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A. New Developments in the field of Divorce (since September 2002)

The 2008 Divorce Law Reform (Law no. 61/2008, of October 13th) has been enacted in 2008. This Reform (inspired by the CEFL Principles) has restructured the regime of divorce in Portugal, even though it has remained a binary regime (it encompasses both divorce by mutual consent and 'divorce without the consent of one of the spouses' – formerly known as 'litigious' divorce).

Divorce by mutual consent:
The 2008 Reform has made divorce by mutual consent less demanding. Only the agreement regarding divorce itself is now demanded as a *requisite* for divorce by mutual consent.

Divorce by mutual consent may be obtained in two different ways. The first one – named administrative divorce – is decreed by the registrar of the Civil registry. Similarly, to the previous regime, these proceedings are only available when the spouses file for divorce at the Civil Registry Office and present a set of documents among which are included mandatory agreements regarding four different matters: maintenance between former spouses, the allocation of the family home, the exercise of parental responsibilities (if not previously regulated) and, since 2017, the placement of pets (Law No. 8/2017, of March 3rd) according to article 1775 of the Portuguese Civil Code. These agreements are subject to the scrutiny of the registrar of the Civil Registry as to their adequacy (art. 1776 Portuguese Civil Code) and the agreement on the exercise of parental responsibilities has to be subject to the control of the Public Prosecutors' Office (art. 1776-A Portuguese Civil Code). Whenever these agreements are ratified by the competent authorities (because they were not deemed to be fit and the spouses failed to alter them adequately) that does not mean – as it did in the regime prior to 2008 – that divorce by mutual consent is denied. The lack of any ratification implies that the proceedings are transferred to the Court, where the judge will decide the issue that the couple has not been able to solve by agreement. In the end, there will be a divorce by mutual consent in the Court (judicial divorce). Judicial divorce is also possible when, *ab initio*, there is agreement regarding divorce but not as to any of the aforementioned agreements. In such case, divorce by mutual consent will be directly filed in the Court (art. 1778-A Portuguese Civil Code). The judge will take into account

any agreement that is presented, but will decide on the other matters (art. 1778-A (3) Portuguese Civil Code). Finally it is possible to convert a divorce filed in Court without the consent of one of the spouses into a divorce by mutual consent when the spouses agree to do so (art. 931, No. 3 Portuguese Civil Procedure Code).

Divorce without the consent of one of the spouses

Law no. 61/2008, of October 13th has profoundly reformed the previous regime of litigious divorce – as to its grounds and effects – and has renamed it 'divorce without the consent of one of the spouses', following the CEFL's terminology.

In the previous regime, fault was still a ground for divorce in case of violation of matrimonial duties, alongside with the breakdown of marriage (Art. 1779 and 1781 Portuguese Civil Code, before 2008). Law No. 61/2008 suppressed the first ground for divorce and therefore the Portuguese system became purely no-fault.

Divorce based upon a breakdown of marriage may be grounded on four 'objective' situations: (a) *de facto* separation for one consecutive year; (b) alteration of the mental faculties of one of the spouses that has lasted for more than one year, if this is so severe as to make it difficult to sustain conjugal life; (c) absence without notice, provided that a period of one year has elapsed since the date of the last news; (d) on any other reason that shows a definite breakdown of the marriage (art. 1781 of the Civil Code). Law No. 61/2008 changed the duration of the relevant periods from three years to one year and added the fourth broad ground for divorce, which is broad enough to encompass, among others, domestic violence which may ground a petition without forcing the victim to wait for any period of time.

The elimination of fault has also structurally changed the allocation of the consequences of divorce. In the previous regime most of these consequences were regulated in a way such as to benefit the innocent spouse, at the expense of the spouse against whom fault had been declared. Since 2008 the declaration of fault has been eliminated and thus fault is not relevant to grant the divorce nor to ground its consequences.

The new article 1790 of the Portuguese Civil Code establishes that upon distribution of property following divorce *none of the spouses* will receive a larger share than he/she would receive in the matrimonial regime of acquired assets. In the former regime only the spouse whose fault had been declared was hindered to receive a larger share than he/she would receive in the matrimonial regime of acquired assets.

