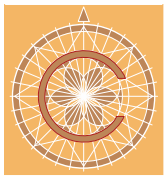

CHEMONICS INTERNATIONAL INC.

Women in Development IQC
Contract No. GEW-I-00-02-00016-00

Women's Legal Rights Initiative

FAMILY CODE OF ALBANIA

Law Number 9062
Adopted May 8, 2003

Unofficial English Translation

Prepared by:
Chemonics International Inc.

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Unofficial translation

REPUBLIC OF ALBANIA

THE PARLIAMENT

Law Number 9062
Adopted May 8, 2003

THE FAMILY CODE

In accordance with articles 53, 54, 81 and 83 paragraph 1 of the Constitution, with the proposal of the Council of Ministers.

THE PARLIAMENT OF THE REPUBLIC OF ALBANIA

DECIDED:

SECTION ONE

GENERAL PRINCIPLES

Article1

Marriage, as a legal cohabitation, is founded on the moral and legal equality of the spouses, in the mutual sentiment of love, respect and understanding, as the basis of unity in the family. Marriage and family enjoy special protection from the state.

Article2

Parents, competent organs and courts, in their decisions and activities, must have as their primary consideration the best interest of the child.

Article3

Parents have the duty and right to ensure the proper care, development, well-being, education and edification of children born from marriage or out of wedlock.
The state and society must offer to families the necessary support to care for their children, in order to prevent their maltreatment and abandonment, and to preserve the stability of the family.

Article 4

Children born out of wedlock have the same rights and responsibilities as children born in wedlock.

Article 5

Every child, in order to ensure a full and normal development of their personality, has the right to grow up in a family environment of joy, love and understanding.

Article 6

In all proceedings concerning minors, s/he has the right to be heard, in accordance with his/her age and capacity to understand, and to the protection of his/her rights as granted in particular provisions which guarantee his/her intervention and consent.
In cases when a minor requests to be heard, his/her request cannot be rejected, except for serious reasons that are based on a well founded decision of the court.
The minor can be heard alone, through a lawyer, or through another person chosen by the minor.
In every procedure concerning a minor, the presence of a psychologist is mandatory to assess his/her expressions, in accordance with his/her mental development and social situation.

SECTION TWO
SPOUSES

TITLE I- MARRIAGE

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CHAPTER I

REQUIREMENTS FOR CONLUDING A MARRIAGE

Article 7 - Age for marriage

Marriage can be concluded between a man and a woman who are 18 years or older.
The court in the location where the marriage is to be concluded may, for sufficient reasons, allow marriage prior to this age.

Article 8 - The consent of the spouses

Marriage is concluded in front of the civil registration office clerk, upon the free consent of the future spouses.

Impediments to concluding a marriage

Article 9

A previously married person cannot conclude a marriage, unless the previous marriage has been voided or terminated.

Article 10

The following parties may not join in matrimony: precedents and descendants, brother and sister, uncle and niece, aunt and nephew, and first cousins.
The court, for sufficient reasons, can allow the marriage of first cousins.

Article 11

The following parties cannot join in matrimony: father in law and daughter in law, mother in law and son in law, stepparents and stepchildren, even when the marriage which created this relationship has been declared void, has ceased or has been dissolved.

Article 12

A person who suffers from a mental illness or lacks the mental capacity to understand the nature of marriage cannot enter into matrimony.

Article 13

A guardian and a ward under their supervision may not enter into matrimony during the time the guardianship is in effect.

Article 14

Marriage is forbidden between an adoptive parent and the adoptee and their descendants, the adoptee and the spouse of the adoptive parent, between the adoptive parent and the spouse of the adoptee, between adoptees, as well as between adoptee and the children of the adoptive parent.
The prohibitions of Article 10 of this Code are also applicable to an adoptee and his/her biological family.

CHAPTER II

MANNER OF CONCLUDING A MARRIAGE

Marriage Announcement

Article 15

Before the conclusion of a marriage, the civil registration office clerk announces the act by displaying it in locations specified by the municipality or commune, indicating the parties' identity, their professions, the address of the parties and the address of their future residence upon the conclusion of the marriage, as well as the place where the marriage will take place.

Article16

The request for the announcement must be completed by either the future spouses or their authorized representative, as provided for in a limited power of attorney.
The announcement is made in the municipality or the commune where each of the future spouses

resides.
If they have not lived in their current place of residence for more than 6 months, the announcement must also be made in the municipality or commune where the spouse previously resided.

Article 17

The marriage cannot be concluded until 10 days from the day following the announcement.
If the announcement is interrupted before this deadline, the interruption must be mentioned in the new announcement.

Article 18

If the marriage is not concluded within one year from the announcement, the marriage cannot be concluded without a new announcement being made in accordance with the requirements of this law.

Article 19

The person requesting the announcement must present, to the civil registration office clerk, the birth certificates of the two future spouses, as well as any other necessary documentation proving that there are no obstacles to concluding the marriage.

Objections to concluding a marriage

Article 20

Parents and, in their absence, other antecedents and relatives up to the third degree, may oppose the marriage for any cause which violates the conditions of this Code for concluding marriage.
The spouse of a person who wants to conclude another marriage, as well as a guardian, if one of the spouses has been placed under guardianship, has the right to object to the marriage.
The prosecutor also has a right to object to the marriage for the reasons stated in this law allowing him/her to request its invalidation.

Article 21

An objection to a marriage must be made in the presence of the clerk of the civil registration office, who is required to record that information in the marriage registry, where the marriage is to be concluded.
The clerk of the civil registration office is required to record the withdrawal of the objection in the registry of marriages when:
s/he deems that the objection is not made in accordance with the provisions of this Code;
a court decision has already been rendered on the case; or
the objection is withdrawn.

The withdrawal of the objection does not prevent the clerk of the civil registration office from

denying the right to marry for causes set forth in this Code.

Article 22

The petition for objection must contain the standing of that person to make the objection, the place where the marriage is to take place, the basis for the objection and the legal provision upon which the objection is based.

Article 23

When the clerk of the civil registration office deems that the objection has been made in accordance with the provisions of this Code, s/he suspends the marriage process until such time as the court rules on the objection or the objection is withdrawn.
The future spouses have the right to file an appeal of the suspension with a court within 5 days of receiving the notice of suspension.

Article 24

The petition for objection is ineffective after 1 year from the date of its filing.

Article 25

The competent court, upon the request of each of the future spouses, must rule on the objection made against the marriage within 10 days from the day the request is filed.

Article 26

The decision of the first instance court may be appealed to the court of appeals, which must decide the case within 10 days from the date of filing the appeal.

Article 27

If the objection is not accepted, the party filing the objection, except for antecedents, may be liable for damages, as provided for in the Civil Code.

Solemnization of the marriage

Article 28

The marriage is publicly solemnized in front of the civil registration office clerk, to whom the request for the announcement has been made.

Article 29

Upon the request of the prosecutor, in the location where the marriage of the future spouses is to be concluded, the court, for sufficient reasons, may allow the marriage to be concluded without

the requirement of an announcement.

Article 30

On the day set for concluding the marriage, the civil registration office clerk, after confirming the identity of the parties, and based on the documentation and statements of the witnesses and future spouses, in the presence of two witnesses, reads to the future spouses the articles of this Code that contain the rights and obligations of spouses, receives an acknowledgement from each of them that they desire to marry and, after accepting their consent, pronounces them married in the name of the law.
The marriage act is immediately drafted, is signed by the spouses, the witnesses and the civil registration office clerk and is entered in the marriage register.

Article 31

If one of the spouses, due to disease or any other reason justified by the civil registration office clerk, is unable to go to the civil registration office of the municipality or commune, the civil registration office clerk may go to the location of the spouse who is unable to come to the office and conclude the marriage, according to the procedures as set forth in article 30 of this Code.

Article 32 - Refusal to conclude a marriage

The civil registration office clerk can refuse to conclude a marriage only for causes set forth in this Code. In this case, s/he may issue an order stating the causes for the refusal. An appeal of the refusal order may be filed with the court.

CHAPTER III

INVALIDATION OF MARRIAGE

Causes for invalidation

Article 33

A marriage concluded without the full and free consent of one or both of the spouses is void.

Article 34

A marriage concluded based on a mistaken identity of one of the spouses is voidable.
Mistaken identity occurs when one of the spouses conclude a marriage with a person, who is not the one s/he wishes to wed.
The marriage may be declared void if the spouse would not have married this person if they had known of the mistake regarding the substantial qualities of the spouse.

Article 35

A marriage concluded by a person suffering from a grave mental illness or with impaired mental development so as to make him/her incapable of understanding the scope of the marriage, is void.

Article 36

A marriage concluded by spouses without the intention of having a joint life as husband and wife is void.

Article 37

A marriage concluded as a result of a threat against one of the parties, without which the marriage would not have taken place, is voidable.

Article 38

A request for invalidation of marriage, pursuant to articles 34 and 37 of this Code, may not be made after the spouses have continuously lived together for 6 months since the spouse gained freedom or from the time the threat was removed or that s/he had notice of the mistaken identity.

Article 39

A marriage concluded by a person not meeting the age requirements of this Code is void.
The marriage may not be declared void after the person has reached the required age, or when the woman has given birth to a child or is pregnant.

Article 40

A marriage concluded between persons described in articles 9, 10, 11, 13 and 14 of this Code is void.
The court is not required to void a marriage between first cousins, when it finds there are justifiable reasons.

Article 41

A marriage concluded during the continuation of a previous marriage of one of the spouses is void.
When during the considerations for the invalidation of the marriage, the spouses allege that the previous marriage was invalid or dissolved, the primary consideration is the validity or the existence of the previous marriage and, if this marriage is declared void, the second marriage remains valid.
A second marriage, concluded during the continuation of the previous marriage of one of the spouses, will not be declared void, if in the interim the previous marriage is dissolved.

Article 42

A marriage that has not been publicly concluded in front of the civil registration office clerk is void.
A request to void the marriage may be made by one of the spouses, their parents, their antecedents, anyone with a direct interest, or the prosecutor.

Article 43

A spouse, to whose detriment a second marriage has been concluded, can request invalidation of this marriage.
When a spouse from the second marriage claims an invalidation of the first marriage, the invalidation of the previous marriage must be considered first.

Article 44

The right to request the invalidation of a marriage concluded without the free consent of one or both of the spouses belongs to either spouse whose consent was not freely given.
The right to request the invalidation of a marriage concluded under threat or due to a mistake belongs only to the spouse who was threatened or operating under the mistake.
A request for invalidation of a marriage based on lack of consent may not be filed after six months from the date the threat ceased to exist, or the mistake was discovered or the spouse gained their freedom, but in any case, not more than 3 years after concluding the marriage.
A request for invalidation may not be filed after six months of continuous cohabitation since the time that the spouse has gained full freedom or has knowledge of the mistaken identity

Article 45

The right to petition for invalidity of the marriage pursuant to articles 36, 39, 40 and 41 of this Code belongs to each of the spouses, the prosecutor and anyone else who has a direct lawful interest. This petition may also be filed after the marriage has ended.
There is no time limit for filing a petition to invalidate the marriage, except as stated in articles 44 and 46 of this Code.

