

TABLE OF CONTENTS

PREFACE.....	V
INTRODUCTION	1
PART I: PARTNERSHIPS.....	7
Title 1: General Principles.....	7
Article 1.1 (Partnerships)	7
Article 1.2 (Child of the Family).....	10
Title 2: Marriage.....	12
Chapter 1: Formation of Marriage	12
Section 1: Prerequisites for Marriage	12
Article 1.3 (General Principle).....	12
Article 1.4 (Consent).....	13
Section 2: Marriage Impediments.....	15
Article 1.5 (Age Requirement).....	16
Article 1.6 (Prohibited Degrees of Relationship).....	17
Article 1.7 (Bigamy).....	19
Chapter 2: Name	20
Article 1.8 (Family Name).....	20
Chapter 3: Divorce.....	22
Section 1: Requirements	23
Article 1.9 (General Principle).....	23
Article 1.10 (Reflection Period)	24
Article 1.11 (Divorce in Cases of Violation of Impediments to Marriage).....	26
Section 2: Procedure	28
Article 1.12 (General Principle).....	28
Article 1.13 (Administrative Divorce).....	29
Article 1.14 (Alternative Dispute Resolution).....	31
Title 3: Protection in Partnerships.....	33
Chapter 1: Financial Contributions in Partnerships.....	33
Article 1.15 (General Principle).....	33
Article 1.16 (Interim Measures)	35
Chapter 2: Family Home and Family Chattels.....	37
Article 1.17 (Exercise of Rights).....	37
Article 1.18 (Right of Occupancy)	39
Title 4: Financial Consequences Upon Dissolution of Partnerships.....	40
Chapter 1: General Principles.....	44
Article 1.19 (Interests of Children).....	44

Article 1.20 (Principle of Self-Sufficiency).....	45
Chapter 2: Partnership-Related Benefits and Detriments.....	46
Section 1: Financial Relief	46
Article 1.21 (Adjustment).....	46
Section 2: Measuring Benefits.....	47
Article 1.22 (Scope of Benefits).....	47
Article 1.23 (Separate Property).....	49
Section 3: Measuring Detriments	51
Article 1.24 (Maintenance of Standard of Living).....	51
Article 1.25 (Pension Scheme Contributions).....	53
Section 4: Partnership-Relatedness	54
Article 1.26 (Presumption).....	54
Section 5: Division of Benefits and Detriments.....	57
Article 1.27 (Equal Division).....	57
Article 1.28 (Exceptions)	59
Chapter 3: Equitable Adjustment	64
Section 1: Compensation Principle	64
Article 1.29 (Contributions).....	64
Article 1.30 (Extent of Financial Relief).....	67
Section 2: Post-Partnership Solidarity	68
Article 1.31 (Long-Term Partnerships)	68
Article 1.32 (Extent of Financial Relief).....	70
Chapter 4: Manner of Financial Relief.....	72
Article 1.33 (Transfer of Property)	72
Article 1.34 (Pension Rights)	74
Article 1.35 (Family Home and Family Chattels)	76
Article 1.36 (Business Assets).....	78
Article 1.37 (Periodic Payments)	79
Chapter 5: Partnership Agreements	82
Article 1.38 (Right to Agree).....	82
Article 1.39 (Significance of Agreement)	84
PART II: DOMESTIC VIOLENCE.....	86
Article 2.1 (General Principle).....	87
Article 2.2 (Measures).....	89
PART III: PARENTS AND CHILDREN.....	91
Title 1: General Principles.....	92
Article 3.1 (Best Interests of the Child).....	92
Article 3.2 (Views of the Child).....	93

Article 3.3 (Child's Right to be Heard and to Consent)...	94
Title 2: Legal Parentage	96
Chapter 1: Initial Attribution of Parentage.....	97
Article 3.4 (Parentage by Birth).....	97
Article 3.5 (Parentage by Intention).....	98
Chapter 2: Challenging Parentage	100
Article 3.6 (Challenge for Mistake).....	101
Article 3.7 (Challenge by the Child).....	103
Article 3.8 (Challenge by Genetic Parent)	105
Article 3.9 (Challenge by Birth Mother or Other Legal Parent)	108
Chapter 3: Adjudication of Parentage	111
Article 3.10 (Parentage by Adjudication).....	111
Chapter 4: Adoption	114
Section 1: Prerequisites for Adoption	114
Article 3.11 (General Principle).....	114
Article 3.12 (Age and Age Difference)	116
Article 3.13 (Consent of Legal Parents and Holders of Parental Responsibility).....	118
Article 3.14 (Consent of the Child).....	120
Article 3.15 (Adoption Order).....	121
Section 2: Consequences of Adoption	122
Article 3.16 (Parentage by Adoption).....	122
Article 3.17 (Child's Right to Know Origins).....	124
Section 3: Revocation of Adoption.....	125
Article 3.18 (Child's Right to Revocation)	125
Article 3.19 (Consequences of Revocation).....	127
Title 3: Name of the Child	128
Article 3.20 (Initial Attribution)	128
Article 3.21 (Change of Name).....	130
Article 3.22 (Addition of Other Name)	132
Article 3.23 (Child's Right to Change Name).....	134
Title 4: Parental Responsibility	136
Chapter 1: General Principles	137
Article 3.24 (Subject)	137
Article 3.25 (Autonomy of the Child)	138
Article 3.26 (Cooperation).....	139
Chapter 2: Attribution.....	141

Table of Contents

Article 3.27 (Parental Responsibility of Legal Parents) .	141
Article 3.28 (Parental Responsibility of Third Parties).	143
Article 3.29 (Transfer of Parental Responsibility)	145
Article 3.30 (Re-Transfer of Parental Responsibility)	147
Chapter 3: Content	149
Article 3.31 (Care for the Child)	149
Article 3.32 (Integrity of the Child).....	151
Article 3.33 (Administration of the Child's Property).....	152
Article 3.34 (Legal Representation of the Child)	154
Chapter 4: Exercise	156
Article 3.35 (Joint Exercise)	156
Article 3.36 (Decision-Making in Daily Matters)	157
Article 3.37 (Important Decisions)	158
Title 5: Contact.....	161
Article 3.38 (Contact Between Child and Other Persons)	161
Article 3.39 (Right to Information)	164
Title 6: Child Support	166
Article 3.40 (General Principle).....	167
Article 3.41 (Support After Majority).....	169
Title 7: Child Protection.....	170
Article 3.42 (General Principle).....	170
Article 3.43 (Measures).....	172
Article 3.44 (Termination of Measures).....	175
MODEL FAMILY CODE	177
CÓDIGO DE FAMILIA MODELO (<i>Traducido por Prof. Miriam Anderson</i>).....	193
MODÈLE DE CODE DE LA FAMILLE (<i>Traduit par Caroline Pellerin-Rugliano et Julien Rey</i>)	211
MODELL-FAMILIEN-GESETZ.....	227
BIBLIOGRAPHY	243