Since its first version, article 1790 of the Portuguese Civil Code has been subject to discussion. Some of the debates are still held in the new context. There are also new issues. Some authors consider that the new article implies a restriction of the couple's autonomy, because even though the spouses decided differently, the distribution of property will follow a regime that has not been chosen).[1] This argument depends on the classification of this rule as an imperative one. In the previous regime the classification depended on the fact that the legal solution aimed to protect the innocent spouse, who could not renounce the protection.[2] However the same reasons cannot be summoned presently,[3] since article 1790 no longer serves the purpose to protect of the innocent spouse, but rather the more abstract idea of not allowing the spouses enrichment on the account of marriage.

According to the new article 1791, upon divorce, *both spouses lose* the *benefits* (gifts, donations) already received or to be received from the other spouse or from a third party as long as these benefits were bestowed – before or after the marriage – in view of the marriage or of the married status. The grantor may, however, determine the benefit will revert to the children of the marriage. Before 2008, this consequence of losing the aforementioned benefits would fall only upon the spouse whose fault had been declared.

Regarding the liability for damages, the new article 1792(1) of the Portuguese Civil Code has declared as a general rule that a spouse is entitled to claim an indemnity for damages caused by the other spouse in the general terms of civil liability and in common Courts. The solution of article 1792 prior to 2008 has remained in force in one situation. According to the new article 1792(2), the spouse who filed for divorce on the ground of article 1781(b) of the Portuguese Civil Code ('alteration of the mental faculties of one of the spouses that has lasted for more than one year, if this is so severe as to make it difficult to sustain conjugal life') is liable to pay for moral damages caused by the marriage dissolution required in the divorce suit.

The actual meaning of the new article 1792(1) of the Portuguese Civil Code has been widely discussed in legal literature and case law and different positions have been taken as to the breach of duty, the damages and the kind of liability at stake. On the one hand, a relevant part of legal literature and case law sustains that the new article

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[1] R. Lobo Xavier, *Recentes Alterações ao Regime Jurídico do Divórcio e das Responsabilidades Parentais*, Almedina, 2009, p. 35; and R. Teixeira Pedro, 'A partilha do património comum do casal em caso de divórcio. Reflexões sobre a nova redação do art. 1790.º do Código Civil', in *Estudos em homenagem ao Professor Doutor Carlos Ferreira de Almeida*, Almedina, 2011, p. 441.

[2] P. Coelho & G. de Oliveira, *Curso de Direito da Família*, Vol. I, Almedina, 2008, 673.

[3] P. Távora Vítor, 'Artigo 1790.º', in: [ed. Clara Sottomayor] *Código Civil Anotado, Livro IV*, Almedina, 2020, pp. 556-563.

1792 may be the ground to claim for a compensation for breach of matrimonial duties.[4] On the other hand, other authors claim that the aim of the article has been to address the breach of personality rights and fundamental rights, regardless of the married *status,* since the purpose of the 2008 Divorce Reform has been to erase the scrutiny and sanctioning of matrimonial behaviour.[5] This understanding argues this is a case of tortious liability, that failed to be expressly mentioned in the article.[6]

In 2017, a new article about the consequences of divorce was added by Law No. 8/2017, of March 3rd. According to the new article 1793-A Portuguese Civil Code, upon divorce, pets are placed under the care of one or both spouses, taking into account the interests of both spouses, of their children and the welfare of the pet.

As for maintenance between former spouses and the exercise of parental responsibilities after divorce, these matters will be addressed in the following sections.

B. New Developments in the field of Maintenance between former spouses (since September 2002)

Maintenance between former spouses was one of the effects of divorce reformed by Law No. 61/2008. As with the aforementioned consequences, the elimination of fault has forced to reshape the regime of maintenance that, as a rule, was formerly granted to the innocent spouse. Law No. 61/2008 has expressly stated that, after divorce, each spouse should support him/herself (principle of self-sufficiency). However, it has also determined that each of the spouses has the right to apply for maintenance, regardless of the type of divorce (art. 2016(1) Portuguese Civil Code).