Article 46

The right to petition for the invalidity of the marriage for reasons stated in article 35, after the recovery of the afflicted spouse, belongs to either spouse.
The petition for the invalidity of the marriage must be filed within 6 months from the recovery of the spouse.

Article 47

When a spouse has been declared legally incompetent, a petition for the invalidity of the marriage can be made by their guardian.

Article 48

The right to petition for the invalidity of the marriage does not pass to the heirs, except when proceedings have been instituted prior to the death of the spouse.
The right of the heirs is limited only to those cases which affect the public order and not to the cases related only to the protection of the spouses' rights, such as marriage by mistake or under threat.

Article 49 - Consequences of invalidity

A marriage that is declared invalid by a final decision is considered as never having been concluded.
The consequences of the invalidity are effective, as to the spouse who was unaware of the reasons invalidating the marriage, from the date when the decision becomes final.
Children born of a marriage that is declared invalid are considered as born of the marriage and the relationship between the child and the parents are regulated as if the marriage was dissolved.

TITLE II

RIGHTS AND OBLIGATIONS OF MARRIAGE

CHAPTER I

RECIPROCAL RIGHTS AND OBLIGATIONS OF THE SPOUSES

Article 50- Obligation of loyalty, help and cooperation

Within marriage men and women have the same rights and obligations.
Marriage partners have a mutual obligation of loyalty, for moral and material support, and for cooperation in the interest of the family and cohabitation.

Article 51- The surname of the spouse

The spouses, when concluding a marriage, have the right to choose as a common surname one of their surnames or to keep their own surname.
The surname is registered in the marriage register.

Article 52 - The surname of children

A child shall have the common surname of the parents. When the parents have different surnames, all children shall have the same surname, as specified by the agreement of the parents. If an agreement cannot be reached, the children shall have the surname of the father.

Article 53 - Obligation towards children

A marriage obligates both spouses to maintain, edify and educate their children, bearing in mind the capacities, natural predispositions and the desires of the children.

Article 54 - Contribution of the spouses

If the contribution by the spouses for marital obligations is not stipulated in the marriage contract, they shall contribute to the needs of the family in accordance with their conditions and abilities.

Article 55 - Residence of spouses

Spouses have an obligation to have a common residence.
The residence of the family shall be selected by the spouses by a mutual agreement.
In case of disagreement, either of the spouses can petition the court, which, after hearing the opinion of the spouses and, if there are any, the opinion of children older than fourteen years, shall attempt to reach a solution through settlement.
If a settlement cannot be reached the court shall devise a solution that it deems most appropriate for the needs of the family.

Article 56 - Departure from residence

The right to moral and material support required in this Code is considered to have been withdrawn when a spouse leaves the family home without cause and refuses to return.
In the case of unfulfilled obligations originating from the marriage, the court, based on the circumstances, can order to the extent necessary, a seizure of goods of the spouse that has left.

Article 57 - Approval by the spouse

Spouses cannot dispose of the marital residence and its property without respective approval, regardless of the existing marital property regime.
A spouse who has not given approval for a legal transaction performed by the other, related to the marital residence, can request an annulment of it within a year of receiving notice of the transaction, but no more than a year after the end of the existing marital property regime.

Article 58 - Authorization of the Court

Each spouse can be authorized by the court to perform a legal transaction, for which the cooperation or approval of the other spouse would be necessary, if the latter is unable to express his/her will or if the refusal is contrary to the benefit of the family.
The spouse, whose approval was not given for a legal transaction performed in this manner, may object and seek to have himself/herself discharged from the obligation.

Article 59 - Power of attorney

If one of the spouses is unable to express his/her will, the other spouse can act on his/her behalf in all legal transactions or in specific legal transactions related to the marital property regime.

The conditions and extent of the authority shall be specified in the authorization given by the court.

Article 60 - Actions taken without the approval of the spouse

Each of the spouses can perform individually, without the approval of the other spouse, legal transactions that are related to the maintenance of the family or the education of children. Obligations incurred by one spouse are the mutual obligation of both spouses.
Mutual obligations may not be incurred for extravagant expenses, taking in to consideration the lifestyle of the family, the benefits of the transaction performed, and the good faith or malicious intent of third party contractors.

Article 61 - Urgent measures

If one of the spouses clearly fails to fulfill his/her obligations and puts at risk the interests of the family, the court, upon request of the other spouse, can approve urgent measures regarding the spouses.
The extent of such urgent measures must be specified and must not exceed 3 years.

Article 62 - Measures against violence

A spouse, who is subjected to violence, has the right to request that the court order as an urgent measure the removal of the spouse, that perpetrated violence, from the marital residence.

Article 63 - Retention of income

Each of the spouses can freely pursue a profession and manage their income from employment or other means, in accordance with the respective marital property regime, after contributing to the marital obligations.

Article 64 - Administration of personal property

Each of the spouses has the right to freely administer and dispose of his/her personal property, without the consent of the other spouse.

Article 65 - Precedence of marital obligations

Implementation of the provisions of this Chapter is based on the marriage relationship and are applicable regardless of the spouses' marital property regime.

TITLE III

MARITAL PROPERTY REGIMES

CHAPTER I

GENERAL PROVISIONS

Article 66 - The marital property regime of spouses

The marital property regime of spouses is stipulated by the law, in the absence of a specific agreement by the spouses designating their own regime, which must not be contrary to the provisions of this Code and any respective legislation.

Article 67 - Unavoidable rights

Spouses cannot evade their rights and obligations originating from the marriage, their parental responsibilities and the rules of legal administration and guardianship.

Article 68 - Representation of the spouse

Each of the spouses can designate the other spouse to represent him/her in the marital property regime, according to the provisions of the Civil Code.
This designation for representation can be revoked at any time.

Form of the contract

Article 69

A matrimonial contract is concluded through a notary act, in the presence of and with the simultaneous approval of the future spouses or their representatives. When the contract is signed, the public notary issues a notary certificate to the parties, confirming the identity of the parties, their future marital address, and the date of the endorsement of the contract.
The public notary is required to deposit copies of the contract in the civil registration office before the marriage is concluded.
If, in the marriage act, it is shown that the spouses have not signed a contract, they will be considered, in regard to third parties, as married under the community property regime.

Article 70

When a minor marries pursuant to article 7, paragraph 2, the marital property regime of community property is applied until s/he reaches the age of 18, after which time s/he can request a change of the marital property regime.

Article 71

If one of the spouses engages in trade activities, the changes in the matrimonial contract regarding trade activities must be also deposited in the trade register.
Third parties are subject to the changes, noted in this prior paragraph, once they are deposited in the trade register.

Article 72

The spouses can agree, in the interest of the family, to alter partially or totally the marital property regime only after 2 years have passed from its implementation.
The changes, in this case, must be done in the same form that is required for the initial matrimonial contract.
The change in the marital property regime affects third parties 3 months after the notice has been filed in the register where the marriage act was recorded. If this notice of the marital property regime has not been filed in the register, third parties may not contest the change if they had actual notice from the spouses at the time the transaction occurred.
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CHAPTER II

COMMUNITY PROPERTY

Community Property

Article 73

The community property regime is applicable when the spouses have not signed a contract designating another property regime.

Article 74 - The marital estate

The marital estate consists of:
a) the wealth obtained by the spouses, together or separately, during the marriage;
b) income from specific activities of each spouse during the marriage, which were not consumed, before the termination of joint ownership;
c) profits from the properties of each spouse, which have been acquired and not consumed before the termination of joint ownership;
ç) trade activity created during matrimony.
If the trade activity belonged to only one of the spouses prior to the marriage, but during the marriage is managed by both spouses, the community property portion of the estate includes only the revenues and added value.

Article 75 - Assets used for commercial activity

Assets obtained during the marriage and contributed to a commercial activity, as well as the additions thereto, of one of the spouses are subject to joint ownership only if they still exist as such at the dissolution of the marriage.

Article 76

The wealth of the spouses is presumed as joint, unless one spouse proves its personal character.

Article 77 - Personal Assets

Personal assets that are not considered part of the marital estate are:
a) assets, which prior to the marriage were jointly owned by one spouse and another person(s) or over which s/he was entitled to a real usage right;
b) assets acquired during marriage through gift, inheritance or legacy, unless in the instrument evidencing the gift or in the testament it is stated that the assets were given to both spouses;
c) assets strictly for the personal use of each spouse and assets gained as accessories from personal wealth;
ç) work equipment necessary for the performance of the profession of one of the spouses, except for those that have been specified for the administration of a trade activity;
d) assets gained from an award of personal damages, except for pension funds obtained as the result of a partial or full loss of work capacity;
dh) assets gained from the disposal of the above-mentioned personal wealth;
e) the exchange of assets, when this is expressly declared in a contract of sale.

Article 78

The community property regime, even after it ceases, may benefit from compensation for income and assets that the spouse has neglected to collect or for those that s/he has spent in bad faith.
A request for compensation must be presented by the interested spouse before the end of the procedure for the division of assets.

The right to compensation

Article 79

Assets gained in exchange for other assets, which belonged individually to one of the spouses, are considered personal wealth, except for the compensation due to the marital estate or vice-versa, when there is a difference from the exchange.
If the difference in expense to the marital estate is larger than the value of the personal wealth gained, the wealth gained in this exchange belongs to the marital estate, except for the compensation to the personal wealth of the spouse.

Article 80

Income generated from real estate, as a result of an auction or some other form, where one of the spouses is a joint owner in a collective share, is not considered as wealth gained during the marriage, apart from the compensation necessary to reimburse the marital estate for expenses associated with the property.

Obligations against community property

Article 81

Spouses are responsible for the assets in the marital estate:
a) for all encumbrances and obligations on the property at the time of acquisition;
b) for all expenses for the administration of common property;
c) for all expenses of family maintenance and for all obligations incurred by the spouses, even if individually, which are in the interest of the family;
ç) for all additional contractual or non-contractual obligations, except for obligations specified as personal in this Code.

Article 82

Obligations of the spouses prior to the marriage or that encumber inheritance and gifts obtained during the marriage remain personal obligations.

Article 83

Creditors of the spouse, pursuant to article 82, may request payment initially from the personal wealth and income of the debtor spouse.
The creditors can request a seizure of community property, when the movable items belonging to the debtor on the day of marriage or that were obtained through inheritance or as gift, are commingled with the community property and cannot be separately identified according to this Code.

Article 84

When the personal property of a spouse is insufficient to cover the creditor's claims, an amount not exceeding one-half of the community property may be used to satisfy the debt when:
a) the obligation was for the administration of the community property while acting beyond his/her rights of administration;
b) it is a personal obligation, regardless of when it was incurred.
The paragraph above shall not be applicable where the debtor spouse has acted fraudulently or where the creditor has acted in bad faith.

