

FAMILY CODE (Bulgaria)

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Chapter Three

RELATIONS BETWEEN THE SPOUSES

EQUALITY OF THE SPOUSES

Article 14

The spouses have equal rights and obligations within the marriage.

RECIPROCITY BETWEEN THE SPOUSES

Article 15

The relations between the spouses are built upon mutual respect, common care for the family, goodwill and faithfulness.

COHABITATION OF THE SPOUSES

Article 16

The spouses live together unless important reasons cause them to live separated.

FREEDOM IN CHOICE OF PROFESSION

Article 17

Each spouse has freedom of choice of profession.

CARE FOR THE FAMILY

Article 18

The spouses are obliged by reciprocal goodwill and mutual efforts and according to each other's capabilities, property and income to ensure the welfare of the family and to take care for the rearing up, bringing and support of children.

MATRIMONIAL COMMUNITY PROPERTY

Article 19

- (1) The properties and rights in properties, and also the bank deposits, acquired by the spouses during the marriage as a result of their common contributions, belong jointly to them irrespective in whose name they have been acquired.
- (2) The mutual contribution of the spouses may be expressed by the investment of means and labour, by care for the children and work in the household.
- (3) The mutual contribution is presumed until proved otherwise.

PERSONAL PROPERTY

Article 20

- (1) The properties, rights in properties and bank deposits, acquired before the marriage, and the properties, rights in properties and bank deposits, acquired during the marriage by way of inheritance or donation belong to the spouse who has acquired them. Personal are also the things and rights in things acquired by one of the spouses under the rules set by the Civil Procedure Code, where the execution of a personal

debt of one of the spouses is directed against a property or rights in property which are part of the matrimonial community property.

- (2) Personal property are the chattels acquired by each one of the spouses during the marriage which serve him or her for the ordinary personal use or are necessary in practicing his or her profession.

TRANSFORMATION OF PERSONAL PROPERTY

Article 21

- (1) The properties, rights in properties and bank deposits, acquired during the marriage are personal where acquired in their entirety with personal property, according to Article 20, Para 1 with other personal property acquired before the marriage.
- (2) Where the properties, rights in properties and bank deposits are acquired in part with personal property, according to the foregoing Para, the personal property of the spouse is a corresponding part of the acquired property, unless this part is negligible.

MANAGEMENT AND DISPOSAL OF THE MATRIMONIAL COMMUNITY PROPERTY

Article 22

- (1) The spouses have equal rights of possession, use, disposal and management of the matrimonial community property and right in properties. During the marriage neither of the spouses is entitled to dispose of the share which he or she would obtain from the matrimonial community property at its termination. Acts of management of the matrimonial community property and rights in properties may be performed by each of the spouses.
- (2) The disposal of matrimonial community chattels and properties and rights therein are executed jointly by both spouses.
- (3) The disposal of common real estate or right over such estate, executed by one of the spouses has legal effect for the other spouse only if he or she does not dispute it by action proceedings in a six months time limit from the time he or she gains information about this.
- (4) The disposal of matrimonial community chattels by a transaction for valuable consideration performed by one of the spouses without the participation of the other spouse is not binding on the other spouse if the third party has known or under the circumstances has been liable to know that the consent of the other spouse is not present. Where the disposal of the chattel is gratuitous, the rules of the foregoing Para are applied.
- (5) The spouse in whose name the bank deposit account is opened can dispose of it. Where the acts of disposition jeopardize the interests of the family or of the other spouse the latter may request the court to issue an order for such dispositions to be performed by mutual consent of both spouses.

DISPOSITION WITH THE MATRIMONIAL HOME - PERSONAL PROPERTY

Article 23

Where the matrimonial home is the personal property of one of the spouses he or she may dispose with it only with the consent of the other spouse. Where an agreement cannot be achieved the disposition may be effected with the permission of the regional court only if it is established that this is not harmful to the children and the family.

DISPOSITION OF PERSONAL PROPERTY

Article 24

Each one of the spouses may dispose of his or her personal property with regard to third persons or to the other spouse.

EXPENSES AND OBLIGATIONS FOR THE FAMILY

Article 25

- (1) The expenses necessary to meet the family needs are borne by both spouses.
- (2) For debts incurred by one or both spouses for the satisfaction of family needs both spouses are jointly responsible.

