

GREEK CIVIL CODE

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CHAPTER XI

Relations between parents and children

Article 1505. - Surname of children.

The parents are under an obligation to have determined the surname of their children by a joint irrevocable declaration made by them. The declaration is made before the marriage either in the presence of a notary or to the official before whom the marriage is celebrated. The official is under an obligation to ask for such declaration.

The surname so determined which is common to all children may be either the surname of one of the parents or a combination of their two surnames which however must in no case comprise more than two surnames.

Where the parents have omitted to make a declaration about the surname of their children in conformity with the conditions set out in the preceding paragraphs the children shall have for surname the surname of their father.

Article 1506. - Surname of child born outside a marriage of its parents.

A child born outside a marriage of its parents shall assume the surname of its mother. The husband of the mother may give to the child by means of a notarial deed his surname instead of

the surname hitherto attributed to the child or in addition thereto if the mother and the child express their agreement under the same formality (notarial deed).

In the case of a supervening marriage of the child's parents shall be applicable regarding its surname and where the child is under age the provisions of the preceding Article.

If an acknowledgment takes place whether voluntary or judicial a child which came of age or if it is under age its parents or one of them or the child's guardian shall have the right within one year as from the completion of the acknowledgment to add by means of a declaration made to the registry of civil status the paternal surname to the surname of the child. If both parents proceed jointly with such declaration they may determine the new surname of the child in accordance with the second paragraph of the preceding Article.

Article 1507. - Reciprocal obligation.

Parents and children are under a reciprocal obligation of assistance affection and respect.

Article 1508. - Obligation to render services.

For as long as a child is a member of its parents' household and is being raised or taken care of by them it shall be under an obligation to provide to its parents in the management of the household or the carrying out of their profession services in analogy to its possibilities and the living conditions of itself and its family.

Article 1509. - Grants of parents to their children.

The grant of property to the child by any of its parents either for the creation or maintaining of an economic or family self-

sufficiency or for the starting or continuation of a profession shall constitute a donation only regarding the amount that exceeds the extent which the circumstances require. However the responsibility towards the child of the parent/s who proceeded with the grant in respect of actual or legal defects of the thing shall always be appreciated in accordance with the provisions governing the responsibility of a donor.

Article 1510. - Parental care.

Care for a child under age is a duty and a right of the parents (parental care) and is exercised jointly. Parental care includes care of the child's person the management of its property and the representation of the child in any matter legal transaction or Court action relating to its person or to its property.

In a case where parental care ceases by reason of death declaration of absence or forfeiture of one parent parental care shall belong exclusively to the other parent.

If one of the parents is in the impossibility of exercising parental care for factual reasons or because he lacks or enjoys a limited legal capacity to conclude transactions parental care shall be exercised by the other parent alone. However care of the person of the child shall also be exercised by a parent who is under age.

Article 1511.

Any decision made by the parents in the exercise of parental care must aim at the promotion of the child's interest.

At the interest of the child must also aim a Court decision where according to the provisions of the law the Court decides in the matter of entrusting (to someone) parental care or of the way in which it shall be exercised. The decision of the Court must also respect the equality between the parents and not

make any distinction based on gender race language religion political or any other orientation citizenship national or social origin or property.

With due regard to the maturity of the child its opinion must be sought and taken into consideration before any decision pertaining to parental care to extent that such decision concerns the child's interests.

Article 1512.

In case of disagreement. Where the parents disagree in the exercise of the parental care and the interest of the child requires the taking of a decision the Court shall decide.

Article 1513.

Divorce or annulment of marriage. In the cases of divorce or annulment of the marriage and if both parents are alive the exercise of parental care shall be regulated by the Court. The exercise of parental care can be attributed to one of the parents or if they concur and at the same time determine the place of abode of the child to both parents jointly. The Court may decide differently more particularly to divide the exercise of parental care between the parents or to entrust parental care to a third party.

In making a decision the Court shall take into consideration the ties of the child with the parents and its brothers and sisters as well as any agreements entered into by the parents of the child with regard to care of its person and the management of its property.

The parent to whom was not entrusted the exercise of parental care shall have the right to demand from the other parent information on the person and the property of the child.

Article 1514.

Interruption of life in common. The provisions of the preceding Article shall also apply in the cases of interruption of life in common of the spouses.

Article 1515.

Children born outside of wedlock. Parental care of a child under age born and existing outside a marriage of its parents belongs to its mother. In case of acknowledgment by its father the latter shall also partake in the parental care but can exercise it if the mother's parental care has ceased or if the mother cannot exercise it on legal or factual grounds.