Article 85

If a personal obligation is paid from community property, the debtor spouse is obligated to reimburse the marital estate for the amount of the debt.

Article 86

Personal income of a spouse cannot be seized by the creditors of the other spouse, unless the obligation was for the maintenance of the residence and family, pursuant to article 81 of this Code.

Individual obligations of spouses

Article 87

If the obligation is incurred for the personal interest of one of the spouses and is paid from community property, the debtor spouse must reimburse the marital estate.

Article 88

If fines or damage awards, as an obligation of one of the spouses due to a penal or administrative sentence, have been paid from community property, s/he is obliged to reimburse the marital estate.
The marital estate must also be reimbursed for debts paid that were incurred by one spouse contrary to obligations imposed by marriage.

Article 89 - Mutual obligations of spouses from community property

If an obligation encumbers community property based on the debt of one spouse, the personal wealth of the other spouse may not be used to satisfy that obligation. If there are mutual obligations of both spouses, they may be paid from the community property.

Article 90 - Administration of community property

Each spouse has the right to perform ordinary administration of community property.
Either spouse is considered the legal representative of the other spouse in front of administrative and judicial organs for issues of ordinary administration of community property.
The spouses must act jointly in the performance of actions that exceed ordinary administration.

Article 91 - Administration by one spouse

If the location of a spouse or some other obstacle prevents one of the spouses from being present and in the absence of a power of attorney or authorization from the court, the other spouse can perform necessary actions, even when mutual consent is needed, according to article 90 of this Code.

Article 92 - Refusal of consent

If one spouse refuses to give consent for the performance of an extraordinary administrative action or for other actions for which consent is needed, the other spouse can request that the court provide such authorization.
The court may order such authorization when the performance of the action is necessary for the interests of the family or for the trading activity that is part of the estate.

Article 93 - Replacement in administration

If one of the spouses, for a significant period of time, is unable to express his/her will, or if the administration of the marital estate on his/her behalf demonstrates a lack of ability or bad faith, the other spouse can request that the court replace him/her in the exercise of those rights.
A spouse deprived of their administration rights may request that the court return those rights, if

s/he can prove that the cause for the removal of those rights has terminated.

Article 94 - Exceeding of rights

If one of the spouses exceeds their rights related to community property, the other spouse can request that the act be annulled if they did not give their consent for this act.
The request for annulment must be made within 1 year from the date of notice of the act and, no later than one year from the termination of the community property regime.

Article 95 - Administration of the personal wealth of the spouse

Each spouse has the right to administer and freely possess their personal wealth.
If, during the marriage one of the spouses entrusts to the other the administration of his personal wealth, the law regarding power of attorney applies.
If one of the spouses administers the personal wealth of the other, with their awareness and without objection, the consent of the silent spouse is presumed for acts related to administration and usage, except for the right of disposal. In this case, s/he is responsible towards the other spouse as their representative and is obliged to submit only the remaining profits and assets.
If one of the spouses, despite the objection of the other spouse, administers his/her personal wealth and performs actions related to it, they are responsible for any damage caused or loss of earnings. In this case, the damaged spouse has the right to request an annulment of the action, based on the criteria specified in article 94 of this Code.

Article 96 - Termination of the community property regime

The community property regime terminates upon:
a) the death of one of the spouses, a declaration that one of the spouses is missing or dead, a declaration voiding the marriage or the dissolution of the marriage;
b) division of wealth;
c) change of the marital property regime, if it terminates that regime.

Article 97 - Prohibition of division

A division of wealth cannot be made during the continuation of the community property regime, even in the case of an agreement among spouses.

Article 98 - Division of wealth

Division of marital wealth can be requested from a court in the case of poor administration by one of the spouses, where their manner of wealth administration puts at risk the interests of the other spouse or of the family, or when one of the spouses does not contribute to the needs of the family, in proportion with their situation and their capacity for work and when there has been a factual division of the martial wealth.
Division of wealth can be requested by one of the spouses or their legal representative. Creditors of one spouse cannot request a division of wealth.
The decision by the court for such a division is applicable from the date the request was

presented and places the spouses under the marital regime of separate estates, as provided for in this Code.

Article 99

When a procedure for division of wealth has commenced, creditors can request to review the petition and documentation submitted by the spouses, as well as to intervene in the judicial proceedings to protect their rights.

Article 100 - Registration

The request and the decision for the division of wealth must be filed in the civil registration office and, if applicable, also in the trade register.
The decision should be registered in the register of the civil registration office, as well as in the original matrimonial contract.

Compensation

Article 101

Each of the spouses must reimburse the amounts taken from the marital estate, which were used for purposes other than the fulfillment of obligations pursuant to article 81 of this Code.

Article 102

Reimbursement and return must be made upon the discontinuation of the community property regime.
The court can authorize and order the reimbursement or return at any time if the interest of the family allows such action.

Division of assets

Article 103

A division of wealth in the marital estate shall be made based on the equality of its assets and liabilities.
After deducting from the estate the obligations of the spouses and third parties, the remainder is divided in equal shares among spouses.
The court, based on the needs of children and on who will have custody of the children, may decide to award one spouse with a portion of the marital estate belonging to the other spouse.

Article 104

When compensation is made in favor of one spouse, that spouse takes from the marital estate a sum equal to the value that the estate owes him/her. If the assets of the marital estate are not sufficient to cover this obligation, the other spouse is indebted for the difference.

If the assets of the marital estate are not sufficient to fulfill obligations of the marital estate towards third parties, creditors have the right to request payment from both spouses, who are jointly liable. A spouse, who has paid an obligation of the marital estate where there were insufficient assets, has the right to reimbursement from the other spouse for the portion of the obligation paid on his/her behalf.

Article 105

Upon the initiation of proceedings for division of the marital estate, spouses or their heirs have the right to take personal movable property, owned by them prior to the marriage or that they have gained during the marriage in the form of inheritance or bequest. In the absence of contrary evidence, movable property is presumed to be part of the marital estate.

Compensation for movable property

Article 106

If movable property no longer exists, the spouse or their heirs have the right to be compensated for its value, less depreciation for its usage during the marriage, on the condition that the movable property no longer exists because it was consumed during the marriage, or was destroyed or lost at no fault of the other spouse.

Article 107

A division of marital property shall be made in accordance with this Code, the Civil Code, and the Civil Procedure Code.

CHAPTER III

MARRIAGE CONTRACTS

Article 108

Spouses, through a marriage contract, can change the legal property regime by agreement, which can not be contrary to articles 66 and 67 of this Code.
Spouses can agree to:
a) include movable property acquired prior to marriage and income from personal wealth during marriage in the marital estate;
b) change the rules regarding administration;
c) have unequal shares;
ç) have joint property.
The provisions of this code regarding community property are applicable to all issues that are not covered in the marriage contract of the parties.

Article 109

When spouses agree on creating community property, according to article 108, paragraph "a", the marital estate includes property in the joint legal community regime, movable property acquired prior to marriage and income generated during the marriage from personal assets.
Movable property noted in paragraphs "c", "ç", and “d" of article 77 of this Code remain personal wealth and cannot be included in the marital estate.

Article 110

Spouses are liable for debts incurred prior to the marriage, which may be paid from the marital estate but only up to the limit of their share of the value of the estate, as stipulated by the marriage contract.

Article 111 - Mutual administration

Spouses can agree to a joint administration of the marital estate. In this case, the acts of administering and disposing of assets require the joint signature and consent of the spouses and require their joint obligation.

Unequal shares

Article 112

Spouses, in a matrimonial contract, can agree to an unequal division of the assets in the marital estate.

Article 113

If the spouses, in the marriage contract, have specified unequal shares, they or their heirs are liable only to the extent of their joint assets or the wealth gained from the joint assets.
Any clause in the contract that obligates a spouse beyond their share of the marital estate or limits their liability to less than their share is void.

Article 114 - Joint Property

Spouses can agree in their marriage contract to hold property jointly, both movable and real property existing at the time of the marriage and that may be acquired in the future, with the exception of personal wealth provided for in letters "c", "ç", and “d" of article 77 of this Code.
Joint property is subject to all obligations of the spouses that existed at the creation of the contract and that arise during the marriage.

CHAPTER IV

SEPARATE PROPERTY REGIME

Article 115

When spouses have specified in their marriage contract a separate property regime, each of them reserves the right to freely administer, use and dispose of his/her property.
Each spouse is personally liable for their own obligations, incurred before or during the marriage, except for those situations described in article 70 of this Code.

Article 116 - Obligations originating from marriage

Spouses are liable for obligations arising from the marriage, based on the provisions of the marriage contract.
If the contract does not specify liability for obligations arising from the marriage, the spouses are liable in accordance with article 54 of this Code.

Administration of wealth

Article 117

If during the marriage one of the spouses entrusts to the other the administration of his/her personal wealth, the rules regarding power of attorney apply.
The spouse, acting under a power of attorney, is not required to give an accounting for the restitution of profits, unless the power of attorney document expressly requires it.

Article 118

If one of the spouses administers the wealth of the other spouse, with the knowledge of and without the objection of that spouse, they are considered to have consented to all actions related to administration, but not to those related to disposal.
In this case, the representative spouse is responsible to the other spouse only for the profits that remain and is not responsible for the ones that have been consumed.
If one of the spouses, despite the objection of the other, administers the wealth of the latter or performs actions related to this wealth, s/he is responsible for any damages and for loss of earnings.

Article 119

Movable property possessed by one of the spouses or by both spouses is presumed, in relation to their creditors, as the property of the liable spouse. This presumption does not exist when the parties are living separate and apart from one another.
Movable property possessed by both spouses is presumed, in relation to each other, as jointly owned in equal shares.
Movable property, previously designated as the personal property of one of the spouses, is presumed to be the property of that spouse.

Article 120

Upon the termination of marriage due to the death of one of the spouses, the division of wealth between spouses with a separate property regime is based on the laws of inheritance for the

division of property among heirs, as it regulates the form, the preservation of inseparable commodities as undivided, the system of preferences, auction of indivisible commodities, the effects of division, and guarantees and differences.
The same rules are also applied after the dissolution of a marriage, except for the system of preferences. A decision may be reached allowing any resulting difference to be paid in cash.

Article 121

If the marriage terminates or is declared void and the wealth of one of the spouses has increased during the marriage, the other spouse who has contributed in some way to this increase, has the right to demand restitution for their added contribution.

Article 122

The right provided for in article 121 passes to the heirs of the deceased spouse, only if provided for in the contract or as a result of a court proceeding that has already been initiated.
The time limit for pursuing this right is 2 years from the termination or from the date the marriage was declared void.

TITLE IV

TERMINATION OF MARRIAGE

CHAPTER I

FORMS OF MARRIAGE TERMINATION

Article 123

Marriage terminates with the death of one of the spouses, with a declaration that one spouse is presumed dead, or upon the dissolution of their marriage.

