirs may continue the already initiated proceedings for establishing the existence of grounds for establishing or contesting maternity or paternity, or for establishing the nullity of recognition of paternity.

(3) If there are adverse interests between the plaintiff who is a minor and his/her statutory representative, action in maternity and paternity dispute shall be filed by the collision guardian.

(4) Guardian of a minor or a person without business capacity may file action in maternity and paternity dispute only with prior consent of guardianship authority.

*Defendant's Heirs and Guardian*  
Article 259

(1) If the defendant in maternity and paternity dispute is no longer alive, action shall be filed against defendant's heirs.

(2) If the defendant has no heirs, action shall be filed against the Republic of Serbia as the heir.

(3) If there are adverse interests between the defendant who is a minor and the defendant's statutory representative in maternity and paternity dispute, the defendant who is a minor shall be represented by the collision guardian.

*Co-litigants*  
Article 260

(1) Parties in the proceedings for establishing maternity shall be child and woman claiming to be the child's mother (mandatory co-litigants).

(2) Parties in the proceedings for contesting maternity shall be: child, woman claiming to be the child's mother, woman entered in the register of births as the child's mother and man considered to be the child's father according to this Act (mandatory co-litigant).

(3) Parties in the proceedings for establishing paternity shall be: child, mother, man claiming to be the child's father and man the mother considers to be the child's father (mandatory co-litigant).

(4) Parties in the proceedings for contesting paternity shall be: child, mother, man considered to be the father according to this Act and man claiming to be the child's father (mandatory co-litigants).

(5) Parties in the procedure for establishing the nullity of recognition of paternity shall be: person who gave the statement on recognition of paternity, person who gave statement of consent to recognition of paternity, and the person having legal interest in annulment of statement only if conditions for nullity of recognition are at issue (mandatory co-litigants).

(6) If the action in maternity and paternity dispute does not include all parties that have to be parties in the proceedings, court shall be under the obligation to instruct the plaintiff to sue the person who is not included in the action or to invite such person to join the action as the new plaintiff (united co-litigants).

(7) If the plaintiff fails to amend the action so as to include all persons who have to be parties to the proceedings, within the time limit given by the court, or if such persons fail to join the action as plaintiffs, it shall be considered that such action has been withdrawn, and if the action is returned to the court without correction, the court shall reject it.

*Proxy*  
Article 261

(1) If the action in maternity and paternity dispute is filed by the party's proxy, authorisation must be certified and issued only for representation in this dispute.

(2) Authorisation should include claims as to the type of action and grounds for filing the action.

*Investigation Principle*  
Article 262

Court may establish the facts on which the party grounds the claim in maternity and paternity dispute even when these are not at issue between the parties.

*Judgement and Court Composition*  
Article 263

(1) In maternity and paternity dispute, judgement may not be pronounced on default nor on the grounds on admission or waiver.

(2) In maternity and paternity dispute, parties may not conclude court composition.

*Death of Parties*  
Article 264

(1) If, in the course of maternity and paternity dispute, plaintiff or defendant die, the court of first instance shall establish by a ruling that proceedings are terminated.

(2) Provision of paragraph 1 of this Article shall not withstand the right of heirs to continue the proceedings pursuant to Article 258 of this Act.

*Decision on Exercise or Deprivation of Parental Right and Protection from Domestic Violence*  
Article 265

(1) Court shall be under the obligation, in judgement in maternity or paternity dispute, to decide on exercise of parental right.

(2) In the judgment in maternity or paternity dispute, the court may decide on full or partial deprivation of parental right.

(3) In the judgement in maternity or paternity dispute, the court may pronounce one or more protective measures from domestic violence.

5. Procedure in Dispute for Protection of Right of Child and in Dispute for Exercise or Deprivation of Parental Right

*Territorial Jurisdiction*  
Article 266

Child may file action in dispute for protection of his/her right before court of general territorial jurisdiction or before the court on the territory of which the child has residence, or dwelling place.

*Initiation of Proceedings*  
Article 267

(1) Proceedings in dispute for protection of child's right and in dispute for exercise and/or deprivation of parenting right shall be initiated by action.

(2) Proceedings in dispute for protection of child's right may also be initiated by court in the line of duty if a child's right is in serious danger.

*Action for Protection of Child's Right*  
Article 268

(1) Right to action for protection of child's right shall pertain to: child, child's parents, public prosecutor and guardianship authority.

(2) Action for protection of child's right may be filed in regard to all rights recognised to child by virtue of statute.

(3) All children's health and educational institutions or social service institutions, judicial and other state authorities, associations and citizens, shall have the right and duty to inform the public prosecutor or the guardianship authority on reasons for protection of child's right.

*Action for Exercise and/or Deprivation of Parental Right*  
Article 269

(1) Right to action for exercise of parental right shall pertain to: child, child's parents and guardianship authority.

(2) Right to action for deprivation of parental right shall pertain to the child, other parent, public prosecutor and guardianship authority.

(3) Right to action for restitution of parenting right shall pertain to, in addition to persons referred to in paragraph 2 of this Article, to the parent who was deprived of parenting right.

(4) All children's health and educational institutions or social service institutions, judicial and other state authorities, associations and citizens, shall have the right and duty to inform the public prosecutor or the guardianship authority on reasons for deprivation of parental right.

*Collision Guardian and Temporary Representative of Child*  
Article 270

(1) If there are adverse interests between the child and the child's statutory representative, child shall be represented by the collision guardian.

(2) Child who has reached 10 years of age and who is capable of reasoning shall have the right to request from the guardianship authority, alone or through another person, to appoint him/her a collision guardian.

(3) Child who has reached 10 years of age and is capable of reasoning shall have the right to request from the court, alone or through another person or institution, to appoint him/her a temporary representative due to existence of adverse interests between him/her and his/her statutory representative.