At the request of the father the Court may in other cases and particularly if the mother agrees entrust also to him the exercise of parental care or a part of it to the extent that the interest of the child so demands.

In a case of judicial acknowledgment where the father acted as defendant the latter shall not exercise parental care nor shall he replace the mother in the exercise thereof. The Court may if the child's interest so demands decides differently at the request of the father where the mother's parental care has ceased or if the mother cannot exercise it on legal or factual grounds or if the parents agree.

Article 1516. - Acts by one parent.

Each parent may alone proceed with the making of acts relating to the exercise of parental care: 1. where the matter concerns usual acts of care of the person of the child or acts of the current management of its property or acts presenting a character of urgency 2. in the matter of receiving a declaration of will addressed to the child.

In case of interruption of life in common of the parents of

divorce or annulment of their marriage as well as in the case of a child born outside a marriage of its parents the claims for maintenance of the child against the parent who has not the care of the child's person can be pursued by the parent who has the care of the child's person and if no one is entrusted with such care the person with whom the child resides.

Article 1517. - Conflict of interests.

Where the interests of the child are in conflict with the interests of its father or its mother who exercise parental care as well as with the interests of their spouses or of their relatives by blood or by alliance through marriage in direct line a special custodian shall be appointed.

Article 1518. - Care of person.

The care of the person of the child comprises in particular the upbringing supervision education and instruction of the child as well as the determination of its place of abode.

In raising the child the parents must support it without distinction as to gender in developing responsibly and with social awareness its personality. The taking of measures of compulsion shall only be allowed if these are pedagogically necessary and do not cause injury to the child's dignity.

As regards the education and the professional training of the child the parents shall take into consideration its capabilities and personal inclinations. For this purpose they must cooperate with the school authorities and if necessary request the concurrence of the competent State departments or public bodies.

Article 1520. - Personal communication.

The parent with whom the child does not reside conserves the

right of personal communication with it.

The parents have not the right to prevent the communication of the child with its distant ascendants except on serious grounds.

In the cases contemplated in the preceding paragraphs particulars pertaining to the method of communication shall be specifically regulated by the Court.

Article 1521. - Property of the child coming from a will or donation.

The management *of* the parents shall not also extend to the patrimonial assets that accrue to the child from a testamentary disposition or from a donation providing that such assets shall not be placed under the parents' management. If the testator or the donor has not appointed the person charged with the management *of* the said assets the Court shall appoint a special custodian.

Where it is stated in the testamentary disposition or in the donation that the management must not be entrusted to one *of* the parents the management shall in case *of* doubt belong to the other parent who shall also represent alone the child in any relevant Court proceedings or legal transactions.

Article 1522.

The testator or the donor may determine the method whereby shall be managed the patrimonial assets which they left or gave to the child. A deviation may be allowed in the case *of* a donation provided the donor consents. If the donor is not alive or refuses his consent or his consent cannot be obtained as well as in the case *of* devolution *by* testamentary disposition a deviation shall only be allowed with the permission *of* the Court and to the extent that the child's interest so demands.

Article 1523. - Acts of management of the parents. Inventory.

The parents are under an obligation to draw up an inventory *of* any patrimonial assets devolving on the child and subject to their parental management.

Article 1524. - Donations.

The parents may not grant donations out *of* the child's property. It shall be excepted donations that are prescribed by a special moral duty or on grounds *of* decency.

Article 1525. - Profitable placing of cash.

The parents shall be under an obligation to proceed without delay imputable to their fault with the productive investment or the profitable placing *of* cash belonging to the child under their administration *if* it is not necessary to keep the moneys in order to meet disbursements. The Court may order a different disposal *of* such cash.

Article 1526. - Management subject to formalities.

The parents may not without Court permission accomplish in the name *of* the child acts that are also prohibited to the guardian *of* a minor.

Article 1527.

A succession devolving on a child under age shall always be deemed to have been accepted subject to inventory and the child under reserve *of* the provisions *of* Article 1912 shall not forfeit such privilege. Third parties having a lawful interest may demand from the parent who is in charge of the administration to draw up an inventory within four months at the latest.

Article 1528. - Relative nullity

Acts accomplished by the parents in violation of the provisions of Articles 1524 to 1526 inclusive shall be null. The nullity may be relied upon by the father the mother and the latter's general or particular successors in title.

Article 1529. - Application for the needs of the child.

The parents shall make use of the income deriving from the child's property under their administration for its maintenance education and training. They may also use such income to meet the needs of the family to the extent that this is considered reasonable. Any balance shall accrue to the child's property.