Article 124

When a spouse who was declared dead is found alive, the marriage terminated by that declaration becomes valid again, unless the other spouse has remarried.

CHAPTER II

FORMS OF MARRIAGE DISSOLUTION

Article 125 - Uncontested divorce

When spouses agree on the dissolution of marriage, they submit to the court for approval,

together with the request, a settlement agreement that stipulates the terms for the dissolution of the marriage.
The request can be submitted by the spouses or their respective representatives.

Article 126

The court examines the request, initially hears from each of the spouses separately, then together without the presence of their representatives, and finally with their representatives, if they have any.

Article 127

The court decides on the dissolution of the marriage after determining that each party freely desires to dissolve the marriage and has given their consent. In the same decision, the court approves the settlement agreement that stipulates the terms for the dissolution of the marriage.
The agreement must contain the provisions for the care and education of any minor children, financial support for their care and education, provision for alimony if needed and if possible the division of their assets.

Article 128 - Court refusal to approve settlement

If the court determines that the agreement does not properly provide for the needs of the children or one of the spouses, it may suspend the judgment for 3 months and request that the spouses make the necessary changes to the agreement.
If, after the deadline noted in the paragraph above, the necessary changes have not been made, the court may refuse to approve the agreement and dismiss the request for the uncontested divorce.

Dissolution of marriage based on a period of separation

Article 129

Either spouse can request dissolution of their marriage when they have lived separately for a period of 3 years.
A spouse requesting dissolution of the marriage, based on the previous paragraph of this article, should specify in his/her petition the provisions for child support and alimony.

Article 130

The court can refuse to grant dissolution of the marriage, based on separation, if the other spouse proves that the dissolution of marriage will have especially grave moral and material consequences for the children or the other spouse. The petition for dissolution may be re-submitted, based on the same cause, if new circumstances arise.

Article 131

Separation can be presented as grounds for dissolution of the marriage only by the spouse who submitted the petition for dissolution.
The defendant-spouse has the right to submit a counter-petition. In this case, the court can refuse to grant the original petition and accept the counter-petition thereby dissolving the marriage.

Dissolution of marriage based on the request of one spouse

Article 132

Either spouse can request the dissolution of marriage when, due to continuous quarrels, maltreatment, severe insults, adultery, incurable mental illness, lengthy penal punishment of the spouse or due to any other cause constituting repeated violations of marital obligations, a joint life becomes impossible and the marriage has lost its purpose for one or for both of the spouses.

Article 133

The court may assign fault, in the dissolution of the marriage, only when requested to by one or both spouses.

Attempts at reconciliation

Article 134

In the administration of the petition for the dissolution of marriage, the court must first conduct a reconciliatory hearing with both spouses personally in attendance.
The judge may hear each of them individually and later on jointly, without the presence of their representatives.
If reconciliation is reached, it is noted and the petition is dismissed.

Article 135

If the plaintiff/spouse is not present at the reconciliation hearing, despite having proper notice of the hearing, a single judge may decide to dismiss the case.
When the defendant/spouse is not present, despite having proper notice, the judge shall postpone the reconciliation hearing and again notify the defendant/ spouse. If, the defendant/spouse does not appear after the second notice, except for reasonable cause, the judge, after hearing the plaintiff/spouse and determining that reconciliation of the spouses cannot be achieved, shall set the judicial hearing and order the presentation of necessary evidence at said hearing.

Article 136

The court can postpone the declaration of its decision up to one year when it is not convinced that all possibilities for reconciliation have been made between the spouses.

Article 137 - Suspension of judgment upon the request of a pregnant spouse

Upon the request of a pregnant spouse the court can suspend the trial, for the dissolution of the marriage, for a period not to exceed one year from the date the child is born.

Article 138 - Unification of other claims

The petition requesting the dissolution of the marriage may also contain a request for child support and alimony, as provided for in this law, as well as for the division of marital property.
The court may hear the property division separately, if it will delay the handling of the case to hear both issues simultaneously.

Article 139 - Adoption of temporary measures

The court, upon request of one of the parties, may order temporary measures for child support, education and edification of minor children, alimony for the spouse, when deemed reasonable, provisions for use of the marital residence, and for the administration and use of assets created during marriage, if such exist.
The decision for temporary measures is valid until a final decision is entered, but it can be amended or discharged by the court, if it is determined that circumstances have changed or when the decision was made based on incorrect information.

Article 140 - Rights of heirs

The right to petition for dissolution of marriage does not pass to heirs. If the divorce case is pending when one of the spouses dies the proceedings shall cease and the case is terminated.
In these circumstances, the remaining spouse has the right to inherit the property of the deceased spouse.

The right of a guardian to petition for divorce

Article 141

When the spouse has become incompetent or for other reasons a guardian has been appointed on their behalf, the petition for the dissolution of the marriage may be submitted by his/her guardian.
If the defendant spouse is under guardianship, the guardian shall represent the defendant/spouse in the dissolution proceedings.
If the guardian of the defendant/spouse is the plaintiff/spouse, the court shall appoint a special guardian to represent him/her in the proceeding for the dissolution of the marriage.

Article 142

If a spouse is incarcerated, the right to petition for the dissolution of the marriage may be made by a guardian or a legal representative, only upon the authorization of the incarcerated spouse.

Article 143 - Recording the decision in the civil registration office

After the court reaches a final decision, the decision for the dissolution of marriage shall be forwarded by the court to the civil registration office to be recorded.

Article 144 – Effective date of the decision granting the dissolution of the marriage

The decision of the court for the dissolution of the marriage is effective from the date that the order is final.
The decision of the court for the dissolution of the marriage is effective against third parties from the date it is registered in the civil registration office, pursuant to relevant legislation.

CHAPTER III

CONSEQUENCES OF THE DISSOLUTION OF A MARRIAGE

Article 145 - Consequences for ex-spouses

If former spouses, whose marriage has been dissolved, desire to re-marry, they must undertake all necessary procedures for concluding a new marriage.

Article 146 - Use of surname

A spouse who changed his/her surname at the time of the marriage shall be returned to the surname they had before the marriage.
The court, upon the request of the spouse and in the interest of the spouse or the children, can allow him/her to maintain the surname s/he has taken with the solemnization of the marriage.

Compensating contribution

Article 147

The court can require one of the ex-spouses to compensate the other for the inequality in lifestyle created by the property division as part of the dissolution of the marriage, separate and apart from the obligation for alimony.
The court specifies if the contribution is to be a lump sum distribution payable immediately or whether it will be a periodic payment and shall specify the method of payment.

Article 148

This compensation is based on the needs of the beneficiary ex-spouse and the resources of the payor ex-spouse, taking into consideration the lifestyle of the parties at the time of the dissolution of the marriage and the prospects for income in the foreseeable future for the beneficiary ex-spouse.
The time period for the compensation is to be determined by the court, based on the needs of the beneficiary ex-spouse.
If the beneficiary ex-spouse remarries, the compensation terminates.

Article 149

In determining the needs and resources, the court takes in consideration:
a) the age and the health condition of the ex-spouses;
b) time spent and available for the education of children;
c) their professional qualifications;
ç) their ability to acquire a new occupation;
d) their economic status and future economic prospects;
dh) their wealth, as capital or as income, after the liquidation of the marital estate;

Article 150

The compensation can only be changed or terminated by request to the court with proof that its continuation will produce grave consequences for one of the ex-spouses.

Article 151

In the case of a mutual request, the ex-spouses shall specify the amount and terms of payment for the compensation in a settlement agreement, which is presented to the judge for approval.
The court may refuse to approve the agreement, if it determines that the settlement agreement is inequitable.

Article 152

An agreement, once approved by the court can only be altered with a new agreement, approved by the court, when circumstances have changed or require an alteration.
The spouses, in case of an unexpected change in their resources and needs, can request that the court revise the compensation.

Article 153 - The right to use the family residence

If the family residence is owned by one ex-spouse and the other spouse does not have another appropriate residence in their usual place of abode, the court may allow the use of the residence by the non-owner ex-spouse only when:
a) that spouse has custody of the children, until they reach the age of maturity;
b) the dissolution of the marriage is requested by the spouse who owns the property based on grounds of termination of common cohabitation caused by himself/herself. In this case the right to use of the residence continues for up to 7 years, unless the tenant ex-spouse remarries, which terminates this right;
c) when a tenant ex-spouse has installed a professional work area of considerable value, that would require significant relocation expenses, in the residence owned by the ex-spouse, the right of usage is a maximum of 3 years.
In this situation the court decides the duration of use and the amount of rent that the ex-spouse should pay, in accordance with his/her income.
The court may also terminate the rental contract, if justified, based on new circumstances.

Consequences of dissolution of marriage upon children

Article 154

Dissolution of a marriage does not affect the rights and obligations that parents have towards their children, except as otherwise specifically noted herein.

Article 155

Before the court enters a temporary or permanent custody decision, rights of visitation, and assignment of parental responsibilities to one of the ex-spouses, the court must obtain the recommendation of a psychologist or a social worker, who, before giving an opinion, should investigate the material and moral situation of the family, their living conditions and the most appropriate place for the child to live.
If the court reaches the conclusion that the child should be temporarily entrusted to a third person or a foster family, it must consider the opinion of the social services sector of the municipality where the case is being heard.

Article 156

The court shall decide on the care and custody of the child, including possible placement with a third party, upon request of one of the parties, members of the family, or the prosecutor, in cases where there have been allegations of child abuse.

Article 157

The judge, in this case, takes into consideration:
a) the agreement reached between ex-spouses;
b) the opinion and feelings expressed by the minor child, taking into consideration his/her age and maturity;
c) the opinion of the psychologist or social services sector of the municipality, after they have interviewed the child.

Article 158

The non-custodial parent maintains the right to supervise the care and education of the child and consequently be informed and consulted for important choices related to the life of the child. S/he should contribute to the care and education of the child in accordance with his/her resources and those of the other parent.
The right for visitation, based on the conditions specified by the court, cannot be refused, except for serious reasons that damage the interests of the child.

Article 159

A custody decision may be changed at any time by the court, upon request of one of the parents, a relative or the prosecutor.

Article 160

If the dissolution of marriage was by mutual request, the conditions of the agreement approved by the judge, regarding custody of the child can be reviewed for sufficient reasons upon the request of one of the parents or of the prosecutor.

Article 161

A divorce decree may provide for child support and alimony pursuant to provisions of this Code in the chapter "Persons Liable for Support."

Article 162

The parties to a divorce are obliged to provide each other with accurate data regarding their assets and income, when such information is necessary for the determination of support. Upon the request of one of the parties, any employer, respective financial organizations, tax office or other organizations where such evidence can be acquired, are required to provide all necessary information regarding the financial situation and/ or income of the other party.

TITLE V

COHABITATION

Definition of cohabitation

Article 163

Cohabitation is a factual union between a man and a woman living as a couple, with a common life that is stable and continuous in nature.