*Duty of Court*  
Article 271

(1) In dispute for protection of child's right and in dispute for exercise and/or deprivation or parental right, court shall always be under the obligation to be guided by the child's best interests.

(2) If the court deems that, in dispute for protection of child's right or in dispute for exercise and/or deprivation of parental right, the party is a child capable of forming his/her own opinion, it shall be under the obligation to:

1. take care that child duly receives all necessary information;
  2. allow the child to directly express his/her opinion and to pay due attention to child's opinion, in accordance with age and maturity of child;
  3. establish child's opinion in the manner and place that is in accordance with child's age and maturity,
- unless this is would be in manifest contrast with the child's best interest.

*Duty of Collision Guardian or Temporary Representative*  
Article 272

If collision guardian or temporary representative establishes that, in dispute for protection of right of child or in dispute for exercise and/or deprivation of parental right, he/she represent a child capable of forming his/her own opinion, he/she shall be under the obligation to:

1. take care that child duly receives all necessary information;
  2. to give explanation to the child concerning possible consequences of acts he/she undertakes;
  3. convey to the court the child's opinion, if the child did not express his/her opinion before the court,
- unless this would be in manifest contrast with the child's best interests.

*Duties of Others*  
Article 273

Authorities conducting other proceedings shall be under the obligation to apply provisions of Articles 270-272 of this Act if these proceedings concern the rights of child.

*Particular Urgency of Proceedings*  
Article 247

(1) Procedure for protection of right of child and procedure for deprivation of parental right shall be particularly urgent.

(2) Hearing for the trial of action must be scheduled within 8 days from the day the action was received in court.

(3) Court of second instance shall be under the obligation to pass decision within 15 days from the day the appeal was submitted to the court deciding or ordinary legal remedy.

*Investigation Principle*  
Article 275

Court may establish facts in dispute for protection of right of child and in dispute for exercise and/or deprivation of parental right even if these are not at issue among the parties.

*Expert Opinion/Expertise*  
Article 276

Before passing decision on protection of child's right or on exercise and/or deprivation of parental right, court shall be under the obligation to request finding and expert opinion of the guardianship authority, family counselling service or other institution specialised in mediation in family relations.

*Judgement and Court Composition*  
Article 277

(1) In dispute for protection of child's right and in dispute for exercise and/or deprivation of parental right, judgement may not pronounced on default or on the grounds of admission or waiver.

(2) In dispute for protection of right of child and in dispute for exercise and/or deprivation of parental right, parties may not conclude court composition.

*Judgement on Exercise of Parental Right*  
Article 278

(1) Parents' agreement on joint or independent exercise of parental right shall be entered in the holding of judgement on exercise of parental right, if the court deems this agreement to be in the best interest of the child.

(2) If parents did not conclude agreement on exercise of parental right or the court deems their agreement is not in the best interest of the child, decision on independent exercise of parental right of one parent, on amount of income for support by the other parent and on the manner of maintaining personal contact between the child and the other parent shall be passed by the court.

(3) When the court passes a decision on joint or independent exercise of parental right, and the child is not staying with the parent who should exercise parental right, the court shall order for the child to immediately be given to the parent who should be exercising parental right.

*Decision on Exercise or Deprivation of Parental Right and on Protection from Domestic Violence*  
Article 279

(1) Court may, by the judgement in dispute for protection of child's right, also decide on exercise and/or deprivation of parental right.

(2) Court may, by judgement in dispute for exercise of parental right, also decide on full or partial deprivation of parental right.

(3) Court may, by judgement in dispute for protection of child's right and in dispute for exercise and/or deprivation of parental right, pronounce one or more protective measures from domestic violence.

6. Procedure for Annulment of Adoption

*Territorial Jurisdiction*  
Article 280

In dispute for annulment of adoption, the court on the territory of which the guardianship authority before which adoption was founded is located, shall have territorial jurisdiction.

*Action for Annulment of Adoption*  
Article 281

(1) Right to action for annulment of adoption for reasons stated in Articles 91-106 of this Act shall pertain to persons who gave statement on founding of adoption, persons having legal interest in annulment of adoption, and public prosecutor.

(2) Person who has given statement on founding of adoption and/or statement on consent to adoption under duress or in error shall have the right to annulment of such statement within one year from the day duress stopped or error is noted.

*Judgement on Annulment of Adoption*  
Article 282

(1) Court shall service the finally binding decision on annulment of adoption to guardianship authority before which adoption had been founded.

(2) Guardianship authority before which adoption had been founded shall pass a ruling on annulment of ruling on new entry of birth of the adopted child.

(3) On the grounds of ruling referred to paragraph 2 of this Article, the first entry of birth of adoptive child shall become valid.

## 7. Procedure in Dispute for Support

### *Territorial Jurisdiction*

#### Article 283

In dispute for support, in addition to court of general territorial jurisdiction, court on the territory of which the plaintiff has residence and/or dwelling place, shall have territorial jurisdiction.

### *Initiation of Proceedings*

#### Article 284

(1) Litigation procedure for support shall be initiated by action.

(2) Right to action for support shall pertain to person who is, in terms of this Act, considered support creditor or support debtor.

(3) Right to action for child support shall also pertain to guardianship authority.

### *Initiation of Proceedings for Support of Spouse*

#### Article 285

(1) Action for support of spouse may be filed for the duration of marriage, and until the conclusion of the trial of action in matrimonial dispute at the latest.

(2) Exceptionally, former spouse who, for justified reasons, failed to file action for support in matrimonial dispute, may file it at the latest within one year from the day of termination of marriage and/or the day when the last actual allowance for support was given.

(3) Action for support referred to in paragraph 2 of this Article may be filed only if the conditions on which the right to support depends had existed in the time of termination of marriage and still exist in the time of conclusion of the trial of action in support dispute.

### *Particular Urgency of Proceedings*

#### Article 286

(1) Procedure for support shall be particularly urgent.