The parents may also in cases of exceptional need and subject to the provisions of Article 1526 make use of the capital of the child's property.

Article 1530. - Disbursements of parents.

The parents shall have the right to claim the disbursements they incurred in taking care of the person and for the administration of the property of the child if under the circumstances they had the right to consider such disbursements as necessary and where the disbursements are not those that must burden them.

Article 1531. - Responsibility of parents.

The parents in exercising parental care shall have the obligation to exert the same degree of care as in their own affairs. If a prejudice that resulted is imputable to a violation of such obligation by both parents the parents shall be held responsible jointly and severally.

Article 1532. - Consequences of defective exercise.

If the father or the mother violate the duties imposed on them by their function to take care of the person of the child or the administration of its property or if they exercise abusively such function or they are not in a position to cope with this task the Court may at the request of the other parent the closer relatives of the child the public prosecutor or even on its own initiative order any appropriate measure.

The Court may in particular take away from one parent the exercise of parental care wholly or partially and entrust such care to the other parent or if the circumstances described in the preceding paragraph obtain also in regard to the person of the other parent entrust the actual care of the child or even its custody wholly or in part to a third party or to appoint a guardian.

Article 1533.

The taking away of the whole of the care of the child's person from both parents and the entrusting thereof to a third party shall be ordered by the Court only where other steps have proved ineffective or if it is considered that such steps are not sufficient to avert a danger that may affect the bodily intellectual or spiritual health of the child.

The Court shall determine the extent of parental care entrusted to the third party and the conditions of exercise thereof.

The Court shall decide on the granting of the actual care or the custody to a third party in accordance with the second paragraph of the preceding Article or the first paragraph of this Article after a control of his moral standing living conditions and generally of his appropriateness based obligatorily on an attestation issued by the social service authority.

The granting can be made to an appropriate family preferably made up of relatives (entrusted family) and if this proves to be impossible to a proper establishment.

Article 1534.

In case of an urgent need of medical intervention with a view of averting a threat to the life or health of the child the public prosecutor sitting at the Court of first instance may on the refusal of the parents give himself immediately the required permission following a request by the medical doctor in charge of the treatment or by the director of the clinic where the child is under treatment or by any other competent health authority.

Article 1535. - Taking away at the request of the parents.

The Court shall take away the exercise of the parental care or of part thereof from the two parents on a serious ground if the parents so request indicating at the same time the person who accepts to assume the exercise withdrawn. In its decision on the taking away the Court shall attribute the exercise withdrawn to the person indicated or to another person and shall also determine the method of exercise. Where such determination is absent shall be applicable by analogy the provisions governing guardianship.

Article 1536. - Change of circumstances.

Where since the Court decision pertaining to parental care was issued circumstances have changed the Court shall be obligated at the request of one or both parents of the child's closer relatives or of the public prosecutor to adapt its decision to the new circumstances by recalling or amending it in conformity with the child's interest and in particular by restituting to the parents the exercise of the parental care that had been

taken away from them.

Article 1537.

Forfeiting by parents. A parent shall forfeit parental care if he has been condemned by a final judgment to imprisonment of at least one month by reason of an offence he committed fraudulently and which relates to the life the health and the morality of the child. The Court may in such a case and in its appreciation of the circumstances take away from the parent also the parental care of his other children at the request of the other parent of the closer relatives or of the prosecutor.

Article 1538. - Cessation of parental care.

Parental care in its totality shall cease in regard to one parent where such parent has forfeited his function in accordance with the preceding Article or has died or has been declared absent and in regard to both parents where the child came of age or has died or has been declared absent.

Article 1539. - Consequences of cessation.

Where has ceased the parental care or the right of the parents to administer the property of their child or even the exercise only of such functions the parents shall be under obligation to render account regarding the capital of the child's property and to hand over such property. The same *rule* shall apply where parental care or the right to administer the child's property has ceased or only the exercise thereof has ceased in regard to one parent alone.

Article 1540.

Where parental care or the exercise thereof has ceased wholly or in part the parents shall have the right to continue making

acts pertaining to the care of the person or the administration of the property of the child until they are informed of the cessation. However third parties shall not have the right to rely on such right of the parents if they knew or ought to have known of the cessation.

Article 1541.

Where parental care has ceased by the demise or the absence of the child the parents shall be under an obligation to take care of matters that cannot be postponed until the heirs are able to take care themselves of such matters.

CHAPTER XIII

Adoption

Article 1542.

An adoption is allowed with the exception of the case contemplated in Article 1579¹ solely where the person adopted is under age. An adoption must aim at the interest of the person adopted.

Article 1561.