Article 164

The cohabitating individuals can sign an agreement in the presence of a public notary, whereby they determine the consequences resulting from cohabitation in relation to children and assets acquired during the cohabitation.

THIRD PART

CHILDREN

TITLE I

MATERNITY AND PATERNITY

CHAPTER I

GENERAL RULES

Article 165

Maternity and paternity of a child born of a marriage are proven by the birth certificate, which is recorded in the civil registration office.

Article 166

A claim for the determination of the maternity or paternity of a child that was not born alive is not allowed.

Article 167

Renunciation after the recognition of maternity or paternity of a child born out of wedlock is not allowed.

Article 168

When a child is switched at birth, even if this occurs accidentally, either a petition for recognition or an objection may be filed to establish the identity of the child, depending on whether the detection is made before or after obtaining the birth certificate.

Article 169

In absence of a birth certificate or if the child is registered under a false name, or without stating the name of the mother and father, the maternity or paternity of the child may be determined by a court decision.

Article 170 - Recognition of maternity and paternity of a child born out of wedlock

Maternity or paternity of a child born out of wedlock may be established through voluntary recognition or though a judicial decision which creates identical rights and obligations for the parents, in retroactive manner, as if the children were born from a marriage.

Surname of a child born out of wedlock

Article 171

A child born outside of wedlock assumes the surname of the parent who first identifies their maternity or paternity. If maternity and paternity are identified at the same time, the parents shall agree on the surname of the child. If an agreement cannot be reached, the child takes the surname of the father.

Article 172

Once the maternity or paternity of a child has been recognized, a different recognition cannot be made unless the prior recognition is opposed through a judicial process.

Article 173 - Opposition to recognition

The recognition can be opposed by all persons that have a legal interest and who have knowledge that the recognition performed was false. An opposition can also be filed by the person who performed the recognition, when it was completed due to deception or threat.
The prosecutor also has the right to oppose the recognition, in cases where the information in the records of the civil registration office appears misleading as to the declared maternity and paternity.

Article 174 – Effective date of the decision

A court decision determining the maternity or paternity of a child is considered to have been in effect from the date of birth of the child.

CHAPTER II

MATERNITY

Article 175

The maternity of the child is identified by the birth certificate.

Recognition of maternity

Article 176

When a child has been registered with unknown parents, the mother can recognize the child. The recognition of the child can be also performed by a minor mother.
The recognition can be made at the clerk of the civil registration office or through a will. The recognition cannot be revoked, even if completed through a will.

Article 177

A child registered with unknown parents can file a request with the court for an identification of maternity.
The right to pursue a case for the identification of maternity does not pass to the heirs of the child, but a proceeding initiated prior to death can be continued by the heirs.
A claim for the identification of maternity may be filed against the heirs of the woman alleged to be the mother.
A petition for the identification of maternity may be filed at any time during the life of the child.

Article 178 - Opposition to maternity

The maternity shown in the birth act can be opposed by the woman registered as the mother of the child or by a woman that demands recognition as the mother or by the child when s/he reaches the age of majority.
The right to petition the court does not pass to the heirs, but a claim that has already been filed may be continued by them.
This petition can be filed against the heirs of the woman that registered as the mother.
A petition for opposing maternity may be filed at any time.

Article 179 - Opposition to recognition of maternity

Recognition of maternity may be opposed in the court by the woman alleged to be the mother, the child, upon reaching the age of majority, or by the prosecutor.
The right to petition the court does not pass to the heirs, but the claim may be continued by them.
This petition may be filed against the heirs of the woman who recognized the child.
A petition opposing maternity may be filed at any time.

CHAPTER III

PATERNITY

Article 180

A child born during a marriage is presumed to be the child of the husband.
A child born within 300 days from the dissolution of a marriage or from a declaration voiding the marriage is presumed to be the child of the former husband.
If a child is born during the continuation of a second marriage of the mother, it is presumed that the husband of the second marriage is the father of the child, even if the child was born within 300 days from the dissolution of the first marriage or from a declaration voiding the first marriage.

Recognition of paternity

Article 181

The father of a child born outside of wedlock is considered to be the adult male who recognizes him/her as their child.
Recognition of paternity is valid when the mother has expressed her consent, after notification from the clerk of the civil registration office. When the mother opposes this recognition or does not respond within 1 month after receiving the notice, the male who has acknowledged the child may file a claim with the competent court to recognize himself as the father of the child.
A claim must be filed with the court within one year of receiving notice from the clerk of the civil registration office of the mother’s opposition.

Article 182

A father who is eighteen years old can recognize, at any time, a child born out of wedlock in front of the civil registration clerk or through a will.
Recognition by the father is effective only against him if the name of the mother is not known or when she has not consented to the recognition of the child.
Recognition of paternity of a child born out of wedlock cannot be revoked even if it was completed through a will.

Article 183

A claim for determination of the paternity of a child born out of wedlock may be filed by the mother of the child even when she is a minor or by her guardian, with the approval of the court.
The mother must file the claim within three years from the birth of the child.
The claim may also be filed by an adult child.
A claim for paternity may be filed at any time.
A claim for determination of paternity may also be filed against the heirs of the man alleged to be the father of the child.

Opposition to presumed paternity

Article 184

A man, who according to article 180 of this Code is presumed as the father of the child, can oppose the paternity of the child.
A claim opposing paternity should be filed against the child, who is represented by the mother. If the mother is incapacitated and the child is a minor, a special guardian shall be appointed by the court.
The right to file such a claim terminates after one year from the date that the man had notice of the birth of the child.

Article 185

The mother can oppose the paternity of her child against the man, who according to article 180 of this Code, is presumed to be the father of the child.
The claim opposing the paternity can also be issued against the heirs of the man.
The right to file the opposition expires after one year from the birth of the child.

Article 186

The child, upon attaining the age of majority, may oppose the paternity of the man who is his mother's husband.
The claim opposing the paternity can also be issued against the heirs of the man.
A petition opposing paternity may be filed at any time.

Opposition to the recognition of paternity

Article 187

A child, upon attaining the age of majority, can oppose the paternity of the man that has recognized him. The claim opposing the paternity may also be issued against the heirs of the man that performed the recognition. A petition opposing paternity may be filed at any time.

Article 188

A man who acknowledges himself as the father of a child born out of wedlock may oppose the paternity of another man who has recognized the child as his own. The opposition claim may also be issued against the heirs of the man that performed the recognition. The right to file such a claim terminates one year from the day paternity was registered in the civil registration office records.

Determination of paternity of a child born out of wedlock

Article 189

The paternity of a child born out of wedlock can be certified by a court decision, if it is proved during the trial that at the time of conception of the child the father cohabitated with the mother of the child, or has engaged in sexual intercourse with or without violence, or has promised her marriage, or if from a penal or civil trial the paternity of the child born outside wedlock is established either directly or indirectly, or when it is publicly known that he has recognized the child as his own.

Article 190

When reasonable causes exist, the court can prolong the statute of limitations, upon request of the interested person.

Article 191

The right to file a claim pursuant to articles 184, 185, 186, 187 and 188 of this Code, does not pass to the heirs of the plaintiff, but once initiated can be continued by his/her heir.
If the child was conceived during the absence of the mother's husband and he has died within the deadline for filing a claim to oppose paternity, his precedents and descendants can file such claim within 6 months from his death.

TITLE II

SUPPORT OBLIGATION

CHAPTER I

PERSONS LIABLE FOR SUPPORT

Article 192

Persons owing a duty of support, according to familial relation are:
a) a spouse to the other spouse and children to their parents;
b) parents to their children;
c) successors to their predecessors, who are not parents, according to the closest lineage;
ç) predecessors to their successors, who are not their children, in according to the closest lineage;
d) brothers and sisters to their brothers and sisters, in accordance with the closest lineage;

Article 193 - Obligation of the beneficiary of a bequest

The beneficiary of a bequest, with regard to the priority of providing support, is obligated to provide support to the benefactor, unless the bequest is in relation to a marriage or is a conditional bequest.

Article 194 - Obligation between stepparents and stepchildren

Step-parents are liable for maintenance of their minor stepchildren, unless another person is liable for maintenance for them and is able to provide such support.
Stepsons and stepdaughters are liable for support of their stepfather and stepmother, when the step-parents have provided support and care for the stepchildren during youth, for a period of not less than 10 years. Under these circumstances stepchildren are liable for support in the same manner as to their parents.

Article 195

The obligation for support terminates if the marriage between one of the parents and the stepfather or stepmother is dissolved.

Article 196 - Inability to provide support

When persons obligated to provide support are not able to provide it in full or partially, this obligation passes in full or partially to the next persons in the lineage.
Parents are not discharged from their support obligation even if they have been divested of their parental responsibility.

Obligation for support between parents and children

Article 197

Parents are obligated to provide support for their children, when they do not have sufficient means to live.
A minor can require support from his parents even when s/he has assets, if the income from these assets or from his/her employment are insufficient to cover his/her needs.
A child support obligation continues as long as an adult child is in high school or graduate

studies, up until the age of twenty-five.

Article 198

The obligation for support arises only when the person requesting such support is incapable of working and does not have sufficient means to live.

Article 199 - Obligation between spouses

A spouse, who is incapable of working and without sufficient means to live, has the right to request alimony from the other spouse.
A request for alimony should be made in the petition for the dissolution of the marriage.
This request may also be submitted within 6 months from the date the decision for the dissolution of marriage becomes final, if the conditions for the incapacity to work or insufficiency of means to live existed during the marriage.

Article 200 - Termination of support between spouses

An obligation to provide alimony, pursuant to article 199 of this Code, shall not exceed a period of 6 years after the dissolution of marriage.
This obligation may cease prior to this deadline, if the beneficiary spouse remarries, becomes capable of work, acquires sufficient means to live, or when the court, taking in to consideration the circumstances, deems that the beneficiary spouse is unworthy of benefiting from this right.

Limitations on support

Article 201

Support can only be requested by a party who is needy and not able to provide for his/her essential needs.
The amount of support should be determined based on the needs of the beneficiary and on the economic ability of the payor. The support should not exceed what is necessary for the life of the beneficiary spouse, taking in to account the circumstances of his/her lifestyle.

Article 202

In case of a bequest, the beneficiary cannot be liable for more than the value that exists in his/her estate.

Article 203 - Limitations on obligation between brothers and sisters

The obligation for support between brothers and sisters is limited to only essential needs.
This obligation can include expenses for the education and edification of minor brothers and sisters.

Liability among obligated persons

Article 204

If there are a number of persons liable for support who are in the same level of lineage, they are jointly liable to provide support based on their economic ability.
If the persons who are liable for support are not able to fulfill the obligation in full or partially, the obligation passes fully or partially to the persons in the next level of lineage.

Article 205

If the persons who are liable for support cannot agree upon the amount of the support, the division of the obligation and the manner of delivery, the court must decide based on the circumstances of the case.

