

The Family Code of the Kyrgyz Republic.

Part 1. General.

Chapter 1. Family legislation.

Article 1. Primary goals of the family legislation.

1. Family is a basic social unit.

Family, parenthood and childhood are the subject of the primary concern of the society and are preferentially protected by the law.

Family law proceeds from the importance of strengthening families, from the importance of love, mutual respect and cooperation in relations between family members.

2. Only marriages registered in the offices for registration of acts of civil status shall be recognized.

3. Family relations are regulated in accordance with the principles of equality of the spouses, the principle of paramountcy of child's welfare and from the importance of protection of the rights of the minors.

4. Any social, racial, ethnic, religious or language-based discrimination in the field of family relations is prohibited.

Family rights of citizens shall be limited only in the circumstances provided by the law. Limitation in family rights shall be carried out only to an extent, necessary to protect morals, health, rights and legal interests of other family members or citizens.

Article 2. The scope of the family legislation.

Family law establishes rules and procedures for concluding and dissolving a marriage, rules and procedures for deeming a marriage invalid. The family law regulates personal property and non-property relations between members of a family: spouses, parents and children (adoptive parents and adopted children). The family law regulates (under the circumstances and to the extent established by the law) relations between relatives and other persons. The family law establishes rules and procedures for placement for adoption of neglected children.

Article 3. Family legislation and other acts, regulating family relations.

1. Family legislation comprises the present Code and other laws adopted in accordance with the present Code.

2. The Government of the Kyrgyz Republic has a right to adopt legal normative acts in accordance and in the execution of the present Code.

Article 4. Application of the civil legislation to family relations

Property and personal relations between the family members, other than the relations mentioned in the Article 2 of the present Code shall be regulated by the civil legislation.

Article 5. Analogy of statutes of family and civil legislations.

Relations between the family members regulated neither by the family legislation nor by an agreement of the parties, given that no norms of civil legislation explicitly providing for such relations exist, shall be regulated by analogous norms of the family and (or) civil legislation. The application of analogous norms of legislation must not contradict the nature of such relations. If no analogous norms exist, such relations shall be governed by the general principles of the family or civil legislation and by the principles of humanity, fairness and reasonableness.

Article 6. Family legislation and norms of international law.

If an international agreement, ratified by the Kyrgyz Republic contains provisions different than that of the family legislation of the Kyrgyz Republic, provisions of such an international agreement shall be applied.

Chapter 2. Effectuation and protection of family rights.

Article 7. Effectuation of family rights and performance of family duties.

1. Citizens are free to exercise their rights, stemming from family relations (family rights), including the right for protection of such rights, unless otherwise is stated by the present Code.

Effectuation of family rights and performance of family duties must not violate rights, freedoms and legal interests of other family members and citizens.

2. Family rights are protected by the law, with the exception of situations, where family rights are exercised in contradiction with the mission of these rights.

Article 8. Protection of family rights.

1. Family rights are protected by the court. Protection of family rights by the court shall follow the rules of civil procedure. Under circumstances provided by the present Code, family rights are protected by state agencies.

2. Protection of family rights must proceed in accordance with the statutes of the present Code.

Article 9. The limitation of action in family relations.

Any claims, stemming from family relations are not subject to limitation of action. An exception to this rule the limitations for action, provided by the present Code.

Part 2. Conclusion and dissolution of marriage

Chapter 3. Regulations for conclusion and dissolution of marriage.

Article 10. Conclusion of marriage.

1. Marriage is concluded in the offices for registration of acts of civil status.

2. Rights and duties of the spouses arise after an office for registration of acts of civil status registers their marriage.

Article 11. Procedures for conclusion of marriage.

1. Marriage is concluded with the presence of persons, entering into marriage. Marriage is concluded one month after a notice of intended marriage was given to the office for registration of acts of civil status.

The office for registration of acts of civil status may, if justifiable reasons exist, allow conclusion of marriage earlier than stated in the preceding paragraph. The office for registration of acts of civil status may, if justifiable reasons exist, increase such a waiting period, provided that such an increase is for no more than one month.

Under special circumstances (pregnancy, birth of a child or other special circumstances) marriage may be concluded the day the notice of an intended marriage is given to the office for registration of acts of civil status.

2. Registration of marriage shall proceed according to the regulations established for state registration of acts of civil status.

3. Refusal of an office for registration of acts of civil status to register a marriage may be appealed to the court by the interested parties.

Article 12. Conditions for conclusion of marriage.

1. Conclusion of marriage requires free consent of a woman and a man entering the marriage. Persons entering the marriage must attain the marriage age.
2. Marriage may not be concluded under the circumstances mentioned in article 14 of the present Code.

Article 13. Marriage age.

1. Marriage age shall be eighteen years of age.
2. Local self-government agencies may, at the request of the parties entering the marriage, provided that justifiable reasons exist, lower the marriage age. The marriage age may not be lowered by more than two years.

Article 14. Capacity to marry.

Marriage is prohibited if:

- at least one of the parties is already officially married
- parties have close consanguine relation (parents and children, grandparents and grandchildren, brothers and sisters who have at least on common parent)
- marriage is concluded between adoptive parents and adopted children
- if at least one of the parties was deemed by the court, for the reason of that party's mental disorder, as incapable of administering his affairs

Article 15. Medical examination of the parties entering into marriage.

1. At the request of the parties' entering into marriage, health care institutions may perform health examination of the parties entering into marriage.
2. The results of medical examination of a person entering into marriage may be announced to the other party of an intended marriage only with the consent of the examined person.
3. If one of the parties of an intended marriage conceals from the other party that he/she is suffering from a venereal disease or HIV, then such a marriage shall be voidable (article 27 of the present Code).

Chapter 4. Termination of marriage.

Article 16. Grounds for termination of marriage.

