

NOVEMBER 9TH, 2020

LAW N.º 65/2020 ALTERNATE RESIDENCE

On the 4th of November Law n.º65/2020 (the “Law”) was published. This Law amends the Civil Code regarding the exercise of parental responsibilities in the event of divorce, judicial separation of persons and property, declaration of nullity or annulment of the marriage of the parents, specifically as to the conditions under which the Court may determine the alternate residence of the child.

As stated in our Newsletter of the 14th of October, concerning the approval of the Bill, this amendment establishes that when "it is in the best interests of the child and all relevant circumstances are taken into consideration" the Court may determine the alternate residence of the child with each of the parents, regardless of a mutual agreement between them and without prejudice to the establishment of alimony payments.

Therefore, the Law confirms the possibility of the waive of the mutual agreement between parent when the best interests of the child are overlapped, being the latter criteria sufficient for the determination of alternate residence.

In addition, the Law establishes the need for the Court to hear the child under the terms defined in the General Regime of the Civil Tutor Procedure.

This amendment will enter into force on the 1st of December 2020.

A **PARES | Advogados** is available to provide information on this and other matters in a more specific and adequate way, suited to the reality of each Client, and can offer all necessary support regarding this matter.

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