Liability for support of multiple parties

Article 206

When several persons receive support from the same person and that person is unable to fulfill the needs of all of them, the court shall decide on the obligation for support, taking into account the degree of kinship and the needs of each of the persons receiving support.

Article 207 - Termination, decrease or increase of support

The court, on request of an interested person, can decrease, terminate, or increase the support obligation which was previously ordered in a final judgment, when the circumstances on which that judgment was based have subsequently changed.
The support obligation can also be reduced due to improper or reprehensible behavior of the beneficiary.
If, after ordering the support obligation, it is determined that there is a person liable for support who is of a closer lineage, the court may substitute that person as the one liable for the obligation.
In this case, the original party, who was liable for the support, is not relieved of their liability, until the obligation for support has been substituted against the new party.

Article 208 - Payment of expenses

Whoever has incurred expenses for the support of another without an obligation to do so, has the right to request reimbursement of those expenses, through a petition, from the person who was liable for such support, if the expenses were reasonable and necessary.

Article 209 - Method of satisfying a support obligation

The payor of the support has the right to choose the method of payment either through a direct payment or bank payment, that is prepaid periodically, or by allowing the beneficiary to reside with him/her.

The court, based on the circumstances, decides the method of support.
In emergency cases, the court may assign the support obligation to one of the liable persons. In this case, the liable person maintains the right to sue the other liable persons for reimbursement.

Initiation of the support obligation

Article 210

The support obligation begins from the date of the filing of the petition.
Reduction or termination of support, determined by a verdict that is final but not yet executed, commences from the date when the circumstances upon which the verdict was based have changed, while any increase in support commences from the date the petition was filed.

Article 211

When a verdict, containing a support obligation, is executed 6 months after the date the verdict became final, the outstanding support can be requested only for the last 6 months.

Article 212 - Termination of support

The support obligation terminates upon the death of the payor or the death of the beneficiary, even if this obligation, contained in a final verdict, has not been performed.

Prohibition against right of offset

Article 213

The right to request support cannot be assigned to another person.
The payor of the support cannot ask that this obligation be offset by a monetary liability owed to him/her by the beneficiary, even if there is outstanding support due.

Article 214 - Renunciation

Renunciation from receiving support for future periods is void.

TITLE III

PARENTAL RESPONSIBILITY

CHAPTER I

DESIGNATION OF PARENTAL RESPONSIBILITIES

Article 215

Parental responsibility includes a set of rights and obligations aimed at assuring the emotional, social and material well being of the child, taking care of him/her, maintaining personal relations with him/her, assuring him/her nurture, education, edification, legal representation and administration of his/her wealth.

Article 216 - Time limits for parental responsibility

A child is subject to parental responsibility until s/he reaches the age of majority.

Article 217 - Reciprocal obligation

Parents and children must reciprocally help, love and respect each other.

Article 218 - Return of the child

Parents may request from the court, return of their minor child, when s/he is not living with them and is being kept illicitly by other persons.
The court, based on serious circumstances, may decide against the return, if it is against the best interest of the child. The court may consider the opinion of a child who is at least ten years old.

Article 219 - Relations of the child with grandparents

The parents cannot prevent the child from having personal relations with his/her grandparents, unless there are serious reasons which justify it. If there is a disagreement among the parties, the court can decide on the manner in which these relations will be regulated.

CHAPTER II

IMPLEMENTATION OF PARENTAL REPSONSIBILITY

Joint exercise of parental responsibility

Article 220

Parental responsibility belongs to and is exercised by both parents of any child born during their marriage or outside wedlock, if the child has been recognized by both parents.

Article 221

If the parents cannot agree on what is in the best interest of the child, they can present the issue to the court, which will decide after trying to resolve the case by settlement.

Article 222

When one of the parents performs a common action with third parties related to parental responsibility, s/he is presumed as having the consent of the other parent.

Article 223 - Loss of parental responsibility

Parents of a child may lose their parental rights through a conviction for committing or collaborating in a criminal act towards their child, as collaborators in a criminal act performed by their child, or if they have been convicted of family abandonment, as long as they have failed to fulfill their family obligations.

Inability to exercise parental responsibility

Article 224

If the parents of a child have died, are incapable of carrying out their parental responsibility due to their incapacity, absence or for particularly grave causes, the child can be trusted to a family member, a person appointed as guardian, a foster family or a child-care institution.
When these circumstances exist, the opinion of a social care office shall be obtained, according to the provisions on guardianship.

Article 225

If one parent is unable to exercise parental responsibility or is deceased, the parental responsibility shall be exercised by the other parent.

Article 226 - Parental responsibility after the dissolution of marriage

If the parents have dissolved their marriage, the exercise of parental responsibility is performed in accordance with Chapter III "Consequences of the dissolution of marriage " of this Code.

Article 227 - Parental responsibility for children born out of wedlock

Parental responsibility of a child born out of wedlock is exercised by the parent who has recognized the child as his/her offspring. If s/he has been recognized by both parents, parental responsibility belongs to both parents.
Upon request of the father, the mother or the prosecutor, the court can alter the conditions for carrying out parental responsibilities and order them to be carried out by one or both parents. Under these circumstances, the court must decide which parent the child will reside with.
The court shall decide on the visitation and supervision rights of the non-custodial parent.

Removal of parental responsibility

Article 228

When a parent abuses their parental responsibility or shows grave negligence in its exercise, or by their actions create a harmful effect on the education of the child, upon request of the other

parent, relatives of the child or of the prosecutor, his/her parental responsibility can be removed.
The removal of parental responsibility is completed by a court decision from proceedings where the parent is a respondent.

Article 229

The court may decide to extend the removal of parental responsibility to all or some of the children born before the court decision regarding the removal of responsibility.
The removal of parental responsibility discharges the child from the support obligation towards the parent, unless the court decides otherwise.

Article 230 - Restoration of parental responsibility

Parental responsibility can be restored by a court decision, when the cause for which this responsibility was removed ceases to exist.

CHAPTER III

PARENTAL RESPONSIBILITY FOR THE WEALTH OF THE CHILD

Representation and administration

Article 231

The parents of the child have the right to administer and use the wealth of their child.

Article 232

A parent represents their minor child, who has not reached the age of fourteen, in all legal actions, with the exception of those that, according to the law, can be performed by the minor himself.
A minor who has reached the age of fourteen may perform all legal actions personally with the preliminary approval of the parents, with the exception of those that, according to the law, can be performed by the minor himself.

Article 233

The wealth of a minor, less than fourteen years of age, is administered by the parents for the benefit of the child, while the wealth of a minor, who has reached the age of fourteen is administered by the minor personally with the preliminary approval of the parents.

Article 234

The sale of real estate of a minor child, under the age of eighteen, mortgage, charge, loan in the name of a minor, renunciation from heritage, legacy or the non-acceptance of a gift, and any

actions beyond the simple administration of the wealth of a child, can be performed only when required by the interest of the minor and through an authorization from the local district court.
A legal action that was performed without the authorization of the court can be declared void upon request of the prosecutor, the parent, or the guardian of the child.
If the court later gives its approval, the legal action is not declared void.

Article 235 - Use of a child's income

The parents can use the income from the child's wealth, which they administer, for his/her care, education and edification.
They may also use such income for the indispensable needs of the family, when they lack sufficient means to fulfill them personally. Any remainder income is maintained as the wealth of the child.

Article 236 - Administration of wealth

Parents perform the administration of the wealth of the child mutually, if they exercise joint parental responsibility and in other cases by the father or the mother under the control of the court, pursuant to articles 234 and 235 of this Code.
The right to use the child's wealth is based on the right of legal administration. This right belongs to both parents jointly or to the one that was appointed as the administrator of the wealth of the child.

Article 237

The right of the parent to use the wealth of the child terminates:
a) when the child reaches the age of majority;
b) when causes for which parental responsibility or legal administration cease;
c) due to all causes that relate to the cessation of the usufruct.

Article 238

Obligations for the use of a child's wealth include:
a) the same obligations as persons with the right of usufruct over property;
b) the obligation to feed, care for, educate and edify the child, in accordance with means.

Article 239

The right to use the child's wealth does not include the wealth s/he gains through employment or wealth received as a gift or as bequest, if the parent is expressively forbidden to have the right to use such wealth.

TITLE IV

ADOPTION

Article 240 - The minor's interest

An adoption is allowed only if it is in the best interest of the minor and guarantees the respect of their fundamental rights.

Conditions for adoption

Article 241

Only a minor may be adopted.
The adoptive parent must be at least 18 years older than the minor child.
For step-parent adoptions, the age difference must be not less than 15 years.

Article 242

Several persons, unless they are spouses, cannot adopt a minor child.
A new adoption is allowed after the death of the one or both of the adoptive parent(s) or after the death of one of the adoptive parents if the new spouse submits the request.

Prohibitions for adoption

Article 243

Parents may not adopt their biological children, grandparents may not adopt a grandchild and brothers and sisters may not adopt their siblings.

Article 244

A guardian cannot adopt their ward without court approval of the administration of the minor's properties carried out by him/her, hand-over of the minor's properties, and an evaluation of the fulfillment of the guardian's obligations or a guarantee given by the guardian for the fulfillment of these obligations.

Article 245

A person cannot adopt when:
their parental responsibility has been removed by the court;
they are affected by a psychiatric disease or have defective mental development or when they are affected by a disease that could endanger the health and life of the adoptee;
they cannot guarantee the performance of their parental responsibilities for the care and education of the adoptee.

Consent for adoption

Article 246

The consent of both parents is required for the adoption of a minor.
If one of the parents is deceased, is unable to express their will, or had their parental rights removed, the consent of the other parent is sufficient.
When both parents of the child are deceased, or when their capacity to act has been removed or the parents are not known, the court decides if the child may be adopted.
When an adoptive parent is married, the consent of their spouse is required.
If the adoptee has reached the age of 10 years old, their opinion may be considered and if they are 12 years of age their consent is required.

Article 247

The consent for the adoption is made at a competent court. If the person's location or place of residence is in another state they can give their consent in front of a diplomatic or consular agent at the Albanian embassy or consulate.

Article 248

Consent for the adoption may be withdrawn by the biological parents within 3 months from the time it was given.
This period serves as a probationary period for the relationships between the adoptive parents and the adoptee.
The probationary period is needed to establish an adoptive relationship between a child and a family.
The parents may withdraw their consent even after this three month period has elapsed, up until such time as the competent court enters its decision.
The court, before it decides, must verify that the above-mentioned timeframes have been fulfilled, that all necessary efforts to return the child to the biological parents have been made and that the probationary period with the adoptive family has been successful.
If the person, with whom the child was placed during the probationary period and after, refuses to return the child, the parents may petition the court for the return of the child, if this is in the child's best interest.

Article 249

If the adoptive parent dies after giving their consent and before the court's decision, the court may continue the judgment procedure for the completion of the adoption.
The heirs of the adoptive parent may submit their objection to the adoption to the court.
If the court approves the adoption it is effective from the time that the consent was given by the adoptive parent.