1. Marriage is terminated upon death or presumption of death of one of the spouses.
2. Marriage may be terminated by a petition of one or both of the spouses, or by a petition of a guardian of a spouse, who was deemed by the court as lacking dispositive legal capacity.

Article 17. Limitation on husband's right to petition for dissolution.

During his wife's pregnancy and one year after childbirth the husband has a right to petition for dissolution of marriage only with his wife's consent.

Article 18. Regulations for marriage dissolution.

Marriage is dissolved by the offices for registration of acts of civil status. Under the circumstances, described in articles 21-23 of the present Code, marriage is dissolved by an order of a court.

Article 19. Dissolution of marriage by the offices for registration of acts of civil status.

1. Offices for registration of acts of civil status may declare marriage dissolved if each of the following requirements is satisfied:

- both spouses agree on dissolving the marriage
- the spouses do not have common minor children
- the spouses do not have mutual claims

2. Marriage may be declared dissolved by an office for registration of acts of civil status, regardless of existence of the spouses' common children:

- the residence of the other spouse is not known.
- the other spouse is declared by an order of a court as lacking dispositive legal capacity
- the other spouse has been convicted and imprisoned for more than three years.

3. Offices for registration of acts of civil status dissolve a marriage and issue marriage dissolution certificates one month after the petition for dissolution of marriage has been submitted.

4. Registration of marriage dissolution is performed by an office for registration of acts of civil status in accordance with the procedures established for registration of acts of civil status.

Article 20. Resolution of disputes between the spouses, dissolving their marriage in the office for registration of acts of civil status.

Disputes between the spouses over common property, financial relief to a needy spouse incapable of working and disputes over children between the spouses, one of which has been convicted and imprisoned for more than three years or was declared by an order of a court as lacking dispositive legal capacity shall be resolved in a judicial procedure, regardless of the body which dissolved the marriage.

Article 21. Dissolution of marriage in a judicial procedure.

Marriage shall be dissolved by an order of a court if at least one of the following requirements is satisfied:

- the spouses have common children under the age of majority (except for the circumstances mentioned in section 2 of article 19 of the present Code)
- the spouses do not have a mutual consent on dissolving the marriage
- at least one of the spouses has a property claim to the other spouse

2. Marriage shall be dissolved by an order of a court if one of the spouses, despite his/her consent to the dissolution of the marriage evades dissolving the marriage (refuses to sign the petition for marriage dissolution, does not wish to come for marriage dissolution and other).

Article 22. Dissolution of marriage by an order of a court if one of the spouses does not agree to the dissolution.

1. Marriage shall be dissolved by an order of a court if the court establishes that the marriage has broken down irretrievably.

2. If one of the spouses does not provide his/her consent to the dissolution of the marriage, the court may adjourn the proceedings for a period not more than 3 months to enable attempts at reconciliation between the spouses to be made.

Marriage is dissolved if attempts at reconciliation have failed and the spouses (or one of them) insist on the dissolution of the marriage.

Article 23. Dissolution of marriage by an order of a court if both spouse consent to the dissolution of the marriage.

1. If there is mutual consent to the dissolution of the marriage between the spouses who have common minor children, the court dissolves the marriage without establishment of grounds for the divorce. Similarly, if there is mutual consent to the dissolution of marriage between the spouses, mentioned in section 2 of article 24 of the present Code, the court dissolves the marriage without establishment of grounds for divorce. The spouses may submit their agreement on children, provided by section 1 of article 24 of the present Code to the court. If no such agreement exists or when such an agreement violates rights of the children, the court shall act according to the provisions of section 2 of article 24 of the present Code.

2. Marriage is dissolved one month after the spouses have submitted a petition for marriage dissolution.

3. Under exceptional circumstances, the court may lower the period, mentioned in paragraph 2 of the present article.

Article 24. Conflicts resolved by a court in a marriage dissolution legal procedure.

1. In a marriage dissolution legal procedure, the spouses may submit their agreement on the residence of minor children, on alimony support for children and (or) needy spouse incapable of working, on joint property distribution.

2. If no agreement, described in the preceding section exists or if such an agreement violates interests of the children or one of the spouses, the court shall:

- determine the place of residence of the children after dissolution of the marriage
- determine the amount of alimony child support payments and the recipient of such payments
- distribute joint property of the spouses, at the request of the spouse (or one of them).
- determine the amount of alimony and the recipient of alimony, at the request of the spouse (spouses)

3. If distribution of joint property of the spouses involves third parties, the court may establish a separate legal proceeding for the distribution of such property.

If the spouses have minor children, the court shall distribute joint property taking into consideration the opinion of a guardianship agency.

Article 25. Termination of marriage.

1. Marriage dissolved by the offices for registration of acts of civil status is terminated upon the registration of the dissolution of marriage in the register of acts of civil status. Marriage dissolved by an order of a court, shall terminate when the order of a court becomes effective.

2. Dissolution of marriage by an order of a court is subject to compulsory registration by the offices for registration of acts of civil status. Such registration shall proceed according to the regulations established for state registration of acts of civil duty.

The court must, within three days following an entry of a marriage dissolution order of the court into legal force, notify the registration office, which registered the dissolved marriage.

3. The spouses shall have no right to conclude a new marriage until they receive their marriage dissolution certificates.

Article 26. Restoration of marriage.

1. If the spouse which was presumed dead or whose residence was not known, is discovered, the court that the court may vacates its marriage dissolution order. The marriage may be restored in the offices for registration of acts of civil status with a joint application of the spouses.

2. Marriage shall not be restored, if one of the spouses entered a new marriage.

Chapter 5. Invalid marriages.

Article 27. Declaration of marriage invalid.

1. Marriage is declared invalid if requirements, established by articles 12-14 and paragraph 3 of article 15 of the present code are not satisfied.

Sham marriages-that is, marriages where parties go through the form of marriage purely for the purpose of representing themselves as married to the outside world with no intention of cohabiting or establishing a family-are regarded by law as invalid marriages.

