

## CIVIL MARRIAGE

Law 26,618

Civil Code. Amendment.

Passed: July 15, 2010

Passed: July 21, 2010

The Senate and Chamber of Deputies of Argentina in Congress assembled, and so on. punishable by force of law:

SECTION 1 - Amend paragraph 1 of Article 144 of the Civil Code, which reads as follows:

1. Either spouse not separated or divorced person relational.

SECTION 2 - is replaced Article 172 of the Civil Code, which reads as follows:

Article 172: It is indispensable for the existence of marriage the full and free consent expressed personally by both parties to the competent authority to celebrate.

Marriage will have the same requirements and effects regardless of whether the parties are the same or different sex.

The act that is neither one of these requirements will not produce civil effects although the parties had acted in good faith, except as provided in the following article.

SECTION 3 - is replaced Article 188 of the Civil Code, which reads as follows:

Article 188: The marriage must take place before the public official in charge of the Civil Status Registry of Persons capacity corresponding to the domicile of either party, at your office, publicly, the intending spouses appearing in the presence of two witnesses and the legal formalities.

If either party is prevented from attending, the marriage may be held at the home of a disabled or current residence, with four witnesses. In the act of marriage, the public official engaged couples read Articles 198, 199 and 200 of this Code, receiving each of them, one after the other, the statement that they want to become partners respectively, and act on behalf of the law that they are united in marriage.

The public official may not object to the spouses and then to consent, do bless their union in the same act by a minister of their religion.

SECTION 4 - is replaced Article 206 of the Civil Code, which reads as follows:

Article 206: Separated by a final sentence, each spouse may freely determine their domicile or residence. If I had children of both charge, the provisions governing the

granting of parental rights.

Children under five (5) years will be in charge of the mother, unless grave reasons affecting the interests of the child. In cases of marriages consist of same-sex spouses, failing agreement, the judge shall, taking into account the interest of the child. The older, failing agreement of the parties, are the responsibility of those to whom the court considers most appropriate. Parents continue to be subject to all charges and obligations to their children.

SECTION 5 - is replaced Article 212 of the Civil Code, which reads as follows:

Article 212: The spouse who did not cause personal separation, and that did not demand it in the cases provided for in Articles 203 and 204, may revoke the donations made to the other spouse in matrimonial convention.

Article 6 - paragraph 1 is replaced Article 220 of the Civil Code, which reads as follows:

1. When he shall be held to the impairment provisions of section 5 of Article 166. The nullity may be claimed by the spouse incapable and the representation that might have opposed the marriage. May not be sought the annulment after the spouse or spouses have arrived at the legal age if they had continued cohabitation, or, whatever the age, if they have conceived.

SECTION 7 - Amend paragraph 1 of Article 264 of the Civil Code, which reads as follows:

1. In the case of children of the marriage, the spouses jointly, they are not separated or divorced or their marriage was annulled. It is presumed that the actions undertaken by one of them has the other's consent, except in the cases specified in Article 264 c, or when mediare expressed opposition.

SECTION 8 - ter is replaced Article 264 of the Civil Code which reads as follows:

Article 264 ter: In case of disagreement between the parents, either parent can go to the judge, who decides what is best for the interest of the child, the shorter procedure prescribed by local law, after hearing from parents with intervention Pupillary Ministry. The judge may, even ex officio, request any information it considers necessary, and hear the child, if he had enough sense, and circumstances is advisable. If they be repeated disagreements or any other causes concur seriously interferes with the exercise of parental authority, assign all or part of a parent or distribute them their duties, by the time specified, which shall not exceed two (2) years.

SECTION 9 - is replaced Article 272 of the Civil Code, which reads as follows:

Article 272: If either parent should fail in this obligation, may be sued for providing food for her own child, if adult, assisted by a special guardian for any of the relatives, or children's ministry.

