

OCTOBER 14TH, 2020

BILL 107/XIV ALTERNATE RESIDENCE

On the 2nd of October Bill 107/XIV was voted and passed. This Bill amends the Civil Code regarding the exercise of parental responsibilities in the event of divorce, judicial separation of persons and property, declaration of nullity or annulment of the marriage of the parents, specifically as to the conditions under which the Court may determine the alternate residence of the child.

According to the provisions of the Civil Code, the residence of a child is defined considering several circumstances, namely "any agreement of the parents and their willingness to promote the child's usual relationship with the other".

The new provision sets out that when "it is in the best interests of the child and all relevant circumstances are taken into consideration" the Court may determine the alternate residence of the child with each of the parents, regardless of a mutual agreement between them and without prejudice to the establishment of alimony payments.

In conclusion, the present Bill clarifies that the waive of the mutual agreement between parents is possible when the best interests of the child are overlapped, being the latter criteria sufficient for the determination of alternate residence.

This amendment awaits promulgation and will enter into force 30 days after its publication.

A **PARES | Advogados** is available to provide information on this and other matters in a more specific and adequate way, suited to the reality of each Client, and can offer all necessary support regarding this matter.

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