2. Marriage can be declared invalid only by the order of a court.

3. The court must, within three days following an entry of a marriage invalidity order into legal force, notify the registration office, which registered the invalid marriage.

4. Invalid marriage shall be considered invalid since the day it was concluded (article 10 of the present Code)

Article 28. Persons, who have a right to petition for declaration of marriage invalid.

The following persons and institutions have a right to petition for declaration of marriage invalid:

- minor spouse, minor spouse's parents (or persons performing parental duties), a guardianship agency or a procurator. In this case, the concluded marriage must violate the provisions of article 13 of the present code. If one of the spouses attained the age of majority during the marriage, only such a spouse may petition for divorce.

- the spouse, whose rights were violated by the conclusion of the marriage.

- the procurator, if the marriage was concluded without consent of one of the spouses or if the marriage was concluded due to fraudulent actions of one of the spouses

- the spouse, who was not aware of the circumstances, preventing conclusion of marriage.

- a guardian of a spouse, who was declared as lacking dispositive legal capacity

- a spouse to the previous marriage, if the previous marriage was not dissolved properly.

- other persons, whose rights were violated by the conclusion of marriage

2. A guardianship agency must, if one of the parties of the marriage is a minor, participate in the trial on declaration of marriage invalid.

Article 29. Circumstances, which eradicate the invalidity of marriage.

1. The court may declare marriage valid if, by the time of marriage invalidity trial, the circumstances that made the marriage invalid no longer exist.

Article 30. Legal consequences of invalidity of marriage.

1. Marriage, declared invalid by an order of the court does not establish the rights and duties of the spouses, as provided by the Present Code, with the exception, defined by paragraphs 4 and 5 of the present article.

2. Joint property acquired by the spouses during an invalid marriage, shall be regulated by the provisions of the Civil Code on participatory share ownership.

3. Invalidity of marriage does not affect rights and duties of the children of an invalid marriage, provided that such children were born within three hundred days following the declaration of marriage invalid. (paragraph 2 of article 48 of the present Code)

Part 3. Rights and duties of the spouses.

Chapter 6. Personal rights and duties of the spouses.

Article 31. Equality of the spouses.

1. Each of the spouses is to free his/her field of occupation and place of residence.
2. All issues relating to parenthood, child education and upbringing and other areas of family life are resolved by a mutual consent of the spouses.
3. The spouses must treat each other as equal. The spouses must take care of their child's welfare and development.

Article 32. The right of a spouse to choose his/her family name.

1. A spouse may retain his/her family name or change it to the family name of the other spouse. Also, the spouses may combine their family names into one common family name. An exception to this shall be the situations where one of the spouses already has a dual family name.
2. The spouses may restore their family names upon dissolution of the marriage.

Chapter 7. Property of the spouses.

Article 33. Property of the spouses.

Property of the spouses shall be treated in law as their joint property, unless otherwise is stated by their marital agreement.

Article 34. Joint property of the spouses.

1. All property acquired by the spouses during their marriage is their joint property.
2. Property acquired by the spouses during the marriage, shall include:
 - income, whether from earnings or from investment of each of the spouses
 - pensions and other social benefits
 - movable and non-movable property
 - stocks, bonds, shares and other securities
 - any other property acquired by the spouses, regardless of the purchaser
3. A spouse who, for any justifiable reason (a spouse performs housekeeping duties or takes care of the couple's children) does not have an income shall have the rights for joint property as well.

Article 35. Transactions, involving joint property of the spouses.

1. The spouses' joint property must be managed with the consent of both spouses.
2. Any transaction involving the joint property of the spouses may be declared invalid if the other spouse knowingly ignored the disagreement to transaction of the other spouse.
3. Any transaction involving the joint property of the spouses (provided that such a transaction is subject to compulsory registration or notary certification) may be declared invalid if at least one of the spouses did not provide a duly certified agreement to the transaction.

Article 36. Personal property of the spouses.

Personal property of a spouse includes:

- property that belonged to the spouse before the marriage
- any gifts or inheritance received by a spouse during the marriage

2. Personal belongings, such as clothes or shoes (with the exception of jewelry and other luxury items) is personal property of the spouse.

Article 37. Establishment of joint property.

Any property of a spouse may be declared joint property of the spouses if improvements, significantly increasing the value of that property, were made during the marriage by any of the spouses.

Article 38. Distribution of joint property of the spouses.

1. Joint property of the spouses may be divided between the spouses both during the marriage and after its dissolution.
2. Joint property of the spouses may be divided by an agreement of the spouses. Such an agreement is not subject to notarial certification.
3. If the spouses do not agree on division of property, their joint property is divided by an order of the court. The court's order determines the property, subject to division and the proportion of such division.
4. Property acquired by the spouses for their minor children (clothes, shoes, school supplies, musical instruments, books and others) is not subject to division. Such property is transferred to the parent, with whom the children of the marriage shall reside.

Article 39. Determination of the spouses' shares in dividing their joint property.

1. Joint property of the spouses shall be equally distributed among them, unless otherwise is stated by their marital agreement.
2. The court may disregard the principle of equal distribution of joint property of the spouses if doing so serves the children's best interests. The court may disregard the principle of equal distribution of joint property for any other reasons the court considers relevant.
3. Financial liabilities of the spouses are divided between them in the proportion of property distribution.

Chapter 8. Marital agreement of the spouses.

Article 40. Marital agreement.

Marital agreement is an agreement between the spouses or the parties, entering into marriage. Such an agreement must establish property rights and duties of the parties during the marriage and (or) after its dissolution.

Article 41. Conclusion of a marital agreement

1. Marital agreement may be concluded before the official registration of marriage, or any time during the marriage. Marital agreement concluded before the official registration of marriage, shall enter into force since the official registration of the marriage.

Article 42. Provisions of a marital agreement.