ARTICLE 10. - Is replaced Article 287 of the Civil Code, which reads as follows:

Article 287: Parents have the enjoyment of the property of their marital or extramarital children voluntarily recognized under its authority, with the exception of the following:

1. Those acquired through their work, employment, profession or industry, even if they live at home with their parents.
2. The legacy because of the dishonesty or disinheritance of their parents.
3. Those acquired by inheritance, bequest or donation when the donor or testator had directed that the usufruct to the son.

ARTICLE 11. - Article 291 is replaced Civil Code, which reads as follows:

Article 291: The burdens of legal usufruct of parents are:

1. The incumbent on every tenant, except to strengthen.
2. Living expenses and education of children, in proportion to the importance of usufruct.
3. The payment of interest on capital falling due during the usufruct.
4. Medical expenses and burial of the child, such as burial and funeral that had instituted as heir to the son.

ARTICLE 12. - Article 294 is replaced the Civil Code, which reads as follows:

Article 294: Administration of goods of the children shall be exercised jointly by the parents when both are in the exercise of parental authority. The conservatory acts may be granted by either of the parents.

Parents may agree to designate one of them administrator of the estate of the children, but in this case the administrator will need the express consent of one for all acts also require judicial authorization. In case of serious or persistent disagreements over the administration of the property, either parent may ask the judge to appoint one administrator.

ARTICLE 13. - Article 296 is replaced Civil Code, which reads as follows:

Article 296: In the three (3) months following the death of one parent, the survivor court to take inventory of the goods of marriage, and he determined that correspond to real children, under pain of not having the usufruct of the assets of minor children.

ARTICLE 14. - Is replaced Article 307 of the Civil Code, which reads as follows:

Article 307: Any parent is deprived of parental rights:

1. Being convicted as author, coauthor, instigator or accomplice of an intentional

crime against the person or property of any of their children, or co-author, instigator or accomplice to a crime committed by the child.

2. They desert by one of his sons, which has left, even when placed under guardianship or is picked up by another parent or a third party.

3. For endangering the safety, physical or mental health or morals of the child, by ill-treatment, bad example, notorious misconduct or delinquency.

ARTICLE 15. - Is replaced Article 324 of the Civil Code, which reads as follows:

Article 324: When the custody of the child had been granted during the marriage and the legal period was completed after the death of one spouse, adoption may be granted to the survivor and it will be the adopted son of the marriage.

ARTICLE 16. - Is replaced Article 326 of the Civil Code, which reads as follows:

Article 326: The adopted child shall bear the surname of the adopter, or hyphenated name if it applies for aggregation. If the adoptive parents are the spouses of the opposite sex, at the request of the latter may bring the adopted name of the adoptive parent compound or add to the first of this, the first of the adoptive mother. If the spouses are of the same sex, at the request of the latter may bear the surname adoptee's spouse compound which had the first name or add the first of this, the first of the other. If no agreement about what name will the adoptee, if it is to be made, or how to be integrated, the names are sorted alphabetically.

In either case shall the adopted after eighteen (18) years requesting this addition.

All children should bear the surname and composite integration had been decided for the first of the children.

If the adopter or the widow or widower was the spouse has not adopted the child, it takes the name of the first, unless there are valid reasons for imposing the predeceased spouse.

ARTICLE 17. - Is replaced Article 332 of the Civil Code, which reads as follows:

Article 332: The simple adoption imposes adopted the surname of the adopter, but he can add your own from the eighteen (18) years.

The surviving spouse may request adopter to impose adopted the surname of her predeceased spouse if there are justified reasons.

ARTICLE 18. - Is replaced Article 354 of the Civil Code, which reads as follows:

Article 354: The first line of the ascending side in the first degree, ie each of the parents of the person concerned, and includes his brothers and sisters and their posterity.

ARTICLE 19. - Is replaced Article 355 of the Civil Code, which reads as follows:

Article 355: The second part of the ascendants in the second degree, ie each of the grandparents of the person concerned, and understands the uncle, cousin, and so others.

ARTICLE 20. - Is replaced Article 356 of the Civil Code, which reads as follows:

Article 356: The third line of the ascending side of the third degree, ie each of the grandparents of the person concerned, and includes their descendants. In the same way we proceed to establish the other side lines, starting from the most remote ancestors.