(2) Hearing for the trial of action must be scheduled within 8 days from the day the action was received in court.



(3) Court of second instance shall be under the obligation to pass decision within 15 days from the day the appeal was served to the court deciding on regular legal remedy.

*Investigation Principle*  
Article 287

In dispute for support, court may establish facts on which the party grounds the claim, even if these are not at issue among the parties.

*Departure from Disposition Principle*  
Article 288

Court shall not be bound by the limits of the claim for support.

*Records and Documentation on Support*  
Article 289

(1) The court shall be under the obligation to immediately serve the finally binding decision on support to the guardianship authority on the territory of which the support creditor has residence and/or dwelling place.

(2) Guardianship authority shall be under the obligation to keep records and documentation on supported persons.

(3) Instruction on the manner of keeping the records and documentation shall be passed by the minister competent for family protection affairs.

## II PROCEDURE BEFORE ADMINISTRATIVE ORGAN

### 1. Common Provisions

*Scope of This Part of Act*  
Article 290

Provisions of this part of Act shall govern special administrative proceedings regarding family relations.

*Application of General Administrative Procedure Act*  
Article 291

(1) Provisions of General Administrative Procedure Act shall apply to proceedings of administrative organs regarding family relations, which are not regulated by this Act.

(2) In the procedure before guardianship authority, methods of expert social work and social protection shall be applied.

2. Procedure of Concluding Marriage

*Request for Concluding Marriage*  
Article 292

(1) Future spouses shall submit oral or written request for concluding marriage to the registrar of the municipality in which they wish to conclude marriage.

(2) Together with the request for concluding marriage, future spouses shall submit excerpt from the register of births for each of them, and, if necessary, evidence on the conducted procedure for granting permission for concluding marriage.

(3) If the future spouse had been married before, he/she shall submit evidence that the former marriage is terminated, unless this fact is entered in the register of births.

*Denying the Request for Concluding Marriage*  
Article 293

(1) Registrar shall establish, on the grounds of future spouses' statements, documents submitted and in other way, whether all conditions for validity of marriage provided for this Act have been met.

(2) Registrar shall orally convey to persons who submitted the report that they may not conclude marriage if he/she establishes that not all conditions for validity of marriage provided for in this Act have been met.

(3) At their request, registrar shall be under the obligation to pass a written ruling on the denial of request for concluding marriage within 8 days.

(4) Persons who submitted request may file appeal against ruling on denial of request for concluding marriage to the ministry competent for general administration affairs within 15 days from the day of being served the ruling.

*Accepting the Request for Concluding Marriage*  
Article 294

Registrar shall determine the day of concluding the marriage in agreement with future spouses when he/she establishes that all conditions for validity of marriage provided for by this Act have been met.

*Being Informed of Legal Consequences of Concluding Marriage*  
Article 295

The registrar shall have a conversation with future spouses without the presence of public, where he/she shall be under the obligation of introducing them to the legal consequences that arise upon the concluding of marriage.

*Counselling Regarding Health*  
Article 296

(1) Registrar shall recommend to future spouses to, by the day of concluding the marriage, inform each other of the states of their health, and, if necessary, to visit appropriate medical institution, in order to obtain complete information on all data concerning their health, diagnosis and prognosis of illness, treatment and results of treatment.

(2) Registrar shall particularly recommend to future spouses to inform themselves of possibilities and advantages of family planning.

*Counselling Regarding Personal and Property Relations*  
Article 297

(1) Registrar shall recommend to future spouses to visit marriage or family counselling service and to inform themselves of the importance of maintaining harmonious matrimonial and family relations.

(2) Registrar shall recommend to future spouses to reach agreement on the surname.

(3) Registrar shall recommend to future spouses to conclude nuptial contract.

*Waiver*  
Article 298

If the persons who submitted request fail to appear in agreed time, and fail to justify their default, the registrar shall conclude they have desisted from concluding marriage.

*Venue and Manner of Concluding Marriage*  
Article 299

(1) Marriage shall be concluded in public, in a solemn manner, in a room specially designated for such purpose.

(2) Room designated for conclusion of marriage must be adequately decorated and the flag of the Republic of Serbia must be visibly placed therein, whilst the registrar must wear a cordon in the colours of the flag of the Republic of Serbia over his/her chest.

(3) Registrar may, exceptionally, allow for the marriage to be concluded in another venue, if there are justified reasons for that, if conditions are provided in regard to the solemn look of the room and if does not insult the dignity of the act of concluding marriage.

*Participants Upon Concluding Marriage*  
Article 300

(1) Spouses, two witnesses and the registrar shall be present at the conclusion of marriage.

(2) Any person having business capacity may be a witness upon the conclusion of marriage.

*Concluding Marriage Through a Proxy*  
Article 301

(1) Registrar may, exceptionally, allow for marriage to be concluded in the presence of one future spouse and proxy of the other future spouse if there are particularly justified reasons for doing so.

(2) Authorisation for concluding marriage must be certified and issued only for the conclusion of marriage.

(3) Authorisation should include personal data on mandatory, proxy and future spouse who shall be present at the conclusion of marriage, as well as the date of certification of authorisation.

(4) Authorisation shall be valid for 90 days from the day of being certified.

*Act of Concluding Marriage*  
Article 302

(1) Conclusion of marriage shall commence by establishing the identity of future spouse and the registrar's report that they acceded to the conclusion of marriage and that all requirements for validity of their marriage provided for in this Act have been met.

(2) If marriage is being concluded through a proxy, the registrar shall read the submitted authorisation.

(3) When registrar establishes there are no objections to the report, he/she shall inform the future spouses, in an appropriate manner, of rights and duties in marriage, and shall ask each spouse individually if he/she agrees to conclude marriage with the other of his/her own free will.

(4) After the affirmative statements of will of the future spouses, the registrar shall pronounce the marriage concluded.