TERMINATION OF THE MATRIMONIAL COMMUNITY PROPERTY

Article 26

- (1) The matrimonial community property is terminated by the death of one of the spouses, by divorce or the dissolution of the marriage.
- (2) The matrimonial community property may also be terminated during the marriage by judicial proceedings where serious reasons require this.
- (3) The execution directed against separate things which are matrimonial community property for a personal debt of one of the spouses terminates the matrimonial community property as regards these things.

SHARES OF THE SPOUSES

Article 27

With the termination of the matrimonial community property the shares of the spouses are equal.

ADJUDGEMENT OF A LARGER SHARE

Article 28

- (1) By the termination of the matrimonial community property by divorce the court may assign a larger share of the common property to the spouse to whom the care for the rearing and upbringing of the children, still not of full age are handed over, if this imposes on him or her serious hardship.
- (2) The spouse to whom the care for the rearing and upbringing of the children not yet of full age are assigned receives together with his or her share the chattels designated for their rearing and upbringing.
- (3) By the termination of the matrimonial community property by divorce or according to the rules under Article 26, Para2, the court may adjudge a larger share of the common property to one of the spouses where his or her contribution to its acquisition is considerably larger than that of the other spouse.

ALLOTMENT OF A SHARE FROM THE PROPERTY

Article 29

By divorce each one of the spouses is entitled to receive a portion of the value of the property necessary for the professional needs of the other spouse and his or her takings, acquired during the marriage if they are of a considerable value and he or she has contributed to their acquisition with his or her labour, means or work at the household.

The action may also be brought before the divorce proceedings where the behaviour of the spouse who has acquired the property puts in jeopardy the interests of the other spouse or the children.

TERMS FOR BRINGING ACTIONS

Article 30

Claims under Article 28, Para 3, and Article 29 may be brought within one year from the day of dissolution of the marriage or the termination of the matrimonial community property, and those under Article 28, Para 1 and 2 - from the day of coming into force of the decision of the court about the custody of the children.

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Chapter Eight

SUPPORT

RIGHT TO SUPPORT

Article 79

Only a person who is disabled and cannot support himself from his property has a right to support.

SEQUENCE OF THE PERSONS WHO ARE LIABLE TO SUPPORT

Article 80

- (1) The persons entitled to support may claim it in the following order:
 1. From a spouse or a former spouse;
 2. From children;
 3. From parents;
 4. From grand-children and great-grand-children;
 5. From brothers and sisters;
 6. From grand-father and grand-mother and ancestors of a higher degree.
- (2) Where the persons of a preceding sequence are unable to furnish support it is furnished by the persons of the next sequence.
- (3) Where several persons of the same sequence are liable to furnish support the obligations among them are apportioned according to their resources. Where the support is furnished only by one of them he or she is entitled to claim from the rest of them their share which they have been obliged to furnish with the accrued interest.

SEQUENCE OF THE PERSONS ENTITLED TO SUPPORT

Article 81

The person who is liable to furnish support to several persons entitled to support is obliged to furnish it in the following sequence:

1. To children, to spouse or a former spouse;
2. To parents;
3. To grandchildren and great-grandchildren;
4. To brothers and sisters;
5. To grand-father and grand-mother, and to ancestors of a higher degree.

SUPPORT OF CHILDREN BY PARENTS

Article 82

(Amended, SG, No. 11/1992)

- (1) The parents are obliged to furnish support to their children who are not of full age regardless of whether they are fit for labour or can support themselves from their own properties.
- (2) The parents are obliged to furnish support to their children who have come of age, if the latter cannot support themselves from their income or use of their properties, when they study at secondary, undergraduate and higher education establishments, for the specified term of education, up to 20 years of age in the case of study at secondary school and up to 25 years of age in the case of study at undergraduate or higher education establishment.
- (3) The support under the preceding subArticle is due provided it does not particular inconvenience for the parents.

ALIMONY TO A FORMER SPOUSE

Article 83

- (1) Only the spouse who has not been guilty for the divorce has a right to alimony.
- (2) Alimony is due up to three years maximum from the date of the dissolution of the marriage, unless the parties have agreed upon a longer term. The court may extend these terms where the former spouse, recipient of the alimony is in financial troubles exceptionally unconditioned and the other spouse is able to furnish it without particular inconvenience.
- (3) The right to alimony of the former spouse discontinues when he or she contracts another marriage.