ARTICLE 21. - Is replaced Article 360 of the Civil Code, which reads as follows:

Article 360: The brothers are distinguished in bilateral and unilateral. Bilateral brothers are those from the same parents. Unilateral brothers are those from the same ancestor in the first degree, differing in the other.

ARTICLE 22. - Is replaced Article 476 of the Civil Code, which reads as follows:

Article 476: The spouse is the legitimate and necessary guardian of his consort, declared incompetent.

ARTICLE 23. - Is replaced article 478 of the Civil Code, which reads as follows:

Article 478: Any parent is a guardian of his children married, divorced or widowed with no adult children, who can play the conservatorship.

ARTICLE 24. - Is replaced paragraph 3 of Article 1217, which reads as follows:

3. Donations doeth a future spouse to the other.

ARTICLE 25. - Is replaced by paragraph 2 of Article 1275, which reads as follows:

2. The repairs and maintenance in good condition of the separate property of either spouse.

ARTICLE 26. - Article 1299 is replaced, which reads as follows:

Article 1299: decreed the separation of property, the marital partnership is extinguished. Each of the members of the same will receive their own, and those who through their respective acquisitions, the company liquidated.

ARTICLE 27. - Article 1300 is replaced, which reads as follows:

Article 1300: During the separation, each spouse must contribute to their own maintenance, and food and education of children, in proportion to their respective properties.

ARTICLE 28. - Article 1301 is replaced, which reads as follows:

Article 1301: After the separation of property, the spouses do not have any part in the hereafter he shall gain the other spouse.

ARTICLE 29. - Article 1315 is replaced, which reads as follows:

Article 1315: The acquisitions of the conjugal partnership shall be divided equally between the spouses, or their heirs, without regard to equity of spouses, and although some of them would not have led society any good.

ARTICLE 30. - Is replaced the Civil Code Article 1358, which reads as follows:

Article 1358: The contract of sale can not occur between spouses, even if there were judicial separation of property from them.

ARTICLE 31. - Is replaced by paragraph 2 of Article 1807 Civil Code, which reads as follows:

2. The spouse, without the consent of the other, or further approval of the judge, the real estate of marriage.

ARTICLE 32. - Is replaced the Civil Code Article 2560, which reads as follows:

Article 2560: The treasure found by one of the spouses in property of another, or the share of the owner of the treasure found by a third estate of a spouse, up to both as acquisitions.

ARTICLE 33. - Is replaced the Civil Code Article 3292, which reads as follows:

Article 3292: It is also unworthy to succeed, the heir of full age who is cognizant of the violent death of the author of the succession and that the complaint to the judges at the end of one (1) month, when she had been on come from trade. If the killers were parents or children, spouses or siblings of the heir, he shall cease to mandatory reporting.

ARTICLE 34. - Is replaced the Civil Code Article 3969, which reads as follows:

Article 3969: The prescription does not run between spouses, although they are separate property, and even if they are divorced by competent authority.

ARTICLE 35. - Is replaced the Civil Code Article 3970, which reads as follows:

Article 3970: The prescription is also suspended during the marriage, when the action of one spouse to fall back there against the other, either by a writ of warranty, or because it expusiere to litigation, or to satisfy damages.

ARTICLE 36. - Is replaced subsection c) of Article 36 of Law 26,413, which shall read as follows:

c) The name and surname of the father and mother or, in the case of children of

marriages between same sex, name and surname of the mother and her spouse, and type and number of the respective identity papers. Where the latter is neither shall be recorded in age and nationality, a fact which must be accredited by the testimony of two (2) witnesses of knowledge, properly identified who will sign the minutes;

ARTICLE 37. - Is replaced Article 4 of Law 18.248, which reads as follows:

Article 4: The children of the marriage of opposite-sex spouses bear the surname of the father. At the request of the parents may enroll the parent compound surname of the mother added. If the applicant wishes to take the compound surname of the father or the mother, may apply to the Civil Registry from eighteen (18) years. The children of the marriage of same-sex spouses bear the surname of one of them. At the request of the latter may enroll spouse's surname compound which had the first name or add the other spouse. If no agreement about what name will the adoptee, if it is to be made, or how to be integrated, the names are sorted alphabetically. If the applicant wishes to take the hyphenated name of the spouse which had the first name, or the other spouse may apply to the Civil Registry from eighteen (18) years.