(5) After the pronouncement of marriage concluded, registrar shall ask the spouses of the content of their agreement on surname.

#### *Entry of Marriage in the Register of Marriages* Article 303

(1) Registrar shall enter the marriage concluded in the register of marriages and in the register of births for both spouses.

(2) If spouse's place of birth is different from the place of conclusion of marriage, the registrar shall forward the report on marriage concluded to the competent registrar.

(3) Entry of marriage in the register of marriages shall be signed by the spouses, in their new surnames, proxy with his/her name in addition to the personal name of spouse he/she represents, witnesses and registrar.

(4) After the signing, the registrar shall give the spouses the excerpt from the register of marriages.

### 3. Procedure of Recognition of Paternity

#### *Request for Recognition of Paternity* Article 304

(1) Man who considers himself to be the child's father shall submit written or oral request for recognition of paternity.

(2) Request for recognition of paternity shall mandatorily include the statement on recognition of paternity.

#### *Statement on Recognition of Paternity* Article 305

(1) Statement on recognition of paternity may not be given through a proxy.

(2) Statement on recognition of paternity shall be given, as a rule, to the registrar keeping the register of births for the child and protocol shall be made thereof.

(3) If the statement on recognition of paternity was given to the registrar who is not competent, and if statement was given before guardianship authority or court, the authority before which paternity was recognised shall be under the obligation to service, without delay, protocol or statement on recognition of paternity to the registrar keeping the register of births for the child.

*Statement of Consent to Recognition of Paternity*  
Article 306

(1) When he/she is served the statement on recognition of paternity, registrar shall be under the obligation to invite mother and child, that is, mother or child, or child's guardian, to give statement of consent on recognition of paternity within 30 days.

(2) If, in the report of child's birth, stated that she considers the man who subsequently recognised paternity the child's father, mother's consent in terms of paragraph 1 of this Article shall not be requested.

*Instructing the Father*  
Article 307

If mother and child, that is, mother or child, or child's guardian, within 30 days fail to give any statements or state that they refuse to give consent to recognition of paternity, registrar shall be under the obligation to instruct the man who recognised paternity on his right to establishment of paternity by court decision.

*Instructing the Mother*  
Article 308

(1) When the mother is reporting the birth of child, registrar shall be under the obligation to instruct her of her right to name the man she considers the child's father.

(2) If the mother names the man whom she considers the child's father, the registrar shall be under the obligation to call that man to give statement on recognition of paternity within 30 days.

(3) If the man for whom the mother stated she considered him the child's father fails to give any statements within 30 days or states that he is not the child's father, the registrar shall be under the obligation to instruct the mother of her right to establishment of paternity by court decision.

*Denying the Request for Recognition of Paternity*  
Article 309

(1) Registrar shall establish, on the grounds of parties' statements, submitted documents and in other manner, whether all requirements for valid recognition of paternity provided for in this Act have been met.

(2) Registrar shall orally communicate to the mother that the father whom she stated to consider the child's father did not recognise paternity and shall make official note thereof.

(3) Registrar shall orally communicate to the person who filed request for recognition of paternity that he may not recognise paternity if the registrar establishes that not all requirements for valid recognition of paternity provided for in this Act have been met and shall make and official note thereof.

(4) At his request, registrar shall be under the obligation to pass a written ruling on denying the request for recognition of paternity within 8 days.

(5) Appeal against ruling on denying the request for recognition of paternity may be filed by the person who submitted the request to the ministry competent for general administration affairs within 15 days from the day of being served the ruling.

*Accepting the Request for Recognition of Paternity*  
Article 310

Registrar shall orally communicate to the person who submitted the request for recognition of paternity that he may recognise paternity when the registrar establishes that all requirements for valid recognition of paternity provided for by this Act have been met.

*Entry of Recognition of Paternity in the Register of Births*  
Article 311

(1) Registrar shall enter the recognition of paternity in the register of births for the child.

(2) Entry of recognition of paternity shall be signed by the child's father and the person who gave the statement of consent to recognition of paternity.

(3) After the signing, the registrar shall give to the father an excerpt form the register of births for the child.

#### 4. Procedure for Founding of Adoption

##### *Request of Adopter for Founding of Adoption* Article 312

(1) Future adopters shall submit written request for founding of adoption to the guardianship authority on the territory of which they have joint residence or dwelling place.

(2) Future adopters shall submit, together with request for founding of adoption, excerpt from the register of births for each of them, as well as other evidence on their personal characteristics (general eligibility of adopters for adoption).

##### *Request of Child's Parents or Guardian for Founding of Adoption* Article 313

(1) Child's parent or guardian shall file written request for founding of adoption to the guardianship authority on the territory of which child has residence or dwelling place.

(2) Child's parent or guardian shall file, together with the request for adoption, excerpt from the register of births for the child, as well as other evidence on existence of adoptee's interest (general eligibility of adoptee for adoption).

(3) When it receives parent's request for founding of adoption, guardianship authority shall be under the obligation to recommend to the parent to undergo psychosocial counselling in the guardianship authority, family counselling service or other institution specialised in mediation in family relations.

(4) Within appropriate time after the parent has been recommended psycho-social counselling, guardianship authority shall invite the parent to submit written statements on consent to adoption for himself/herself and the child who has reached 10 years of age.

(5) After receiving from the parent written statement on consent to adoption, guardianship authority shall be under the obligation to appoint a guardian to the child, who shall represent the child in the adoption proceedings (collision guardian).

##### *General Eligibility of Adopter and Adoptee* Article 314

(1) Guardianship authority shall establish whether the adopters have the personal characteristics (general eligibility of adopters for adoption) and whether there is adoptee's interest (general eligibility of adoptee for adoption) on the



grounds of statements of future adopters, child's parents or guardian, the child himself/herself, on the grounds of submitted documents and in another manner.