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[4] R. Lobo Xavier (2009), 24; H. E. Hörster, 'A responsabilidade civil entre os cônjuges', in: *E Foram Felizes para Sempre…? Uma Análise Crítica do Novo Regime Jurídico do Divórcio*, Coimbra Editora, 2010, pp. 106, 108 a 110; Cristina Dias, *Uma Análise do Novo Regime Jurídico do Divórcio*, Almedina, 2009, pp. 23, 24, fn. 12; J. Duarte Pinheiro *O Direito da Família Contemporâneo*, Almedina, 2016, p. 533. (Decisions of the Supreme Court of 09.02.2012 (P. 819/09.7TMPRT.P1.S1), of 17.09.2013 (P. 5036/11.3TBVNG.P1.S1), decision of the Guimarães Court of Appeal of 08.01.2015 (P. 3835/11.5TJVNF.G1), decision of the Supreme Court of 12.05.2016 (P. 2325/12.3TVLSB.L1.S1), decision of the Lisbon Court of Appeal of 13.07.2017 (P. 2155/15.0T8PDL.L1-2)

[5] Guilherme de Oliveira *Responsabilidade civil por violação dos deveres conjugais*, 2017, http://www.guilhermedeoliveira.pt/styled/, pp. 1, 20, 22; F. M. Brito Pereira Coelho, Deveres conjugais e responsabilidade civil – estatuto matrimonial e estatuto pessoal (não matrimonial) dos cônjuges, *Revista de Legislação de Jurisprudência*, 147.º, No. 4006, 2017, pp. 59, 60, 66. See also case law: Decision of the Coimbra Court of Appeal of 10.11.2015 (P. 360/14.6TBCTB.C1); decisions of the Oporto Court of Appeal of 26.09.2016 (P. 7191/15.4T8VNG.P1) and of 09.02.2017 (P. 1603/16.7T8VNG.P1), decision of the Évora Court of Appeal of 26.02.2017 (18/16.1TBSRP.E1).

[6] G. de Oliveira, 'A Nova Lei do Divórcio', *Lex Familiae – Revista Portuguesa de Direito da Família,* No. 13, 2010, p. 21 and fn. 23; G. de Oliveira (2017) pp. 22, 30; and F. M. Brito Pereira Coelho (2017) p. 60.

There is one exception. According to article 2016(3) of the Portuguese Civil Code 'for reasons of equity' the Court may deny granting maintenance to the spouse who applied for it. Legal doctrine has tried to define these situations as those in which, for instance, a spouse filling a petition for maintenance, even though for many years he/she did not fulfil his/her legal matrimonial obligations nor contributed to any family expenses and suddenly, after divorce, finds himself/herself in a situation of unexpected need to which the ex-spouse could only help with a considerable sacrifice.

The standard to determine the amount of maintenance that the former spouse is entitled to has always been highly debated. The 2008 Reform introduced article 2016-A, No. 3 of the Portuguese Civil Code, that states that the petitioner does not have the right to demand to be maintained at the standard of living of marriage. Legal literature and case law discuss whether there should be a strict interpretation of what should be expected to be paid as post-divorce maintenance, setting it ata minimum level (according to the general rule of art. 2003, No. 1 Portuguese Civil Code: all that is *indispensable* for the support, housing and clothing as well as – as it has been understood - for health and travelling expenses) or if the divorced spouse may aspire to a level of support that puts him/her in a *reasonable situation* – above the survival threshold, but probably below the standard of living that the couple previously enjoyed. It seems that this is the best solution.[7] Indeed, the new regime determines that the amount of maintenance will be determined according to an extensive list of factors concerning the resources of the debtor and the needs of the creditor (art. 2016-A, No. 1 Portuguese Civil Code). Therefore it may vary according to the interaction of these factors. It should be noted that, among these factors there is the consideration of the 'contribution to the family economy' and the 'time to be spent taking care of the children', which, according to some legal literature, point to a (non-autonomous) compensatory purpose when determining maintenance.[8]

Another new rule introduced by the 2008 Reform establishes an hierarchy between maintenance creditors. According to article 2016-A, No. 1 of the Portuguese Civil Code the maintenance obligations regarding children of the debtor prevail over the post-divorce maintenance obligations.

Finally, an additional factor has been added that determines the termination of the maintenance obligation to the existing factors. This amendment was made by Law No. 23/2010, of August 30th. This Act has reformed the regime of *de facto* unions and it has made an addition to article 2019 of the Portuguese Civil Code, determining that 'entering in a *de facto* union' terminates post-divorce maintenance.

[7] G. de Oliveira, *Manual de Direito da Família*, Almedina, 2020, p. 297.
[8] P. Távora Vítor, "Crédito Compensatório e Alimentos Pós-divórcio", Almedina, 2020, p. 332.