Once added the name can not be deleted.

All children should bear the surname and composite integration had been decided for the first of the children.

ARTICLE 38. - Is replaced Article 8 of Law 18,248, which shall read as follows:

Article 8: It will be optional for women married to a man add to the husband's last name, preceded by the preposition "of."

In case of marriage between same sex, will be optional for each spouse to add to your spouse's name, preceded by the preposition "of."

ARTICLE 39. - Is replaced Article 9 of Law 18,248, which shall read as follows:

Article 9: separation decreed, shall be optional for women married to a man to bear the surname of her husband.

Should there be serious reasons the judges, at the request of the husband, the woman may prohibit the use of separate marital surname. If she had chosen to use it, decreed the divorce will lose that right, unless otherwise agreed or by the exercise of their industry, trade or profession and was known by it sought to keep their activities.

Decreed the separation, shall be optional for each spouse of a marriage between same sex bear the surname of the other.

Should there be serious reasons, judges, at the request of one spouse, the other separate prohibit the use of marital surname. If the spouse has opted to use it, decreed the divorce will lose that right, unless otherwise agreed or by the exercise of their industry, trade or profession was known / or requests it and keep it for their activities.

ARTICLE 40. - Is replaced Article 10 of Law 18.248, which reads as follows:

Article 10: The widow or widower is entitled / or to request to the Civil Registry marital name suppression.

Remarriage, you lose the name of their former spouse.

ARTICLE 41. - Is replaced by Article 12 of Law 18.248, which reads as follows:

Article 12: Adopted children take the surname of the adopter, may at the request of the latter, the source added. The adoptee may request addition to the Civil Registry from eighteen (18) years.

If mediare subsequent recognition of parental blood, the same rule applies.

When the adoptive spouses they be, shall govern the provisions of Article 4.

In the case of a woman married to a man whose husband does not adopt the child, take the maiden name of the adopter, unless expressly authorizes the spouse to impose his surname.

In the case of a married woman or a man / or a person whose same-sex spouse adopts the child, take the maiden name / or adoptive parent, unless the spouse expressly authorizes to impose his surname.

When the adopter be a widow or widower, the lead taken her maiden name / or, unless they exist valid reasons for imposing the married / o.

Additional Clause

ARTICLE 42. - Application. All references to the institution of marriage contained in our legal system shall be applicable both to marriage consists of two (2) persons of the same sex as to consist of two (2) persons of opposite sex.

The members of families whose origin is a marriage consists of two (2) same-sex marriage and made up of people of different sexes have the same rights and obligations.

No rule of Argentine law may be interpreted or applied so as to limit, restrict, exclude or suppress the exercise or enjoyment of the rights and obligations of both the marriage consists of the same sex as to consist of two (2) people of different sexes.

ARTICLE 43. - Contact the National Executive.

DONE IN THE CHAMBER OF THE ARGENTINE CONGRESS, IN BUENOS AIRES, THE FIFTEEN DAY OF JULY IN THE YEAR TWO THOUSAND TEN.

- REGISTERED UNDER THE No. 26,618 -

JOSE J. B. Pampuro. - EDUARDO A. Fellner. - Enrique Hidalgo. - John J. Canals.

- ERRATA -

Law 26,618

In the issue of the day July 22, 2010 in which that rule was published the next slid misprint on page 4:

Where it says: John J. B. Pampuro. - EDUARDO A. Fellner. - Enrique Hidalgo. - John H. Estrada.

SHOULD READ: John J. B. Pampuro. - EDUARDO A. Fellner. - Enrique Hidalgo. - John J. Canals.