(2) Decision on general eligibility shall be passed on the grounds of finding and expert opinion of psychologists, pedagogue, social worker, lawyer and doctor.

(3) Finding and expert opinion referred to in paragraph 2 of this Article may be given by experts of the guardianship authority, family counselling service or other institution specialised in mediation in family relations, as well as health care institution.

*Denying the Request for Founding of Adoption*  
Article 315

(1) Guardianship authority shall pass a written ruling on denying the request for founding of adoption if it deems that the persons who submitted the request do not have the requested personal characteristics (general eligibility of adopters for adoption), or that there is no interest of the adoptee (general eligibility of adoptee for adoption).

(2) Guardianship authority shall be under the obligation to pass a written ruling on denying the request for founding of adoption within 60 days from the day due request was submitted.

(3) Appeal against the ruling on denying the request for founding of adoption may be filed by persons who submitted the request, to the ministry competent for family protection affairs within 15 days from being served the ruling.

*Single Personal Register of Adoption*  
Article 316

(1) When it establishes that the adopters have the required personal characteristics (general eligibility of adopters for adoption) and/or or that there is interest of the adoptee (general eligibility of adoptee for adoption), guardianship authority shall be under the obligation to immediately enter data on the future adopters and the future adoptee in the Single Personal Register of Adoption.

(2) Single Personal Register of Adoption shall be kept by the ministry competent for family protection affairs.

(3) Single Personal Register of Adoption shall comprise records of data on future adopters who have the required personal characteristics (general eligibility of adopters for adoption) and future adoptees for whom the existence of interest had been established (general eligibility of adoptee for adoption).

(4) Instruction on keeping of Single Personal Register of Adoption shall be passed by the minister competent for family protection affairs.

*Choice of Future Adopters*  
Article 317

(1) Guardianship authority that had established the general eligibility of adoptee for adoption shall choose the future adopters on the grounds of records from the Single Personal Register of Adoption and shall pass a separate conclusion thereof.

(2) Choice of future adopters shall not be made if the child is being adopted by the spouse or common-law partner of the child's parent, or if adopted child is being adopted by the adopter's spouse or common-law partner.

(3) Choice of future adopters shall not be made if adopters and child's parent and/or guardian make the selection in consent.

*Adaptation*  
Article 318

(1) Guardianship authority that chose the future parents shall be under the obligation to refer the future adoptee to them, for the purpose of mutual adaptation.

(2) Adaptation period may not exceed 6 months.

(3) Guardianship authority shall be under the obligation to monitor the success of mutual adaptation of future adopters and future adoptee, and make official notes of its assessments thereof.

*Annulment of Conclusion on Choice of Future Adopters*  
Article 319

(1) Guardianship authority that choose the future adopters shall pass a written ruling on annulment of it's conclusion on choice of future parents if it deems that mutual adaptation was not successful (special eligibility of adoptee and adopter for adoption).

(2) Appeal against ruling on annulment of conclusion on choice of future adopters may be filed by future adopters or child's guardian to the ministry competent for family protection affairs within 15 days from the day of being served the ruling.

*Accepting the Request for Founding of Adoption*  
Article 320

Guardianship authority that chose the future adopters shall pass a written ruling on accepting the request for founding of adoption:

1. if it deems that adopters have the required personal characteristics (general eligibility of adopter for adoption);

2. if it deems that there is interest of the adoptee (general eligibility of adoptee for adoption);

3. if it deems that mutual adaptation of future adopters and future adoptee was successful (special eligibility of adopters and adoptee for adoption).

*Being Informed of Legal Consequences*

Article 321

(1) Official of the guardianship authority shall have a conversation with the future adopters, without the presence of the public, whereupon he/she shall be under the obligation to inform them of the legal consequences that arise upon the founding of adoption.

(2) Official of the guardianship authority may also have a conversation with the child, if this is in accordance with the age and maturity, in which he/she shall inform the child in detail on the forthcoming adoption.

*Counselling*

Article 322

(1) Official of the guardianship authority shall recommend the future adopters to tell the child the truth on his/her origin as soon as possible.

(2) Official of the guardianship authority shall be under the obligation shall be under the obligation to recommend to the future adopters to undergo psycho-social counselling in the guardianship authority, family counselling service or in other institution specialised in mediation in family relations.

*Territorial Jurisdiction*

Article 323

(1) Guardianship authority that passed the conclusion on the choice of future adopters shall have territorial jurisdiction for founding of adoption.

(2) If adopter and child's parent or guardian make a choice in consent, the guardianship authority on the territory of which the child has residence and/or dwelling place shall have territorial jurisdiction.

*Functional Jurisdiction*

Article 324

(1) Expert team of guardianship authority shall participate in the founding of adoption.

(2) Instruction on composition and manner of work of the expert team shall be passed by the minister competent for family protection affairs.

*Venue and Manner of Founding of Adoption*  
Article 325

- (1) Adoption shall be founded in a specially designated room.
- (2) Adoptee's guardian and adopters shall be present at the founding of adoption.
- (3) Adopters may not be represented by a proxy.
- (4) Child may be present at the adoption if this is in accordance with the child's age and maturity.

*Excluding the Public*  
Article 326

- (1) In adoption proceedings public shall be excluded.
- (2) Data from records and documents on adoption shall be official secret and all participants in the proceedings who had access to such data shall be under the obligation to keep that secret.

*Act of Founding of Adoption*  
Article 327

- (1) Founding of adoption shall commence by establishing the identities of future adopters and future adoptee.
- (2) Official of the guardianship authority shall read the ruling on accepting of request for founding of adoption, and shall then ask the adopters and the child's guardian individually if they agree to found adoption of their own free will.
- (3) After hearing the affirmative statements of will of future adopters and child's guardian, the guardianship authority employee shall pronounce the adoption founded.