Declaration of abandonment

Article 250

The district court can declare as abandoned, a minor at a social care institution, public or private,

or in the care of another person, when the parents, in an obvious manner, have not been involved with the child for a period of one year before the request for the declaration of the abandonment was submitted.
If the minor has been housed in an institution since their birth, the timeframe of one year is reduced to three months.
A parent is considered as not having been involved in an obvious manner with the child when they have not maintained a nurturing relationship necessary for the care of the child and have shown severe negligence in the exercise of their parental responsibility.
The court asks the person that has submitted the request if they have made any efforts to find the biological parents of the child and to return the child to the biological family, if possible.
Abandonment will not be declared when, during the timeframe stated in paragraph one of this article, a family member has requested to raise the child and this request has been considered compatible with the child's interest.

Article 251

A request for a declaration of abandonment is made by the director of the institution where the child is housed or by the person who is caring for the child. The request is sent to the court in the jurisdiction where the child resides in the care of an institution or foster parent.
Any person who has a lawful interest in the protection of the child can intervene in the court process.
A court that declares a minor as abandoned shall assign, in the same decision, as a guardian for the care and education of the child, either a social care institution or a person, based on the best interest of the child.

Article 252 - Submission of the request

Persons who wish to adopt Albanian minors can only adopt minors from the list of the Albanian Committee of Adoption.
The Albanian Committee of Adoption is a central independent authority, whose activity is regulated by a separate law.
Foreign citizens cannot apply directly to the Albanian Committee of Adoption.
The request must be submitted to the Albanian Committee of Adoption through a competent public authority or private organization as allowed by law. The request and the documents attached to it must be translated into Albanian and legalized according to the law of the country where the adoptive parent lives.
Albanian citizens whose place of residence is outside the country and foreign citizens who have been residents in Albania for 2 years can apply directly to the Albanian Committee of Adoption.

Article 253 - Obligations of the Albanian Committee of Adoption

After analyzing the request and the respective documents, the Albanian Committee of Adoption forwards to the court an assessment of the adoptive parent and the adoptee.
The Albanian Committee of Adoption shall also forward to the court their written consent for the adoption and for inter-country adoptions, a confirmation that the minor was not able to be adopted in Albania for a period of 6 months from the date of registration on the list of this

Committee.

Article 254 - Competent court

A request for adoption, made by an Albanian citizen, shall be presented at the court of the place of residence of the adoptive parent.
A request for adoption made by a foreign or Albanian citizen that resides abroad shall be submitted to the court of the jurisdiction where the minor resides.
A request for adoption of an Albanian minor that lives abroad shall be submitted to the district court of Tirana.

Intervention in the process

Article 255

Any person with a lawful interest in the protection of the minor, as well as the prosecutor, can intervene in the adoption process, and also has the right to appeal the court's decision.

Article 256

If, during the adoption process, a request for recognition of paternity is presented to the court, the procedure shall be suspended until the judgment for the recognition of paternity is completed.

Article 257 - Prohibitions against inter-country adoption

The conditions for and results of adoption in Albania are specified by Albanian legislation.
Inter-country adoption is not allowed when:
the adoption is not recognized in the state where the adoptive parents live;
a conclusion is reached that the adoption will have severe consequences for the minor;
the minor, in the state where the adoptive parents live, does not enjoy the same rights recognized in Albania.
An inter-country adoption is allowed after a six month waiting period on the lists of the Albanian Committee of Adoption and, if during this period, all possibilities for adoption within the country have been exhausted.

Article 258 – Effective date of the adoption

The adoption is effective from the date of the final decision.
The adoption is irrevocable.
The court shall forward the final decision for registration with the civil registration office where the adoptive parent has their record.

Relationship between the adoptive parent and the adoptee

Article 259

The same rights and duties arise between an adoptee and their descendants, on the one hand, as well as with their adoptive families, on the other hand, as those that exist between persons biologically related to each other. All relations between the adoptee and his/her descendants on the one hand and his/her biological family on the other hand cease to exist at the time of adoption.
In the case of a step-parent adoption, the rights and duties are not affected between the adoptee and their biological parent.

Paternity, maternity, and surname of the adoptee

Article 260

The adoptee takes the surname of the adoptive parent and if the adoption is by both spouses, takes their common surname; if the adoptive parents have different surnames they shall agree on the surname to be used by the adoptee; if the parties cannot agree the adoptee takes the surname of the father.
Upon request of the adoptive parent(s), the court can change the name of the adoptee.
The adoptee shall assume the name of the adoptive parents.

Article 261

For surrogate adoption, pursuant to the law number 8876, adopted on April 4, 2002 "On reproductive health" the same criteria and procedures of adoption apply, in accordance with this Code and the respective legislation.

Article 262

The minor, biological parents and adoptive parents are entitled to the right of confidentiality regarding the adoption process.
When age and maturity allow, the adoptee has the right to know his/her history, and if available to obtain information about his/her biological parents.

TITLE V

GUARDIANSHIP

CHAPTER I

GUARDIANSHIP OF MINORS

Article 263 - Establishing guardianship

A minor may be placed under guardianship and in the special care of the state when his/her parents are unable to exercise their parental rights, because of the death of both parents or because they are unknown, have been proclaimed as not found, have had their parental rights

terminated or have lost their capacity to act, as well as for any other reason accepted by the court. The competent court to establish guardianship of the minor is the court located in the district where the child resides.

Right to petition for guardianship

Article 264

The following persons have the right to petition the court regarding the guardianship of a minor:
a) relatives of the minor;
b) anyone with knowledge of a minor without parents or for the birth of a child with unknown parents;
c) a minor over the age of 14 years;
ç) the prosecutor;
d) a notary who, administering a last will and testament, takes notice of the appointment of a guardian.

Article 265

The court shall appoint as a guardian the person designated by the parent with current parental responsibility for the child, by a will, or by a notary declaration.
The appointed guardian, designated pursuant to the provisions in the first paragraph of this article, is not obligated to accept guardianship.
If the designated guardian, according to this article, does not meet the requirements of this code, the court shall establish guardianship.

Foster family

Article 266

A foster family is an alternative family, assigned by the court in order to provide children with a family environment, conditions for good up-bringing, physical care and emotional support.
The identification of foster families is the responsibility of the social assistance and services department at the municipality or commune where the minor resides. A family may establish itself as a foster family by signing a declaration of availability.
The number of children in the custody of a foster family must be limited, giving priority to children who are siblings.

Article 267

If the parent who has custody of the child did not designate a guardian, the court must give priority for the selection among antecedents, the relatives of the minor, a foster family and, as a last alternative, a public or private institution.
Before a judge appoints a guardian, they must hear from the selected person and take into account the opinion of the minor, if they are at least 10 years of age.
The court, in any case, should take into consideration the opinion of the social assistance and

services department at the municipality or commune where the court proceedings occur, the results of an examination of the personality development of the child in the family, education and social context and the examination of the conditions and compatibility of the child with the proposed guardian, foster family or care institute.
The appointment of a guardian should take into consideration the qualities of the guardian, foster family or care institution, pursuant to the third paragraph of this article, and after hearing the opinion of a psychologist, who must be present during the proceedings.

Article 268 - Court notification

An employee of the registry office who takes notice of the death of one or both parents survived by a minor child, or of the birth of a child whose parents are unknown and any notary who administers a will, must notify the court within 10 days.
Notification to the court can also be made by the relatives of the minor or by other interested persons.
The court, within 30 days from receiving the notification or the request, must designate a guardian for the minor.

Article 269 - Custody of siblings

One guardian should be appointed for minors who are siblings, except when particular circumstances dictate the need for more than one guardian.

Disqualifications for serving as a guardian

Article 270

The following persons may not be appointed as a guardian if:
a) they are under guardianship themselves;
b) they have conflicts of interests with the minor;
c) they are not free to manage their properties;
ç) they are disqualified due to a written declaration by the most recent custodial parent;
d) their parental rights have been lost or terminated, or if they have previously had their guardianship of another terminated;
dh) they have been sentenced to a term of imprisonment for a criminal action and are presently incarcerated, as well as when they have been punished for crimes against minors;
e) they have reached 65 years of age;
ë) they cannot exercise guardianship due to health conditions;
f) they exercise parental responsibility over more than 3 children;
g) they have more than two other guardianships;
h) they do not consent to being a guardian.

Article 271 -Guardianship by care institutions

Guardianship of a minor that has no relatives willing or able to exercise custody duty may be awarded, by the court, to a public or private institution licensed for the care of children.

The director of the institution shall delegate to one of its employees the right to exercise guardianship of the minor.
The director of the institution, within 10 days from the assignment of the person as a guardian, must forward to the court the respective assignment to be filed in the court record and recorded in the guardianship register.

Article 272 - Role of a guardian

The guardian cares for the minor, represents him/her in all legal actions and manages their property according to the dispositions of this Code.

Article 273 - The minor's duties

The minor must respect and obey the guardian. S/he cannot abandon the residence or the institution where they are placed, without the permission of the guardian.
When the minor leaves without permission, the guardian has the right to search for the minor and, if necessary, to petition the court for their return.
During such proceedings the court must hear from a minor who has reached 10 years of age, in the presence of a psychologist.

Article 274 - Cases of special guardianship

The court should assign a special guardian when:
a) there is a conflict of interest between the minor and the parents or between the minor and their guardian when they are involved in legal transactions between themselves;
b) there is a conflict of interest between the minor brothers and sisters who have the same guardian or when they are involved in legal transaction between themselves;
c) because of disease or because of other reasons, the appointed guardian is impeded from executing a specific action or to give consent for the execution of an action.

Appointment of a special guardian

Article 275

A special guardian may be appointed by the court upon the request of the parent, the guardian, the minor's relatives, a minor who has reached 14 years of age and any interested persons.

Article 276

After appointing a special guardian, the court establishes the limits of the authority and duties of the guardian, based on the circumstances of that case.

Article 277 - Competent court

The competent court for the appointment of a special guardian is the court in the jurisdiction where the minor resides or has a place of abode, or where the minor’s property is located.

Article 278 - Role of a special guardian

A special guardian represents a minor in cases where there is a conflict of interest with the guardian.
If the special guardian has a conflict of interest with the minor the judge shall appoint another guardian.
A special guardian must ask for the appointment of a new guardian in cases where the guardian has not performed their duties or has abandoned their duty. A special guardian protects the minor, represents him/her, and can perform all the acts related to protection and management of their property in urgent cases.

Article 279 - Donation or disposal by will

A donor or testator, who devises property through his/her will to a minor, even if the minor is subject to the responsibility of his/her parents, can designate a special guardian for the acceptance and the management of their property.
Unless the donor or testator states otherwise, the special guardian must exercise their rights and duties according to the provisions of this Code on the management of property.

Article 280 - Termination of special guardianship

Special guardianship terminates when the purpose for which it was established ceases to exist. Termination of special guardianship may be made by request of the persons listed in article 275 of this Code.