1. A marital agreement may establish rules for property of the spouses different than the rules of article 34 of the present Code.

A marital agreement may be concluded in respect to present and future property of the spouses.

The spouses may define the following in their marital agreement:

- the duty to maintain each other
- property rights of each of the spouse in respect to other spouse's income
- the order of sharing family expenses

- rules for distribution of property after the dissolution of marriage
- any other regulations for property rights of the spouses.

2. Rights and duties of the spouses, established by a marital agreement may be conditional or limited in time.

3. A marital agreement may not regulate personal non-property relations of the spouses (including the rights and duties of the parents in respect to their children). A marital agreement may not have provisions contradicting the main principles of the family legislation.

Article 43. Amendment and dissolution of a marital agreement.

1. A marital agreement may be dissolved or amended by an agreement of the spouses. An agreement on dissolution or amendment of a marital contract must be concluded in the same manner the marital agreement was concluded.

Unilateral refusal to perform duties, stated in the marital agreement is not allowed.

2. At the request of one of the spouses, a marital agreement may be amended or dissolved by an order of the court. In amending or dissolving a marital agreement, the court shall follow the contractual provisions of the Civil Code of the Kyrgyz Republic.

3. A marital agreement is terminated upon the dissolution of marriage (article 25 of the present Code). A marital agreement may provide for exceptions to this rule.

Article 44. Invalid marital agreement.

1. A marital agreement may be declared invalid, if the court establishes that the marital agreement does not satisfy the legal requirements for civil transactions.

2. The court may declare a marital agreement invalid if such an agreement does not satisfy the requirements of section 3 of article 43 of the present Code.

Article 45. Liabilities of the spouses.

1. A bankrupt spouse shall be responsible for his debts only within the limits of his personal property and his share of joint property.

2. The joint property of the spouses and the personal property of the other spouse may be used to cover debts of one of the spouses, if the borrowed funds were used for family needs.

If the court establishes that the joint property of the spouses was purchased or significantly improved with the criminally acquired funds, such joint property may be confiscated by an order of a court.

Article 46. Guarantee of creditors' rights.

A spouse must give a notice to his (her) creditor about addition, amendment or dissolution of (his/her) marital contract. If the spouse failed to inform his (her) creditor about addition, amendment or dissolution of the marital contract, such a spouse shall be responsible for his obligations regardless of the provisions of the marital contract.

Part 4. Rights and duties of parents and children.

Chapter 10. Establishment of parentage.

Article 47. Grounds for arise of rights and duties of parents and children

Rights and duties of parents and children arise upon duly registered parentage of children.

Article 48. Establishment of parentage.

1. Maternity is established by the offices for registration of acts of civil duty, on the basis of the evidence of the doctor or other person present at the birth, or on the basis of other evidence.
2. If a child is born to a married woman, or to a woman whose marriage had terminated no later than 300 days before the childbirth, her husband is presumed to be the child's father. The burden of contesting the presumption is cast on the asserter (article 52 of the present Code.)
3. If the mother of the child asserts that the father of her child is not her husband (or former husband), paternity of the child shall be established by the provisions of section 4 of the present article or by article 49 of the present Code.
4. If a father of the child is not married to a mother of the child, his paternity is registered upon submission of a joint application of the parents to the office for registration of acts of civil status. If submission of joint application of the parents is not possible (the mother of a child died during the childbirth, the mother of a child was deprived of parental rights etc.) the father's application and an agreement of a guardianship agency shall be sufficient for registration of parentage of a child.

If there are sufficient reasons to believe that submission of a joint application for registration of parentage after the childbirth shall be difficult or impossible, the parents of a child may file a joint application before the childbirth. In such cases, parentage shall be registered after the child's birth.

5. Establishment of parentage in respect to children, who attained majority age, is allowed only with their consent. If the child lacks dispositive legal capacity, the agreement of the child's guardian or a guardianship agency shall be sufficient.

Article 49. Establishment of paternity in a judicial procedure.

If a child is born to a woman and a man who are not married to each other, paternity of a child may be established by an order of a court. The court in a paternity establishment trial shall have regard to all relevant evidence of the parentage.

Article 51. Registration of parentage in the birth register.

1. Parents who are married to each other are registered as parents of the child upon the submission of an appropriate application by any of the spouses.
2. If parents are not married to each other, maternity is registered upon submission of mother's application. Paternity is registered upon submission of a joint application of the parents. The father of the child may, under circumstances described by section 4 of article 48 of the present Code file a separate application for registration of paternity.
3. If a child is born to an unmarried woman and if no application for registration of paternity exists, such a child is given the family name of his mother, with the name and patronymic chosen by the mother.
4. Persons married to each other and who gave their written consent to artificial insemination or embryo implantation are registered in the birth register as parents of the child.
5. The commissioning parents may be registered as parents of the child born to a carrying mother only with the consent of the carrying mother.

Article 52. Contest of parentage.

1. Registration of parents in the birth register, performed in accordance with sections 1 and 2 of article 51 of the present code may be contested in a judicial procedure. Such a procedure may be initiated by a complaint of any the following people:

- the person, registered as the child's parent
- an actual parent of the child
- the child himself, provided that he attained the age of majority

-a guardian of the child

-a guardian of the parent, who was declared by the court as lacking dispositive legal capacity.

2. A person who was registered as a father of the child (in accordance with section 2 of article 51 of the present Code) may not contest his parentage if he registered his parentage knowing that he was not a biological parent of the child.

3. The spouse, who gave his/her written consent to artificial insemination or embryo implantation may not refer to this circumstance in contesting his/her parentage.

The commissioning parents and the carrying mother (paragraph 5 of article 51 of the present Code) may not refer to surrogacy agreement in contesting the parentage after the parentage record was made.

Article 53. Rights and duties of children of unmarried parents.