*Protocol on Adoption*  
Article 328

- (1) Protocol shall be kept on actions undertaken and statements given in the course of the act of founding of adoption.
- (2) Protocol shall be signed by the persons who were present at the act of founding of adoption, official of the guardianship authority and the scorer.

*Ruling on New Entry of Birth*  
Article 329

(1) Ruling on new entry of birth of the adoptee shall be passed on the grounds of protocol on adoption.

(2) Ruling on new entry of birth of adoptee shall include the same data on adoptee as his/her first entry of birth, except the data on parents being replaced by data on adopters.

(3) Ruling referred to in paragraph 1 of this Article shall be final and it shall revoke the former entry of birth of the adoptee.

*Entry and Insight into Register of Births*  
Article 330

(1) Ruling on new entry of birth of adoptee shall be serviced without delay to the registrar keeping the register of births for the child.

(2) After the new entry of birth of adoptee, right of insight into the register of births shall pertain only to the child and child's adopters.

(3) Before allowing the child insight into the register of births, the registrar shall be under the obligation to refer the child to psychosocial counselling in the guardianship authority, family counselling service or in other institution specialised in mediation in family relations.

*Records and Documents on Adoption*  
Article 331

(1) Guardianship authority shall be under the obligation to keep records and documents on adopted children.

(2) Instruction on keeping records and documents shall be passed by the minister competent for family protection affairs.

*Proceedings of Founding of Fostering*  
Article 332

In the procedure of founding of fostering, provisions of Articles 312-328 and Article 331 of this Act on proceedings of founding of adoption shall apply accordingly.

## 5. Procedure of Placement Under Guardianship

### *Initiation of Proceedings*

#### Article 333

(1) Proceedings of placement under guardianship shall be initiated by the guardianship authority in the line of duty.

(2) Initiative for initiation of proceedings for placement under guardianship may be filed by health care and educational institutions or social service institutions, judicial and other state authorities, associations and citizens.

### *Territorial Jurisdiction*

#### Article 334

(1) In the proceedings of placement under guardianship the guardianship authority in the place of residence or dwelling place of the ward shall have territorial jurisdiction.

(2) Territorial jurisdiction for ward whose residence and/or dwelling place cannot be established shall be determined according to the place where the ward was found.

### *Functional Jurisdiction*

#### Article 335

(1) Expert team of guardianship authority shall participate in the proceedings of placement under guardianship.

(2) Instruction on composition and manner of work of the expert team shall be passed by the minister competent for family protection affairs.

### *Excluding the Public*

#### Article 336

(1) Public shall be excluded from the proceedings of placement under guardianship.

(2) Data from records and documents on placement under guardianship shall be official secret and all participants in the proceedings who have access to such data shall be under the obligation to keep it.

### *Urgency of Proceedings*

#### Article 337

(1) Proceedings of placement under guardianship shall be urgent.

(2) Guardianship authority shall be under the obligation to pass interim conclusion on providing accommodation for the ward within 24 hours from the moment of being informed of the existence of need for guardianship.

(3) If ward has property, guardianship authority shall be under the obligation to make an inventory of ward's property within 8 days from the day of being informed of the existence of need for guardianship at the latest.

(4) Guardianship authority shall be under the obligation to pass ruling on placement under guardianship immediately, and at the latest within 30 days from the day of being informed of the existence of need for guardianship over a minor and/or from the day of being served a finally binding court decision on deprivation of business capacity of a person of age.

*Ruling on Placement Under Guardianship*  
Article 338

(1) Guardianship authority shall pass a written ruling on placement under guardianship if it establishes there are statutory reasons for it and shall furnish it to the guardian without delay.

(2) If ward has property, guardian shall also be furnished with the report of the standing commission for inventory and evaluation of property of ward, and the property itself shall be given to the guardian for management and disposal of.

(3) Ruling on placement under guardianship shall determine rights and duties of guardian.

(4) It shall be considered that guardian is informed of his/her rights and duties by being served the ruling on placement under guardianship.

(5) Appeal against ruling on placement under guardianship may be pronounced by the guardian and/or person having legal interest to the ministry competent for family protection affairs within 15 days from the day of being served the ruling.

*Ruling on Appointment of Guardian*  
Article 339

(1) Guardianship authority shall pass a written ruling on appointment of guardian if it establishes that the formerly appointed guardian had died.

(2) Rules on placement under guardianship shall apply to the ruling referred to in paragraph 1 of this Article.

*Complaint on Guardian's Work*  
Article 340

(1) Complaint on guardian's work may be filed by the ward who is capable of reasoning and person having legal interest thereof to the guardianship authority.

(2) Guardianship authority shall be under the obligation to reply to complaint referred to in paragraph 1 of this Article within 8 days from the day it received the complaint.

*Ruling on Relieving the Guardian*  
Article 341

(1) Guardianship authority shall pass a written ruling on relieving the guardian if it establishes there are statutory reasons for doing so and shall service it to the guardian without delay.

(2) Appeal against ruling on relieving the guardian may be pronounced by the guardian and/or person having legal interest to the ministry competent for family protection affairs within 15 days from the day of being served the ruling.

(3) Takeover between former and new guardian shall be carried out pursuant to rules on placement under guardianship.

*Ruling on Termination of Guardianship*  
Article 342

(1) Guardianship authority shall pass a written ruling on termination of guardianship if it establishes there are statutory reasons for doing so and shall furnish it to the guardian and ward without delay.

(2) Appeal against ruling on termination of guardianship may be filed by the guardian, ward who is capable of reasoning and/or person having legal interest, with the ministry competent for family protection affairs within 15 days from the day of being served the ruling.

*Complaint on Work of Guardianship Authority*  
Article 343

(1) Complaint on work of guardianship authority may be filed by guardian, ward who is capable of reasoning and/or person having legal interest thereof.



(2) Complaint shall be filed with the ministry competent for family protection affairs.