By the adoption shall be interrupted all ties of the minor with his natural family with the exception of the rules regarding impediments to marriage laid down in Articles 1356 and 1357 and the minor becomes a full member of his adoptive parent's family. In regard to the adoptive parent and the latter's relatives the minor shall have all the rights and obligations of a child born in wedlock. The same rule shall apply as regards the descendants of the child adopted. In case of simultaneous or successive adoption of several a relationship shall be created between them similar to the one existing between brothers and sisters.

Article 1566.

As from the completion of the adoption proceedings the parental care of the natural parents or the guardianship under

¹ .Art. 1579 CC provides that the adoption of a person who is 18 years old or elder, shall only be allowed if the adopted person is a child of the spouse of the person adopting.

which might have been placed the child adopted shall be replaced ipso jure by the parental care of the adoptive parents. The natural parents shall not even have the right to communicate with the child adopted. Where one of the spouses has adopted the child of the other ,parental care shall belong to the two spouses jointly.

CHAPTER XIY

Guardianship of minors

Article 1589.-Persons placed under guardianship.

A minor shall be placed under guardianship where, neither parent has nor can exercise parental care and when the Court has appointed a guardian pursuant to Article 1532 and 1535 or entrusted the exercise of parental care to a third party according to Article 1513 and 1514 as well as in the cases contemplated in Article 1660 and 1666.

Article 1590.

The organs of guardianship are the Court, the guardian and the supervisory council.

Article 1603.-Attributions of guardian in general.

A guardian shall have subject to the conditions laid down in the provisions that follow, the duty and the right to take care of the minor's person, to administer his property and to represent the minor in any legal transaction or Court action pertaining to his person or property.

Article 1604.

Where the Court has appointed in regard to the same person several guardians, the latter shall unless prescribed differently exercise jointly their duties.

Article 1605.

With regard to any disagreement among several guardians the

decision belongs to the supervisory council. At the request of a guardian who disagrees or any other person having lawful interest the Court may decide differently.

Article 1606.

With regard to the care of the minor's person shall apply by analogy the provisions of Article 1518. In the case of several guardians the guardian who has not the care of the minor's person as well as any blood relative up to the third degree included shall be entitled to refer in a matter of care to the supervisory council.

Article 1615.

Subject to a different determination by the law a guardian shall in regard to the minor's property proceed with any act of an orderly management especially the payment of debts and the collection of claims.

Article 1645.

The competent social care authority shall assist the supervisory council in its task providing to it on its request information relating to the manner in which the guardian fulfils his duties as well as the authority's findings concerning the personal condition of the minor in general.

Article 1647.- Hearing of the minor.

Before any decision by any of the organs of guardianship such organ must with due regard to the minor's maturity take also cognisance of the minor's opinion.

Article 1648.-Criterion is the minor's interest.

Every decision by any organ of the guardianship must aim the

minor's interest.

Article 1649.

Guardianship shall cease with the minor attaining the age of majority or with his death.

Article 1651.

The Court shall at the request of the supervisory council or even on its own initiative decide the cessation of guardian's function on a serious ground in particular if the Court considers that the continuation of his guardianship might imperil by reason of neglect of his duties or on some other ground the interests of the minor.

CHAPTER XY

Foster Care

Article 1655.-Maintaining of relation with natural family or guardian.

Where third parties have the actual care of the minor's person because this was entrusted to them by either the physical parents or the guardian or even the Court(Foster care) the legal relationships between the minor and his natural family or his guardian and in particular the attributions flowing from the parental care or the guardianship shall remain unaltered to the extent that the law does not provide differently.

Article 1656.

The foster parents shall be under obligation to facilitate the personal relation and the communication between the physical parents or the guardian and the minor in so far as substantial interests of the latter are not exposed to harm. In case of disagreement the Court shall decide.

Article 1657.

The foster parents shall also be under obligation to furnish diligently the natural parents or the guardian as well as the competent social service authority with information relating to the person and the living conditions and the development of the minor.

Article 1658.

The foster parents shall not have the right to act against the will of the natural parents or the guardian if such will was formally expressed.

Article 1663.

The Court may also lift the foster care and entrust the care of the minor to others at the request of the physical parents or the guardian of other relatives of the public prosecutor or even on the Court's own initiative where it has ascertained that the foster family is not fit to carry out its duties.

Article 1664.-What the Court must also consider.

In every case the Court's decision must accord with the minor's interest. The Court is under obligation depending on the minor's degree of maturity to hear before making its decision also minor's opinion. The Court must also hear the foster parents and the physical parents or the guardian and take further into account the report filed by the competent social service authority.