Article 281- Urgent measures

Before a guardian is appointed, the court may on its own or upon the request of the prosecutor, a relative or any interested person, assign a temporary guardian or take other urgent measures, necessary for the protection of the minor or for the protection and management of their property.

Inventory

Article 282

The guardian, within 10 days after having received legal notification of their appointment, must inventory the minor's properties. This inventory must be completed within 30 days.
Upon the request of the guardian, a judge may extend the deadline if circumstances require it.

Article 283

The inventory is completed in the presence of a notary, with the participation of the guardian and, if possible, of the minor who has reached 10 years of age, as well as in presence of two witnesses chosen by the court, who may be relatives or family friends. The judge can allow the inventory to be completed without the presence of the notary if the anticipated value of the

property does not exceed the amount of fifty thousand lek.
The inventory is filed in the court records.

Content of the inventory

Article 284

The inventory should include the real estate, movable property, credits and debits as well as a description of the documents, notes and papers related to the assets and liabilities, according to the provisions of the Civil Procedure Code.

Article 285

If the minor has properties that are enterprises, companies, trade or agricultural companies, the inventory process should be followed with respect to the law for the inventory of an enterprise or company and in accordance with the article 283 of this Code. This inventory should be filed with the court and added to the inventory required pursuant to article 284 of this Code.

Article 286 - Administration by a guardian

Until the inventory is made, the administration of the properties by the guardian must be limited to matters that, from their own nature, are urgent.

Article 287

After the inventory is made, the court, upon the proposal of the guardian, must decide on the continuation of the activity, on any change in ownership or liquidation of the enterprise, the company, the trade or agricultural company that is the property of the minor, as well as manner of handling these activities and any preliminary measures.
During the pendency of the legal proceeding the court can allow the temporary operations of the enterprise.

Article 288 - Property administered by a special guardian

The guardian must include in the inventory of the minor's property, the properties that are administered by a special guardian.
If the special guardian has prepared a separate inventory for these properties, s/he must provide it to the guardian, who should attach it to the inventory required in article 284 of this Code.
The special guardian must provide the guardian with copies of the periodic accounting of the property administered, except in cases where the testator or the donor has excluded this.

Article 289 - Statement of assets and liabilities

A guardian that has debits, credits or other declarations toward the minor, must make them known before the inventory is closed.
The court chancellor has an obligation to question the guardian about these declarations. If the

inventory was completed without the participation of the court chancellor, the judge may require the guardian to make a declaration regarding the inventory.
The questioning or declaration of the guardian must be recorded in the inventory or deposit record.

Article 290 - Failure to make a declaration

A guardian loses their rights if, being aware of the credit or of his/her rights, does not declare them despite being expressly asked to do so.
A guardian is discharged from the duty when, being aware of their debt, fails to declare it.

Article 291 - Depositing money, titles and objects

A guardian must deposit any monies, bearer instruments and any precious objects owned by the minor with a bank or another credit institution, designated by the court, unless the court orders a different location for their preservation.
A guardian is not required to deposit any sums that are necessary to cover the urgent expenses of the minor.

Article 292

A guardian, based on circumstances that s/he considers appropriate and in the minor's best interest, may invest the minor's capital, upon authorization from the appropriate court.

Article 293 - Court authorization

A guardian, without court authorization, cannot:
a) buy property, except for personal objects which are necessary for the minor, to maintain a home and manage property;
b) expend funds belonging to the minor, allow a mortgage or pledge to be removed, or incur debt, except for the necessary expenses for the minor and for the usual management of his/her property;
c) accept heritage or renounce it; accept donations that have charges or conditions;
ç) enter into a rental contract, for real estate, for a period that exceeds 9 years or that continues for more than 1 year after the minor has reached the age of majority;
file a lawsuit, except for cases of injunctive relief to prevent future damage, possession claims, eviction claims, claims for profits or for taking protective measures;
dh) dispose of the minor's property, except for the profits and the personal objects that may be easily damaged.
e) create pledges or mortgages;
ë) initiate proceedings for the division of property or make the respective petition
f) make promises and transactions or accept agreements.

Article 294 - Sale of the property

Upon authorization for the sale of the property, the court must decide if the sale will be held with

or without auction, specifying in every case a minimum price. When the authorization does not specify the method of distribution or reinvestment of the revenues collected from the sale, the court must determine this in a later authorization.

Article 295 - Actions committed in contradiction of the previous articles

Any action performed by the guardian in contradiction of this law is considered void.
The guardian, the minor, his/her heirs, or interested persons can request that actions performed in contradiction with chapter I of Title V, "Guardianship" of this Code, be declared invalid.

Article 296 - Prohibitions for guardians and special guardians

The guardian and the special guardian may not, even by auction whether directly or through other persons, purchase the property and rights of the minor. They cannot lease the minor's property without the authorization and the protective measures established by the court.
The persons mentioned in article 295 of this Code may request that actions performed in contradiction of the prohibitions stated in the first paragraph of this article be declared invalid, except for the guardian and the special guardian that performed them.

Article 297 - Compensation for a guardian

A guardian is not paid for their services.
The court, taking into account the measure of the property and the difficulty of management or of the services for the minor, can award the guardian a reasonable compensation from the minor's property.
If required by special circumstances, the court, after hearing testimony form the special guardian, may authorize the guardian to assign, as an assistant to him/her in the property management, under the guardian’s personal responsibility, one or more paid persons.

Article 298 - Accounting

The guardian must keep a regular accounting of the property management and file a report once a year with the judge.
The judge may submit the accounting of the property management by a special guardian to an annual examination by any relative or in-law of the minor.

Article 299 - Responsibility of a guardian and a special guardian

A guardian must manage the minor's property in the same manner as a responsible parent.
A guardian is liable for compensation to his/her minor ward for all damages incurred by the minor as a result of the guardian’s incompetent work performance or due to the guardian’s resignation without cause.
A special guardian has the same responsibilities, in terms of their duties, as a guardian.

Article 300 - Substitution of a guardian

The court may discharge a guardian and substitute another one when the court has notice that the guardian has misused his/her rights, demonstrated their carelessness in performing their duty or, in other ways, put the minor's interests in danger, or upon the request of the guardian, based on justified reasons. A request for the substitution of a guardian can be made by interested persons or by the prosecutor.
Under these circumstances, the court must first hear the guardian's position.

Article 301 - Consignment of property

At the termination or substitution of a guardian, the guardian must immediately consign the minor's property, either to the minor who has obtained the age of majority, or to his heirs, or to the new guardian.
Within 2 months from the date of termination or substitution, the guardian must file with the court a final accounting of the property management.
The court, for reasonable cause, may postpone the presentation of the accounting beyond this time limit.

Article 302 - Approval of accounting

The court should summon the special guardian, a minor who has reached the majority, if that event has occurred, the person who is proposed as the new guardian and, if the minor has died, his/her heirs to examine the accounting and make the relevant observations.
If there are no objections to or irregularities or mistakes in the accounting, the court shall approve it.
An appeal against the court's decision may be made by the guardian or by any other person noted in the first paragraph of this article.

Article 303 - Time limits for filing a complaint regarding guardianship

A minor's complaint against the guardian and those of the guardian against the minor, regarding the guardianship, must be filed within 5 years after the minor has reached the age of majority or was deceased.
If the guardian has presented the accounting before the minor has reached the age of majority or before their death, the time period begins on the date when the judge entered his/her decision on the accounting.
The provisions of this article do not apply to a complaint for the payment of any difference that may result from the final accounting.

Article 304 - Prohibition of an agreement before accounting approval

A guardian and a minor, who has reached the age of majority, cannot make an agreement about the accounting before the approval of the accounting presented by the guardian.
A minor who has reached the age of majority, their heirs or those who have a lawful interest can request that the court invalidate an agreement made in violation of the prior paragraph of this article.

Article 305 - Guardianship registry

The establishment and the termination of guardianship, expulsion or discharge of a guardian or a special guardian, records of inventories and accountings, annual reports specified in article 302 of this Code and all measures changing the personal status or the status of property of the minor shall be registered in the guardianship registry at the court, under the supervision of the court counselor.
Upon the creation and the termination of a guardianship, the court counselor shall notify, within 10 days, the employee at the civil registry office to make a notification in the birth records of the minor.

Article 306 - Termination of the guardianship

The guardianship terminates when the child:
a) reaches the age of majority;
b) is deceased;
c) is emancipated by virtue of marriage.

CHAPTER II

GUARDIANSHIP OF INCAPACITATED PERSONS

Article 307

The court, in a decision removing or limiting the ability to act, shall appoint a guardian for the person whose rights are being removed.

Article 308

Guardianship provisions for minors are also applied for the guardianship of persons who have been declared incompetent, except for cases as otherwise noted in this Code.

Article 309

A guardian of the person who has been declared totally incompetent represents and manages their property in the same manner as a parent represents and manages the property of a minor who has not reached 14 years of age.
A guardian, for a person of limited capacity, gives consent and manages their property in the same manner as a parent gives consent and manages the property of a minor who has reached 14 years of age.

Article 310

A guardian of an incompetent person is obligated to take care of the person and particularly their medication.

Article 311

A minor who has reached the age of fourteen and is under parental responsibility, who has been declared incompetent, is not appointed a guardian, but continues to remain under the care of the parents, in the same manner as a minor who has not reached the age of fourteen.
When the minor reaches the age of majority and remains incompetent, the court shall appoint a guardian for him/her, which may be one of the parents or another person.

Article 312

If a minor, who was under guardianship, has reached the age of fourteen and been declared incompetent, the court shall appoint a new guardian or may allow the current guardian to continue in their position.

Article 313

Guardianship of an incompetent person terminates when a court determines that their competency has been restored.

TITLE VI

TRANSITIONAL PROVISIONS

Article 314

The Family Code of the Republic of Albania applies to legal relations that occur after its entry into force.

Article 315

Joint ownership by spouses, created before the entry into force of the Family Code, may be changed by an agreement of the spouses, in accordance with the provisions of this Code.
Wealth obtained by spouses after the entry into force of this Code, is regulated by this Code, including spouses who were married before the entry into force of this Code.

Article 316

Time limits, which were initiated before the entry into force of this Code, but that have not been completed according to the former Code provisions, will be implemented in accordance with the provisions of this Code.

Article 317

Cases pending as of the date of entry into force of this Code shall continue in accordance with the former Code, until they reach a final decision.

Article 318

Upon the entry into force of this Code, the former Family Code, approved as law number 6599, dated 29 June 1982, the stipulations of law number 7650, dated 17 December 1992 "On the adoption of minors by foreign nationals and some amendment to the Family Code" that are in opposition to this Code, articles 86 and 87 of the Civil Code, approved as law number 6340, dated 26 June 1981, as well as articles 358-368 and 384 of the Code of Civil Procedure, approved as law number 8116, dated 29 March 1996, are abrogated.

Article 319

This law enters into force six months after its publication in the Official Journal.

CHAIRMAN

Servet Pëllumbi