(3) Ministry competent for family protection affairs shall be under the obligation to reply to the complaint referred to in paragraph 1 of this Article within 30 days from receiving the complaint.

*Entry in the Register of Births*  
Article 344

(1) Final ruling on placement under guardianship and/or final ruling on termination of guardianship shall be serviced without delay to the registrar keeping the register of births for the ward.

(2) If ward has immovable property, ruling shall be serviced to the court in order to be entered in the public record where rights on immovable are registered.

*Records and Documents on Placement under Guardianship*  
Article 345

(1) Guardianship authority shall be under the obligation to keep records and documents on wards.

(2) Instruction on keeping of records and documents shall be passed by the minister competent for family protection affairs.

*Other Proceedings Before Guardianship Authority*  
Article 346

(1) Guardianship authority shall also carry out other proceedings in accordance with statute.

(2) Guardianship authority shall pass written ruling when it decides on measures of preventive or corrective supervision over the exercise of parenting right and on determining and change of child's personal name.

(3) Appeal against ruling referred to in paragraph 2 of this Article may be filed by the child's parents to the ministry competent for family protection affairs within 15 days from the day of being served the ruling.

## Part Eleven

### PERSONAL NAME

#### I COMMON PROVISIONS

##### *Notion*

##### Article 347

- (1) Personal name shall consist of name and surname.
- (2) Personal name shall be entered in the register of births.
- (3) Parts of personal shall also be pseudonym, nickname, artistic name, honorary name, academic title, noble title, monk's/nun's name and other names used with the personal name, but are not entered in the register of births.
- (4) Everyone shall be under the obligation to use his/her personal name.

##### *Chosen Personal Name*

##### Article 348

- (1) Person whose name or surname and/or both name and surname, include more than 3 words, shall be under the obligation to use shortened personal name (chosen personal name) in legal operations.
- (2) Decision on chosen personal name shall be stated to the registrar keeping the register of births for the person having the right to personal name.

##### *Subject-Matter and Territorial Jurisdiction*

##### Article 349

- (1) Request for determination of personal name shall be filed to the municipal administration authority where the register of births for the child is kept.
- (2) Request for change of personal name shall be filed to the municipal administration authority where the register of births for the person who filed the request is kept or municipal administrative authority on the territory of which the person filing the request has residence and/or dwelling place.
- (3) Municipal administrative authority that accepts the request for change of personal name shall be under the obligation to inform thereof the administrative authorities keeping corresponding records.

## II DETERMINATION OF PERSONAL NAME

### *Child's Name*

#### Article 350

- (1) Child's name shall be determined by the parents.
- (2) Parents shall have the right for the child's name to be entered in the register of births also in the mother tongue and alphabet of one of them.
- (3) Parents shall have the right to choose the child's name freely, but they cannot give the child a defamatory name, name that insults moral or name that is contrary to customs and opinions of the community.
- (4) Child's name shall be determined by guardianship authority if the parents are not alive, are unknown, if they cannot reach agreement on child's name and/or if they gave the child a defamatory name, name that insults the moral or name that is contrary to customs and opinions of the community.

### *Child's Surname*

#### Article 351

- (1) Child's surname shall be determined by the parents according to the surname of one of them.
- (2) Parents may not give different surnames to their common children.
- (3) Child's surname shall be determined by guardianship authority if the parents are not alive, are unknown and/or if they cannot reach agreement on child's name.

## III CHANGE OF PERSONAL NAME

### *Who Has the Right to Change*

#### Article 352

- (1) Every person who has reached 15 years of age and who is capable of reasoning shall have the right to change of personal name.
- (2) Child who has reached 10 years of age and who is capable of reasoning shall have the right to give consent to the change of personal name.

### *Who Does Not Have the Right to Change*

#### Article 353

- The following persons shall not have the right to change:
1. person against whom criminal proceedings are being conducted for criminal offence persecuted for in the line of duty;

2. person convicted for a criminal offence persecuted for in the line of duty until the execution of the sentence and/or while the legal consequences of conviction still last;

3. person who intends to avoid an obligation by the change of personal name;

4. person intending to change his/her name in a defamatory name, name that insults moral or name that is contrary to customs and opinions of the community.

*Change of Spouse's Surname*  
Article 354

(1) Upon concluding marriage, spouses may agree that each of them:

1. shall keep his/her surname;

2. shall take the other's spouses surname instead of her/his;

3. add to his/her surname the surname of the other spouse or add to the other spouse's surname his/her surname;

(2) Spouse who had changed surname upon the conclusion of marriage may, after the termination of marriage, take the surname he/she had before the conclusion of marriage.

*Change of Child's Surname*  
Article 355

(1) Child's surname may be changed:

1. by establishment of maternity or paternity;

2. by contesting of maternity or paternity.

(2) Adopted child's surname may be changed according to the surname of one of adopters.

(3) Child who has changed surname by adoption may take his/her surname after the termination of adoption by annulment.

IV PROTECTION OF RIGHT TO PERSONAL NAME

*Violation of Right to Personal Name*  
Article 356

Right to personal name may be violated particularly:

1. by preventing the holder of the right to use his/her personal name or part of name, or hindering in another manner the holder in exercise of right to personal name (preventing and hindering the exercise of right to personal name);

2. by attributing the holder a different personal name or part of name, or by claiming that the holder is under the obligation to use different personal name

or part of name, by denominating the holder by a personal name different from her/his, by denying the holder in another manner the right to use his/her personal name (denying the right to personal name);

3. by distorted, shortened, expanded and similar quoting of holder's personal name or part of name, unless this is common or indispensable (distortion of personal name);

4. by denominating self, other person, organisation, thing or phenomenon by the holder's personal name or part of name, by quoting other person or allowing other person to denominate himself/herself by the holder's personal name or part of name, by unauthorised use of holder's personal name or part of name in another manner without holder's consent (unauthorised use of personal name).