AMOUNT OF SUPPORT

Article 84

The amount of support is determined according to the needs of the person who has the right to support and the means of the person who is liable to furnish it.

AMOUNT OF THE SUPPORT FOR CHILDREN NOT YET OF FULL AGE

Article 85

- (1) The amount of support which the parents are obliged to furnish their children with who are not yet of full age is determined according to the needs of the children and the means of the parent, within the limits set by the Council of Ministers.
- (2) The court may determine the support below the fixed minimal rates, where:
 1. The child is furnished with support by the State;
 2. Other important circumstances impose this;
- (3) The court may adjudge the support above the fixed maximal rate where exceptional needs of the child have to be satisfied and the parent can afford it without particular inconvenience.

ALTERATION AND DISCONTINUANCE OF THE SUPPORT

Article 86

With a change of circumstances the adjudged support may be altered or discontinued altogether.

SUPPORT FOR PAST PERIODS OF TIME

Article 87

Overdue support may be claimed up to a maximum of a year preceding the bringing of the action.

RELINQUISHMENT OF SUPPORT

Article 88

The relinquishment of support for future periods is null and void.

PAYMENT OF CASH SUPPORT

Article 89

(Amended, SG, No. 11/1992) The support in cash is paid monthly. By default an interest of one per cent per month is due.

PROHIBITION FOR COMPENSATION

Article 90

A compensation between taking and an obligation for support is prohibited.

FORFEITURE OF THE RIGHT TO SUPPORT

Article 91

- (1) A person who has committed a grave offence against a person who is liable to furnish him with support, against his spouse, descendant or ancestor is not entitled to claim support.
- (2) The foregoing provision is not applied to the support of children who have not completed sixteen years of age.
- (3) A person deprived of parental rights is not exempted from the obligation to support his or her children. The person deprived of parental rights through his or her misbehaviour is not entitled to claim support from his or her children.

PAYMENT OF AN ADJUDGED SUPPORT BY THE STATE

Article 92

Where the indebted person does not furnish the adjudged support the latter is paid by the State on his or her account according to the conditions and ways determined by a regulation issued by the Council of Ministers.

TAKING OVER OF THE SUPPORT BY THE STATE

Article 93

Under the system of public relief the State takes over the care for the destituted where there are no persons under the rules set out in Article 80 who are obliged to furnish the support or where these are unable to furnish it.

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**REVOCATION OF HEREDITARY RIGHTS AND DISPOSITIONS
IN CASE OF DEATH**

Article 104

After the divorce the former spouses cease to be legal heirs to one another and forfeit all benefits resulting from the dispositions in case of death effected before that. The same consequences take place where the soundness of the action has been established after the death of the plaintiff.

REVOCAATION OF DONATIONS

Article 105

- (1) After the divorce the donations of properties of considerable value made in connection with or during the marriage by one of the spouses to the other, or by his or her relatives may be revoked unless the revocation contradicts morality.
- (2) The action under the preceding Article may be maintained up to one year from the divorce.

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ASSIGNMENT OF THE MATRIMONIAL HOME AFTER THE DIVORCE

Article 107

- (1) With the decision for divorce the court assigns the use of the matrimonial home to one of the spouses where it cannot be used separately by both of them, taking into account the interests of the children, the guilt, the health conditions and other circumstances.
- (2) Where there are no minors from the marriage and the matrimonial home is the property of the guilty spouse, the court may assign the use of it to the spouse who is not guilty only for a fixed period of time.
- (3) Where there are children from the marriage who are not of full age, and the matrimonial home belongs to one of the spouses, the court may assign the use of it to the other spouse, to whom the discharging of parental rights has been granted, until he or she continues to do so.
- (4) Where there are minors from the marriage and the matrimonial home belongs to close relatives of one of the spouses, the court may assign the use of it to the other spouse to whom the discharging of the parental rights has been granted for a limited period of time.
- (5) The use of the matrimonial home under Para 2-4 may also be terminated before the expiry of the term, where the beneficiary enters into a new marriage.
- (6) Where there are minors from the marriage the court pronounces ex officio as to the use of the matrimonial home.