C. New Developments in the field of Parental Responsibilities (since December 2004)

Parental responsibilities have been extensively reformed since 2004. The regime of the Portuguese Civil Code has been changed by Law No. 61/2008, of October 31st, by Law N.o 122/2015, of September 1st, by Law No. 137/2015, of September 7th, by Law No. 5/2017, of March 2nd, by Law No. 24/2017, of May 24th and by Law N. 65/2020, of November 4th. With reflections on parental responsibilities, Law No. 143/2015, of September 8th, has eliminated one modality of adoption (*adoção restrita*, adoption with limited effects), thus erasing the rule that attributed the exercise of parental responsibilities to the adoptive parents (former art. 1997 Portuguese Civil Code). Law No. 141/2005, of September 8th has introduced the New General Regime of Civil Tutelage.

Law No. 61/2008, of October 31st

Law No. 61/2008 reformed not only the regime of divorce, but also the regime on parental responsibilities as a whole (not merely the regulation of parental responsibilities as a consequence of divorce). It has also modified the terminology used by the law, renaming the traditional 'paternal power' as 'parental responsibilities', so as to stress that its exercise belongs to both parents (father and mother), as a rule, and that the best interest of the child is the criterion for its exercise. The new Law highlights the importance of the court to try to make decisions promoting the sense of sharing responsibilities and the contact between the child and both parents. As for the exercise of parental responsibilities during marriage, Law No. 61/2008 has not changed the rule of common exercise by both parents (art. 1901, No. 1 Portuguese Civil Code).

In accordance with the provision of Article 1901 No. 2 of this precept, when parents are unable to agree on important matters (and only in relation to these matters), then the court will intervene upon application by one of the parents. The court will, at first, try to convince the parents to reach an agreement. If this proves impossible, then the court will decide on the matter. Before deciding, however, the child (whatever their age) shall be heard by the judge, unless there are particular circumstances militating against it. This reflects the 'principle of participation in relation to the exercise of parental responsibilities' introduced by the 1977 Reform (art. 1901, No. 2, in fine Portuguese Civil Code). Prior to the 2008 Reform, only children over 14 years old would be heard.

In the event of family break-up through divorce, declaration of nullity or annulment of the marriage, through *de facto* separation (art. 1907 Portuguese Civil Code) or separation of persons and property, the new system that stems from Law No. 61/2008

of 31 October, determines joint exercise of parental responsibilities in important matters (art. 1906, No. 1 Portuguese Civil Code). This rule is set aside when the Court considers that joint exercise is contrary to the child's best interest (art. 1906, No. 2 Portuguese Civil Code). Each parent also has the right to act alone on daily matters or in urgent cases (art. 1906, No. 1 in fine and No. 3 Portuguese Civil Code). However, the non-resident parent has to respect the most relevant educational lines determined by the resident parent (art. 1906, No. 3 Portuguese Civil Code).

The parent with whom the child is currently or temporarily living may delegate his/her parental responsibilities with respect to daily matters to any other person (art. 1906, No. 4 Portuguese Civil Code). This provision, as broad as it may be, is intended to support daily decisions made by the parent's partner.

In the case of a child born outside wedlock, when parenthood is only established in relation to one parent, it is that parent who has parental responsibilities. The law establishes this as a rule and the full exercise of parental responsibilities belongs to the parent whose parenthood has been established (art. 1910 Portuguese Civil Code.).

If parenthood has been established for both parents who cohabit, the law determines that the exercise of parental responsibilities belongs to both of the parents as if they were married (art. 1911, No. 1 Portuguese Civil Code).
If the parents live apart, parental responsibilities may also be regulated by agreement according the rules that are applicable in the event of family break-up through divorce, declaration of nullity or annulment of the marriage, or through the *de facto* separation or separation of persons and assets (art. 1912 Portuguese Civil Code).

Law No. 122/2015, of September 1st
Article 1905 of the Portuguese Civil Code was reformed in 2015 by Law No. 122/2015, of September 1st. This Law has added a new number to article 1905, that concerns child support. It refers to the situations in which the child, after reaching 18 years old is still entitled to the same child support that was determined while he/she was a minor child until reaching the age of 25 years old in order to complete his/her education.

Law No. 137/2015, of September 7th
Article 1903 of the Portuguese Civil Code has already been subject to modifications by Act 61/2008, which added the possibility of the exercise of parental responsibilities by a family member when both parents were hindered and there was a previous agreement of both parents, legally validated.