Children of parents who are not married to each other, provided that the parentage had been had been duly registered (article 48-50 of the present Code), have rights and duties to their parents and relatives similar to the rights of children of persons married to each other.

Chapter 11. Rights of minor children.

Article 54. The right of a child to be raised in a family

1. Minor child is person who is under 18 years of age (majority age).

2. Each child has a right to be raised in a family, to know his parents, the right for parental care and the right for joint residence with his parents (with the exception of circumstances, when living with his parents contradicts his interests).

Article 55. The right of a child to contact his parents and other relatives.

1. Each child has a right to contact his parents, grandparents, brothers, sisters and other relatives. Dissolution of the marriage of his parents, invalidity of the marriage of his parents or separation of his parents does not affect the rights of the child.

A child has a right to contact both of his parents, even if they are separated or live in different countries.

Article 56. The right of a child for protection.

1. A child has a right for protection of his rights and legal interests.

Protection of rights and legal interests of a child is performed by his parents (guardians) or (under the circumstances provided by the present Code) by a guardianship agency, by the procurator, or by the court.

A minor, who was declared fully capable of administering his own affairs before the majority age, has a right to exercise his rights and duties, including the right for protection autonomously.

2. A child has a right for protection from his parents (guardians).

Children, whose parents (guardians) abuse their parental rights or in any other way ill-treat their child, have a right to seek protection in a guardianship agency. A child, who attained fourteen years of age, may seek protection in a court.

3. Citizens who possess information about the violation of rights of minors, must convey their information to the appropriate guardianship agencies. A guardianship agency that receives such information must take all necessary measures to ensure proper protection of children's rights and interests.

Article 57. The right of a child for self-expression.

A child may express his opinion on any family matter, concerning his own interests. A child's opinion may be regarded during any administrative or legal procedure. Opinion of a child, who attained ten years of age must be regarded, except for situations when doing so violates the child's best interests. In situations, provided by the present Code (articles 59,72,133,135,137,144,155) a guardianship agency or a court may make an order only with the consent of a child.

Article 58. The right of a child for name, patronymic and family name.

1. A child has the right for name, patronymic and family name.
2. The name of a child is chosen by his parents (or guardians). The child's patronymic is derived from the father's name. The child's patronymic may be derived in any other matter, conforming with the cultural background of the parents.

If the father of a minor child changes his name, the patronymic the father's child must be changed accordingly.

3. Family name of a child is determined by the family name of his parents. If his parents have different family names, the child is given the family name of one of the parents.
4. Conflicts between the parents over the name and (or) family name of their child are resolved in a judicial procedure.
5. If a child's paternity is not established, the child's patronymic is chose by his mother (paragraph 3 of article 51 of the present Code).
6. If both parents of a child are not known, a guardianship agency chooses the child's name, family name and patronymic are chose by a guardianship agency.

Article 59. Change of child's name and family name.

1. The family name of minor children is chosen upon the change of family name of both parents.

In all other situations, a guardianship agency's consent to the change of minor's family name is required.

2. The child retains his family name upon dissolution of marriage of his parents. Also, the child retains his family name upon declaration of the marriage of his parents invalid.
3. The name of a child of separated parents may be changed by a parent with whom the child is residing. The guardianship's agency's consent to the change of child's family name is required.

Article 60. Property rights of children.

1. A child has a right to be maintained by his parents and other relatives (part 5 of the present Code).
2. Parents (guardians) of the child use child alimony and other child welfare benefits in the child's best interests (education, development etc.).
3. A child may have property rights in respect to;
 - the child's share of the matrimonial home
 - his income or other social benefits
 - property presented to or inherited by him
 - any other property acquired for child's funds

Articles 61,63 of the Civil Code of the Kyrgyz republic regulate the right of a child to use and dispose his property.

Article 72 of the Civil Code regulates parent's activity as agents in respect to the child's property.

4. A child does not have property rights in respect to the property of his parents. Neither the parents have property rights in respect to the child's property. Children and parents may use the property of each other only with the consent of the owner.

5. The joint property of parents and children, its use and disposition shall be regulated by the civil legislation.

Chapter 12. Parental rights and duties.

Article 61. Equality in rights and duties of the parents.

1. Parents have equal rights and duties (parental rights) to their children.

2. Parental rights, mentioned in this chapter will end upon the child attaining 18 years of age (majority), upon the child's marriage or under any other circumstances provided by the law.

Article 62. Rights of parents, who are under the age of majority.

1. Parents who have not attained the age of majority have a right to live with their child and to participate in their child's education.

2. Unmarried minor parents have a right to exercise their parental responsibility in full upon attaining sixteen years of age. Until parents attain sixteen years of age, an appointed guardian will participate, together with the parents of the child, in the child's education. Conflicts between the parents and the guardian are resolved by the guardianship agencies.

3. Minor parents have a right to obtain or contest a declaration of parentage under general conditions. Minor parents, upon attaining fourteen years of age, have a right to establish paternity in a judicial procedure.

Article 63. Parents' rights concerning their children's upbringing and education.

1. Parents have a right to and are obliged to upbringing their children.

Parents are responsible for their children's upbringing and development. It is a duty of parents to care about their children's health, physical, mental and religious education.

Parents have a prior right to determine their children's upbringing and education.

2. Parents must ensure that their children receive general education. Parents, with regard to their child's opinion, have a right to choose educational institution, where their children will receive general education.

Article 64. Rights and duties of parents concerning protection of rights and interests of their children.

1. It is a duty of parents to protect their children's rights and interests.

Parents are legal representatives of their children. Parents shall protect their children's rights and represent their children's interests without special authorization to do so.

2. Parents do not have a right to represent their children's interests if a guardianship agency establishes that interests of parents and their children are in contradiction. In such cases, a guardianship agency shall appoint a legal representative who will represent children's rights and interests.

Article 65. Effectuation of parental rights.

1. Parental rights cannot be exercised in contradiction with children's interests. Protection of their children's interests should be the primary concern of parents.

