

Family Code

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Text in Bulgarian: Семейен кодекс

Chapter One

GENERAL PROVISIONS

Subject-matter

Article 1. The Family Code shall regulate the relations based on marriage, kinship and adoption, as well as custody and guardianship.

Principles

Article 2. Family relations shall be settled in accordance with the following principles:

1. protection of marriage and the family by the state and society;
2. gender equality;
3. voluntary nature of matrimony;
4. special protection of children;
5. equal treatment of those born in wedlock, out of wedlock and adopted;
6. respect for the personality in the family;
7. respect, care and support among family members.

Right to Marriage and Family

Article 3. Every person shall have the right to marry and have a family under the terms and conditions set out in this Code.

Chapter Two

MARRIAGE UNION

Civil Marriage

Article 4. (1) Only the civil marriage entered into in the form prescribed in this Code shall generate the effect associated with marriage by law.

(2) A religious rite shall have no legal effect.

Consent to Marriage

Article 5. Marriage shall be based on the mutual, free and explicit consent of a man and a woman given in person and simultaneously before a registrar.

Marriageable Age

Article 6. (1) Marriage shall be allowed to persons above the age of eighteen.

(2) By way of exception, where compelling reasons warrant it, a person aged sixteen may also get married with the consent of the district judge at the place of permanent residence of this person. Where both partners are minors and have different permanent addresses, the consent shall be given by the district judge at the place of permanent residence of one of the marrying partners at their choice.

(3) The district judge shall hear both marrying partners and the parents or the guardian of the minor. The opinion of the marrying adult, the parents or the guardian may be given also in writing with a notarized signature.

(4) Upon marriage, the minor shall acquire legal competence but may dispose with immovable property only with the consent of the district judge at the place of permanent residence of the minor.

Marriage Prohibitions

Article 7. (1) Marriage shall be prohibited to a person who:

1. is bound by another marriage;
2. is under full judicial interdiction or suffers from a mental disorder or imbecility which provides grounds for imposing full judicial interdiction;
3. suffers from a disease which seriously threatens the life or health of the offspring or the other spouse, unless the latter is aware of such disease.

(2) Marriage shall be prohibited to:

1. ascendants and descendants;
2. siblings, as well as other collateral kin up to four times removed;
3. persons between whom adoption generates relations of ascendants or descendants or siblings.

Place of Marriage

Article 8. (1) Marrying partners shall be free to choose the municipality in which to marry.

(2) Marriage shall take place in public at a location designated by the mayor of the municipality.

(3) Marriage may take place also at another location at the discretion of the registrar provided there exist compelling reasons to do so.

Marriage Documents

Article 9. (1) Each marrying partner shall submit to the registrar:

1. a declaration on the non-existence of the impediments to marriage under Article 7;
2. a medical certificate that the person does not suffer from the diseases laid down in Article 7, paragraph 1, subparagraphs 2 and 3;
3. a declaration that the person is aware of the diseases of the other partner under Article 7, paragraph 1, subparagraphs 2 and 3.

(2) Where they have chosen a property regime, marrying partners shall submit a joint declaration on their choice of regime with notarized signatures. Where a matrimonial contract has been concluded, they shall submit a notarial certificate on the date of the contract and its registration number, as well as the registration of the notary public at the Notary Office and the territory of the notary public.

Marriage Procedure

Article 10. (1) The registrar shall verify the identity and age of the marrying partners, as well as the documents they have

submitted under Article 9.

(2) Where no impediments to marriage exist, the registrar shall ask the marrying partners whether they agree to marry each other and, upon an explicit answer in the affirmative, the registrar shall draw up the civil marriage certificate. The civil marriage certificate shall specify the choice of property regime with the details under Article 9, paragraph 2. Where no choice of property regime has been made, the certificate shall indicate statutory regime of community of property.

(3) The certificate shall be signed by the marrying partners, the witnesses and the registrar.

Validity of the Civil Marriage Certificate

Article 11. (1) The marriage shall be deemed valid upon the signing of the civil marriage certificate by the marrying partners and by the registrar.

(2) Marriage shall be valid provided it has taken place before a person who has performed the functions of a registrar in public without having the capacity of a registrar, where the marrying partners were not aware of that.

Family Name of the Spouses

Article 12. When the civil marriage certificate is drawn up, each marrying partner shall declare whether he or she will keep his or her family name or accept the family name of the spouse or add the family name of the spouse to his or her own name. The family name accepted or added may be the name of the other spouse with which he or she is known to the public.

Chapter Three

PERSONAL RELATIONS BETWEEN SPOUSES

Equality between Spouses

Article 13. Spouses shall have equal rights and obligations in marriage.

Spouse Reciprocity

Article 14. The relations between spouses shall build on mutual respect, shared care of the family and understanding.

Cohabitation of Spouses

Article 15. Spouses shall live together, unless compelling reasons make them live separately.

Individual Freedom

Article 16. Each spouse shall be free to develop as a personality and to choose and exercise a profession or occupation.

Family Care

Article 17. Spouses shall provide for the wellbeing of the family and take care of the upbringing, nurturing, education and support of the children through mutual understanding and shared efforts and in accordance with their capabilities, property and income.

Chapter Four

PROPERTY RELATIONS BETWEEN SPOUSES

Section I

General Provisions