Since 2015 (Law No. 137/2015, of September 7th), in cases of impediment of both parents, the court may also grant stepparents, the partners of the parent or even other

family members the exercise of parental responsibilities regarding the child (art. 1903, No. 1 Portuguese Civil Code). This is also applicable when only one parent is legally determined (art. 1903, No. 2 Portuguese Civil Code).

This kind of order may also be required in cases of death of both parents, but the Court also has to take into account testamentary provision of the decease parent designating the child's guardian (art. 1904 Portuguese Civil Code).

Law No. 137/2015, of September 7th, has also added a new article to the Portuguese Civil Code, article 1904-A, in order to allow Courts to grant the joint exercise of parental responsibilities to the partner (spouse or person living in a *de facto* union) of the only legally established parent. Such possibility has to be claimed by the parent and the partner (art. 1904-A, No. 2 Portuguese Civil Code) and the child should be heard, whenever it is possible (art. 1904-A, No. 3 Portuguese Civil Code) and, as a rule, that will last until adulthood (art. 1904-A, No. 4 Portuguese Civil Code). Thus, in case of breakdown of the relationship between the parent and the partner the regime applied will be the same that would apply to both parents.
It should be noted that that since 2016, any kind of adoption by same sex couples is allowed (including the adoption of the partner's child). Law No. 2/2016, of February 29th (art. 3) has modified the ban on same-sex couples' adoption included in Law No. 9/2010, of May 31st (art. 3, No. 1), that introduced same-sex marriage in the Portuguese system and in Law No. 7/2001, of May 13th (art. 7). Therefore, even though this is not the only situation covered by article 1904-A, the possibility it opened lost some of its relevance.

Law No. 5/2017, of March 2nd
In the past if divorced parents wished to modify the parental responsibility agreements that they agreed to at the time of divorce, they needed to ask for the change in court. However, Law No. 5/2017, of 2 March, authorised the request for a change to be submitted and also approved by any civil registry office, provided that there is agreement between the parents. The same shall apply to parents who are married but separated *de facto* (art. 1909 Portuguese Civil Code) and to parents who have never been married (art. 1911 and 1912 Portuguese Civil Code).

Law No. 24/2017, of May 24th
The court may decide that one of the parents may exercise parental responsibilities alone, subject to the best interests of the child (art. 1906, No. 2 Portuguese Civil Code). The new Law No. 24/2017, of 24 May, added a provision to the Portuguese Civil Code (art. 1906-A) to highlight the special cases of serious disagreements or domestic violence within the family, which are followed by a ban on contact between the parents or, in any case, where there is 'serious risk to the rights or safety of the child'. The law

notes that these circumstances may endanger the interests of the child and thus may represent clear examples where the joint exercise of parental responsibilities will be inappropriate for the purpose of applying Article 1906 of the Portuguese Civil Code.

Law No. 65/2020, of November 4th
Article 1906, No. 6 of the Portuguese Civil Code, regarding residence, has been introduced in 2020. It now expressly admits that the Court may award shared residence of the child with both parents, regardless of agreement on that account and without prejudice to child support.

Nevertheless, the rule of article 1906, No. 5 of the Portuguese Civil Code still applies: the court shall determine the residence and contact rights taking into account the best interest of the child and must bear in consideration which of the parents is more prone to promote and keep personal relations between the child and the other parent.

The Law did not change much in the way the court decides residence. As before, the child may reside with one of the parents, while keeping the right to visit the other parent; or may reside with both, sharing residence.

The parent who has not been awarded parental responsibilities does not lose all his/her parental rights and duties over the child. The law awards this parent the right to oversee the child's education and living conditions, thus keeping a check over the actions of the parent that has custody (art. 1906, No. 7 Portuguese Civil Code – already in force as art. 1906, No. 6, since Law No. 61/2008).

General Regime of Civil Tutelage (Law No. 141/2015, September 8th)
Under the terms of Article 12 of the General Regime of Civil Tutelage, the procedures for the regulation of parental responsibilities are non-contentious proceedings. This procedure (Art. 34 - 44-A of the General Regime of Civil Tutelage) is characterized by the predominance of equity over legality. Indeed, the best interest of the child is the legal criterion that guides the decision in each case (art. 37, Nos. 1 and 5, and art. 40, Nos. 1 and 3 of the General Regime of Civil Tutelage). Decisions may also be freely modified. Article 42, No. 1 of the General Regime of Civil Tutelage, for example, establishes the possibility of a different solution being found, in the best interest of the child, should the circumstances change; or, in the event that the parental agreement or even the final decision is not respected, either of the parents, the guardian and also the Public Prosecutor Service may apply to the court for a new parental responsibilities regulation. Such decisions are not subject to appeal to the Supreme Court of Justice. Article 34, No. 1 of the General Regime of Civil Tutelage allows the judge to order any inquiries that he deems pertinent in order to gain a better understanding of the best interest of the child and decide in accordance with this interest, thereby either ratifying