In exercising their parental rights, parents cannot damage their children's physical or mental health. Parents may not ill-treat, neglect or abandon their children.

Parents, exercising their parental rights in contradiction with their children's rights and interests shall be persecuted according to the law.

2. The place of residence of children (if their parents are separated) shall be determined by a mutual agreement of the parents.

If no such agreement exists, the place of residence of children shall be determined by the court, which will proceed from the interests and the opinion of the children.

Article 66. Effectuation of parental rights by a parent living separately from a child.

1. A parent who lives separately from his/her children has a right to contact them, take part in their upbringing and to participate in the matters concerning children's education.

A parent, with whom the child lives, shall not impede contacts between the child and the other parent, provided that such contacts do not harm child's physical or mental health.

2. Parents may conclude a written contact agreement, regulating the order of effectuation of parental rights by a parent living separately from the child.

If parents cannot come to a contact agreement, the conflict shall be resolved a contact order of the court. A parent can request the guardianship agency's participation in the trial.

3. A parent who lives separately from his/her child has a right to access information concerning his/her child from educational institutions, social welfare institutions or from any other similar organizations. An access to such information can be denied only in the cases where giving the information can threaten child's life or health. Such a denial may be contested in a judicial procedure.

Article 67. Grandfather's, grandmother's, brothers', sisters' and other relatives' right to contact the child.

1. Grandfathers, grandmothers, brothers, sisters and other relatives have a right to contact the child.

2. If parents (or one of them) refuse to allow the close relatives contact the child, the guardianship agency may order the parent (s) not to impede such contacts.

3. If parents (one of them) do not comply with the guardianship agency's order, child's close relatives may appeal to the court. The conflict will be resolved by the court, which will proceed from the child's best interests and shall have regard to the child's opinion.

A person who fails to follow the order of a court shall be guilty of an offence and shall be persecuted according to the civil legislation.

Article 68. Parental rights' protection.

1. Parents have a full right to demand their child's return from any person who retains their child without proper legal reason or an order of a court. Parents may appeal to the court for the protection of their parental rights.

The court shall resolve the conflict proceeding from the child's best interests and considering child's opinion.

2. If the court establishes that neither the parents, nor the person retaining the child are capable of providing for child's adequate upbringing and development, the court transfers the child to a guardianship agency.

Article 69. Deprivation of parental rights.

Parents (one of them) can be deprived of parental rights if they:

- evade performing their parental duties, including malicious evasion of payment of alimony
- abandon, with no justifiable reasons their children
- abuse their parental rights
- ill-treat or in any other way exercise physical or mental violence over their children (including sexual harassment)
- are chronic alcoholics or drug addicts
- have intentionally committed a crime against life or health of their children or against life and health of their spouse.

Article 70. Order of parental rights' deprivation.

1. Parental rights are deprived by an order of a court.

Trials on deprivation of parental rights are initiated by a complaint from a parent or alike, procurator, or by an application from any body or institution dealing with the rights of minors (such as guardianship agencies, commissions on minors and others)

2. Trials on deprivation of parental rights are performed with the participation of a procurator and a guardianship agency.

3. In reviewing cases on deprivation of parental rights, the court decides on child support order.

4. If the court, during a trial on deprivation of parental rights, establishes indicia of a crime, the court must inform the procurator about the suspected crime.

5. The court must inform the appropriate office for registration of acts of civil status and the guardianship agency on its decision within three days after the order of the court becomes effective.

Article 71. Legal consequences of parental rights deprivation.

1. Parents deprived of their parental rights, lose all the rights originating from ancestral relations to their child, including the right for financial support from their children (article 87 of the present Code) and rights for social security benefits, established for citizens with children.

2. Deprivation of parental rights does not free a parent from a duty to maintain his/her child.

3. Deprivation of one of the parents of parental rights shall be followed by the child residence order of the court.

4. Child, whose parent (s) have been deprived of parental rights, reserves his property rights for the dwelling place and other property rights originating from his/her ancestral relations to his parents and other relatives, including the inheritance rights.

5. In cases where it is not possible to transfer a child to the other parent or in cases where both parents were deprived of parental rights, child's property and child's dwelling place is transferred for keeping to a guardianship agency.

6. Adoption of children whose parent or parents were deprived of parental rights is allowed six months after the order of the court to deprive parent(s) of parental rights enters into force.

Article 72. Restoration of parental rights.

1. Parent or parents can have their parental rights restored if they change their attitude, way of life and (or) their attitude to their child's upbringing.

2. Parental rights are restored in a judicial procedure initiated by a request of the parent, deprived of parental rights. Participation of a procurator and a guardianship agency in the trials on restoration of parental rights is mandatory

3. A request for restoration of parental rights may be accompanied by a request for return of the child to his parent (s).

4. The court can reject the application for a restoration of parental rights if restoration of parental rights contradicts the interests of the child.

Restoration of parental rights towards a child, who attained ten years of age, is possible only with the child's written agreement.

Restoration of parental rights towards children who had been adopted, provided that the adoption has not been revoked is prohibited (Article 141 of the present Code)

Article 73. Limitation of parental rights.

1. The court may, with regard to the child's best interests, deprive parent (s) of custody of their child without depriving parent(s) of parental rights (limitation of parental rights).

2. Limitation of parental rights is allowed if leaving a child with his parent(s) is dangerous due to psychic disorder or any other chronic disease of the parent (s). Parental rights may be limited for other reasons the court considers relevant.

Limitation of parental rights is also allowed if leaving a child with parent (s) is dangerous due to the behaviour of his parent(s). If a parent(s) does not change his/her attitude within six months, the guardianship agency shall apply for deprivation of parental rights. The guardianship agency may, taking into account the child's best interests, apply for parental rights' deprivation before the six-month period mentioned above passes.