#### *Consent to Use of Name*

##### Article 357

(1) Holder may also grant consent to use of his/her personal name or part of personal name in permitted purposes with consideration.

(2) Consent of other persons to whom the holder's right relates (spouse, child, parent, etc.) shall also be necessary if the use would violate such persons' right.

#### *Binding Nature of Consent*

##### Article 358

Consent granted for one use, a specific manner of use and/or for use in a specific purpose shall not be considered consent for repeated use, use in another manner or use for another purpose.

#### *Revocation of Consent*

##### Article 359

(1) If the holder reserved the right to revoke consent, consent shall be terminated by revocation.

(2) Even when he/she had not reserved the right to revocation, the holder may revoke consent if the use of his/her personal name, given the circumstances of the case, would significantly damage his/her interests, without him/her being able to foresee that.

(2) In case referred to in paragraph 2 of this Article, the damaged party shall have the right to damages caused by revocation of consent.

*Actions*  
Article 360

Person whose right to personal name has been violated may request the court to:

1. establish the right to personal name;
2. order removal, destruction or alternation of object by which violation of right has been made, withdrawal of claim contesting the holder's right to use of personal name or another action necessary for the elimination of the state of violation of right;
3. prohibit further use or repetition of action that violates right, under the threat of paying a certain amount of money to the injured party if the action of violation is not stopped or if it is repeated;
4. award material or immaterial damages;
5. award part of profit acquired by the use of personal name, in proportion to the contribution of the use of name to the acquiring of profit;
6. order the publishing of judgement at the defendant's expense.

*Active Legitimation After the Death of Holder of Right to Personal Name*  
Article 361

If the holder of the right to personal name has died after the violation had taken place, as well as if violation took place after the death of holder of right to personal name, protection of right to personal name may be requested by: person designated by the deceased to take of protection of his/her personal name, spouse, child and parent of the deceased.

Part Twelve  
TRANSITIONAL AND FINAL PROVISIONS

*Application of this Act*  
Article 362

(1) Provisions of this Act shall also apply to family relations that have arisen before the day this Act enters into force, unless otherwise provided by this Act.

(2) Court and/or administrative proceedings initiated according to the provisions of Family and Marriage Relations Act (SR of Serbia Official Herald No. 22/1980) shall be continued pursuant to provisions of this Act, unless first instance decision is passed by the day this Act enters into force.

(3) If first instance decision referred to in paragraph 2 of this Article is revoked after the entry into force of this Act , further proceedings shall be carried out pursuant to provisions of this Act.

*Adoption*  
Article 363

(1) Provisions that were in force before the entry into force of this Act shall apply to adoption founded before this Act enters into force.

(2) Adoption founded before this Act enters into force may, at the request of adopter and adoptee, harmonised with provisions of this Act.

(3) Adoption founded pursuant to provisions of this Act shall be considered full adoption in terms of other Acts.

*Contracts*  
Article 364

Contracts by which, before the entry into force of t his Act, spouses, common-law partners of family community members have regulated their property relations, shall remain in force if they are not contrary to the provisions of this Act.

*Time Limits*  
Article 365

Time limits for filing actions laid down by this Act shall apply to all cases in which the time limits have not expired pursuant to provisions of this Act.

*Duty of Minister Competent for Family Protection Affairs*  
Article 366

(1) Minister competent for family protection affairs shall be under the obligation to pass the following, within 90 days from the day this Act enters into force:

1. instruction on manner of exercise of supervision of the implementation of this Act (Article 16 paragraph 2);

2. instruction on additional requirements for founding of occasional fosterage (Article 111 paragraph 4);

3. instruction on composition, manner of work and financing of the standing commission for inventory and evaluation of the value of ward's property (Article 128 paragraph 3 and Article 137 paragraph 2);

4. instruction on manner of submitting reports and accounts by guardian (Article 145 paragraph 6);

5. instruction on requirements for compensation and remuneration of guardian (Article 147 paragraph 3);

6. instruction on keeping records and documents on supported persons (Article 289 paragraph 3);

7. instruction on keeping of Single Personal Register of Adoption (Article 317 paragraph 4);

8. instruction on composition and manner of work of the expert team participating in the procedure of founding of adoption (Article 324 paragraph 2);

9. instruction on keeping records and documents on adoption (Article 331 paragraph 2);

10. instruction on composition and manner of work of the expert team participating in the procedure of placement under guardianship (Article 335 paragraph 2);

11. instruction on keeping of records and documents on wards (Article 345 paragraph 2).

(2) Minister competent for family protection affairs shall be under the obligation, together with the minister competent for judicial affairs, within 90 days from the day of entry into force of this Act, to pass instruction on the content and duration of specialisation of judges, as well as on criteria for the selection of lay judges (Article 206).

#### *Termination of Validity of Other Statutes* Article 367

(1) On the day of commencement of implementation of this Act, provisions of the Marriage and Family Relations Act (SRS Official Herald Nos. 22/1980 and 11/1988 and RS Official Herald, Nos. 22/1993, 25/1993, 35/1994 and 29/2001), save for Articles 407, 408 and 409 shall cease to be valid.

(2) On the day of commencement of implementation of this Act, provisions of Head Five ("Deprivation and Restitution of Parental Right) of the Non-contentious Procedure Act (RS Official Herald no. 25/1982) shall cease to be valid.

#### *Entry into Force of this Act* Article 368

This Act shall enter into force on the eighth day from the day of being published in the "Official Herald of the Republic of Serbia".



*Commencement of Implementation of This Act*  
Article 369

- (1) This Act shall commence to be implemented as of July 1, 2003.
- (2) Provision of Article 45 paragraph 3 of this Act shall commence to be implemented when the right to anonymous birth is regulated by statute.
- (3) Provision of Article 206 of this Act shall commence to be implemented as of July 1, 2004.