or not ratifying the parents' agreement as to the new way of exercising parental responsibilities, as the judge sees fit. The judge may also do the same in situations when the parental agreement was promoted by the judge at a meeting (Art. 37 of the General Regime of Civil Tutelage). Within these procedures, the court may use different instruments in order to freely investigate the facts and collect proof. These include inquiries into the social, moral and economic situation of the parents and the situation and needs of the child, and the possibility of ordering any medical and psychological tests that the court deems necessary (art. 38 of the General Regime of Civil Tutelage).

D. New Developments in the field of Property relations between spouses (since August 2008)

The rules regarding property relations between spouses have not changed, apart from the procedural regime of distribution of property: the inventory proceedings.

In January 1st 2020, the new statute on inventory proceedings (Law No. 117/2019, of September 13th) entered into force. This statute altered the Portuguese Civil Procedure Code and approved the regime of the inventory proceedings in the notary.

The main goal has been to reinstate the essence of the *regime prior to 2013* of the inventory *in Court*. The inventory proceedings are organised around the subject of the estate of the deceased and, thus, against the backdrop of Succession Law. However, this procedure (adapted) – as the division of the common assets of the couple – also applies to the distribution of property upon separation, divorce, annulment and declaration of nullity of marriage (see articles 1082, 1084, n. 2, 1133, 273 of the Civil Procedure Code), besides cases of absence. The mission given by the Ministry of Justice to the Working Group that frames this reform identifies the following guidelines as the true goals of the 2019 reform: to create a principle of concurring jurisdiction between the Court and the notary (with some exceptions); to rebuild and reframe within the Civil Procedure Code the inventory proceedings in the Court; to reshape the inventory proceedings in the notary; and finally, to redirect pending procedures from the notaries' offices to the Court.[9]

E. New Developments in the field of De Facto Partnerships (since February 2015)

Since Law No. 23/2010 of August 30th, the regulation of *de facto* partnerships (*de facto* unions) has undergone only a few changes, related to modifications.

[9] Order of the Ministry of Justice of 24.05.2018.

Law No. 23/2010 of August 30th that changed the previous Law (Law No. 7/2001, of March 11th), amplified the effects attributed to *de facto* union and applied them all to same-sex relationships, except for adoption and access to medically assisted reproduction (MAR). Subsequently, in 2016 joint adoption by same-sex couples, including those living in *de facto* union, has been allowed (art. 7 of Law No. 7/2001, as amended by Law No. 2/2016, of 29 February) and same-sex female couples (living in *de facto* unions, alongside married women) have been granted the possibility to resort to MAR techniques (art. 6 of Law No. 32/2006, of July 26th, as amended by Law No.17/2016, of June 20th).

In 2018, the impediments to grant benefits on the grounds of living in a *de facto* union have also been slightly modified. As far as capacity to enter in a *de facto* union is concerned, article 2(b) of Law No. 7/2001 has been altered by Law No. 48/2018, of August 14th in order to reflect the changes in the regime of adults with diminished capacity. Full and partial guardianship have been eliminated by this Law and substituted by the new (more flexible) regime of *Acompanhamento* (custodianship). This new regime does not necessarily encompass the incapacity of the beneficiary. Therefore, the new article 2(b) considers that the measure of protection of *acompanhamento* is an impediment for *de facto* union, as long as the Court decision has established before the *de facto* union began.

Finally, Law No. 71/2018, of December 31st has updated the regime to claim for death pensions. Article 6 of Law No. 7/2001 now states that in case of doubt regarding the existence of the *de facto* union, the paying entity may request evidence, namely a declaration by the Tax Administration or to the Institute of Registry and Notaries certifying the same tax domicile for more than 2 years.

FINAL NOTE:
Even though it is not directly asked, it should be noted – because of its possible relevance in other areas – that in 2010, Law No. 9/2010, of May 31st, same-sex marriage was introduced in Portugal. In 2016, Law No. 2/2016, of February 29th, eliminated the restrictions regarding the adoption by same-sex couples.