3. Close relatives, child welfare agencies (Article 70.1) educational and other institutions and the procurator may apply for limitation of parental rights.

4. Participation of a procurator and a guardianship agency in the trials on limitation of parental rights is mandatory.

5. The parental rights' limitation order of a court must be followed by a child support order.

Article 74. Legal consequences of limitation of parental rights.

1. Parents, whose parental rights have been limited by the court, lose their right to determine their child's education and the right for social security benefits, established for citizens having children.

2. Limitation of parental rights does not free parents from a duty to maintain their children.

3. A child, whose parent(s) was/were limited in parental rights, reserves his property rights for the dwelling place and other property rights originating from ancestral relation to his parents and other relatives, including the inheritance rights.

4. If the parental rights of the parents of a child were limited, the child's property and child's dwelling place are transferred for keeping to a guardianship agency.

Article 75. Contacts of a child with parent(s), whose parental rights were limited by the court.

Parents, whose parental rights were limited by an order of a court, can contact their children if such contacts do not have a harmful influence on the child. Contacts of parents with their child are allowed only with the consent of one of the following persons and institutions:

-guardianship agency

-the guardian of the child

-foster-parent of the child

-administration of an institution, which accommodates the child.

Article 76. Repeal of parental rights' limitation.

1. If reasons, which led to the limitation of parental rights no longer exist, the court may, after an appropriate petition from a parent (or parents) has been received, repeal the limitations provided by article 74 of the present Code.

2. The court may, taking into account the child's best interests, refuse to satisfy such a petition if satisfying such a petition contradicts the interests of the child.

Article 77. Emergency separation of a child and his parents

1. If there is a direct threat to a child's life or health, a guardianship agency may separate a child and his parents (persons performing parental duties).

A child may be separated from his parents only by an appropriate act of the local self-government agency.

2. A guardianship agency must inform the procurator and make arrangements for the child's accommodation immediately after the separation. Within seven days following the separation, a guardianship agency must file an application for deprivation or limitation of parental rights of the parents, separated from their child.

Article 78. Participation of guardianship agencies in the legal proceedings concerning resolution of conflicts over children's upbringing.

1. Participation of a guardianship agency in the legal proceedings concerning resolution of conflicts over children's upbringing is mandatory.

2. The guardianship agency must inspect living conditions of a child and person (s) applying for child's upbringing. The guardianship agency must provide the court with the results of such an inspection and with its opinion on the matter of the conflict.

Article 79. Execution of court's child upbringing orders.

1. Court's orders on the matters concerning child upbringing are executed by an officer of the law in a matter established by the civil legislation.

If a parent (or any other person performing parental duties) impedes the execution of the court's order, he/she shall be persecuted according to the civil legislation.

2. Coercive execution of the child transfer orders of a court shall be performed by an officer of the law, a guardianship agency, person(s) to whom the child is transferred and (in the cases where it is necessary) by representatives of law enforcement agencies.

If the child transfer order of the court cannot be performed without violating the child's interests, the court may order temporary accommodation of a child in an educational, health care, or any other similar institution.

Part 5. Alimony duties of the members of a family.

Chapter 13. Alimony duties of parents and children.

Article 80. Duty of parents to maintain their minor children.

1. Parents must maintain their minor children. The parents determine the order and form of such maintenance.

Parents may conclude an alimony agreement, provided that such an agreement satisfies the requirements of Chapter 16 of the present Code.

2. If parents fail to provide maintenance to their minor children, child alimony may be recovered in a judicial procedure, initiated by a complaint from a guardianship agency.

Article 81. Amount of child alimony.

1. If there is no agreement between the parents regulating the amount and the order of child maintenance (alimony agreement), the court recovers child alimony in the amount equal to:

one-fourth of parents' monthly earnings and (or) other income in case of one minor child

one-third of parents' monthly earnings and (or) other income in case of two minor children

one-half of parents' monthly earnings and (or) other income in case of three or more minor children.

2. Depending on financial, marital conditions of the spouses or on other conditions the court considers relevant, the court may deviate from the amounts established by paragraph 1 of the present article.

Article 82. Earnings and (or) other income included in the calculation of the amount of child alimony.

The Government of the Kyrgyz Republic determines earnings and (or) other income (either in national or foreign currency), which are included in the calculation of the amount of child alimony.

Article 83. Fixed child alimony

1. If there is no alimony agreement between the parties and if the absent parent's income is in kind or if it is irregular, volatile, absent or in any other cases where recovering a child support payment in proportion to the absent parent's income is impossible, difficult or is essentially breaching rights of one of the parties, the court may establish a fixed amount of monthly child alimony, without attaching that amount to the absent parent's income.

2. In establishing the amount of monthly fixed child alimony, the court, shall have regard to the following factors: the standard of living enjoyed by the family before the breakdown of the marriage, financial and marital status of the parties and other factors the court considers relevant.

3. If each of the parents retains child (children), the amount of child support alimony shall be determined by the court, which will follow the provisions of paragraph 2 of the present article.

Article 84. Recovering alimony for support of neglected children.

Alimony for neglected children is recovered in accordance with the provisions of articles 81-83 of the present Code. The following people can act as recipients of child alimony:

-guardians of the children

-adoptive parents

-the child himself, provided that the child is maintained in a child welfare institution.

If the child himself is a recipient of child alimony, the alimony shall be transferred to the child's personal bank account.

Article 85. Alimony rights of major-age children, incapable of working.

1. Parents must maintain their needy major-age children incapable of working.

2. If there is no agreement between the parents, regulating the child support payments, the court establishes a fixed amount of child alimony. In determining the amount of child alimony, the court considers financial and marital status of the parties and other factors the court considers relevant.

Article 86. Parents' contribution to additional expenses.

1. Under exceptional circumstances, such as serious illness of minor children or serious illness of needy major-age children incapable of working, each of the parents may be ordered by a court to share the additional expenses caused by such exceptional circumstances.

The amount and the order of such participation shall be determined by the court, which shall regard to marital and financial status of the parents.

2. The court may determine parental contribution in respect to both past and future additional expenses.

Article 87. Major-age children's duty to maintain their parents.

1. Major-age children capable of working must take care of and maintain their parents, if the parents are incapable of working.

2. If there is no alimony agreement regulating the financial support for needy parents, incapable of working, the alimony is recovered by an order of the court.

3. Amount of alimony payments recovered from each of the children is determined by the court. The court considers financial and marital status of parents and children and any other relevant factors in determining the amount of alimony payments.

4. The court may oblige all major-age and capable of working children of an applicant for financial support to share parent maintenance duty, regardless of whom exactly the complaint is brought against.

5. Children may be freed from a duty to maintain their parents, if the court establishes that the parents of children evaded performing their parental duties.

Parents deprived of their parental rights, do not have a right for maintenance from their children.

Article 88. Children's contribution to additional expenses, associated with their parents.

1. Under exceptional circumstances, such as serious illness of parents, incapable of working, major-age and capable of labour children of such parents may be ordered by a court to share the additional expenses caused by such exceptional circumstances.

2. The court shall have regard to marital and financial status of parents and children in determining the amount of contribution and the size of each of the children's share in such a contribution. The court shall follow the provisions of paragraphs 3,4 and 5 of article 87 of the present Code, in determining the amount of contribution and the size of each of the children's share in children's contribution to compensate additional expenses, associated with their parents.

Chapter 14. Alimony duties of the spouses and former spouses.

Article 89. Duty of the spouses to maintain each other.

1. The spouses owe a duty to maintain each other.

2. If one of the spouses does not fulfill his/her duty to maintain the spouse and if there is no alimony agreement between the spouses, the following people have a right to seek maintenance from their spouse in the court:

- a spouse who is not capable of working
- a wife during her pregnancy and during 3 years after the birth of a common child
- a spouse who is taking care of a common disabled child.

Article 90. Alimony rights of the former spouses.

1. The following persons have a right for alimony from their former spouse:

- former wife during her pregnancy and during 3 years after the birth of a common child
- a needy former spouse, taking care of a common disabled child

-a needy spouse, incapable of working, provided that the spouse became incapable of working before or one year after dissolution of the marriage

-a needy spouse, who attained the pension age no later than 5 years after the dissolution of the marriage, provided that such a marriage lasted more than 10 years.

2. The amount of alimony and the order of recovery of alimony may be determined by an agreement between the former spouses.

Article 91. Amount of alimony payments to a former spouse recovered in a judicial procedure.

If there is no alimony agreement between the spouses (former spouses), the conflict shall be resolved by an order of the court, which shall have regard to financial and marital status of the spouses (former spouses) and to other factors deserving attention.

Article 92. Relief from a duty to maintain a spouse and a time limit to such a duty.

A court may relieve a spouse from a duty to maintain his/her needy spouse (former spouse) incapable of working or put a time limit on such a duty if:

-the needy spouse became incapable of working due to alcohol or drug abuse or such an inability was a result of his/her intentional crime.

-the duration of the marriage was insignificant.

-the spouse, applying for alimony exhibited family misconduct.

Chapter 15. Alimony duties of other family members.

Article 93. Brother and sister's duty to maintain their minor brothers and sisters incapable of working.

Needy minor brothers and sisters, have a right, if receiving support from their parents is not possible, for alimony payments from their major-age brothers and sisters capable of working. The same right is granted to needy major-age brothers and sisters incapable of working if receiving maintenance support from their major-age children capable of working, their spouses (former spouses) or parents is not possible.

Article 94. The duty of grandparents to maintain their grandchildren.

Needy minor-age grandchildren have alimony rights (if receiving support from their parents is not possible) in respect to their grandparents (provided that the grandparents have sufficient resources for providing such help). The same right is granted to needy major-age grandchildren, incapable of working if receiving maintenance support from their spouses (former spouses) or parents is not possible.

Article 95. The duty of grandchildren to maintain their grandparents.

If receiving maintenance support from their major-age and capable of working children or from their spouse (former spouse) is not possible, needy and incapable of working grandparents have alimony rights in respect to their major-age and capable of working grandchildren.

Article 96. Alimony rights of other persons.

1. Needy and incapable persons who had de facto cared for the child without applying for parental rights, (provided that they cannot receive maintenance support from their major-age children or from their spouse (former spouse)) have alimony rights in respect to that child.

2. The court may free children from a duty to maintain the persons who had de facto cared for them without applying for parental rights, if the latter maintained the children for less than 5 years or if such persons did not maintain and bring up the children properly.

3. Rights, mentioned in paragraph 1 of the article do not apply to guardians or foster parents.

Article 97. The duty of stepchildren to maintain their stepparents.

1. If needy and incapable of working stepparents cannot receive maintenance support from their major-age and capable of working children, or from their spouses (former spouses), the stepparents have alimony rights in respect to their stepchildren.
2. The court can free stepchildren from a duty to maintain their stepparents if the latter maintained their stepchildren for less than 5 years or if stepparents did not maintain and bring up their stepchildren properly.

Article 98. Amount of alimony for other members of the family.

1. The amount and the order of alimony support payments for persons, mentioned in the articles 93-97 of the present Code may be regulated by an agreement between the parties.
2. If there is no alimony agreement between the parties, the amount of such payments is determined by the court, which shall have regard to financial and marital status of the payer and the receiver and to other factors deserving consideration.
3. If several members of the family owe a duty to maintain another family member, the court determines the amount of support payments owed by each of the family members, regardless of whom exactly the application for maintenance support is filed against.

Chapter 16. Alimony agreements.

Article 99. Conclusion of alimony agreements.

An alimony agreement-an agreement regulating the amount and the order of alimony payments-is concluded between the person, owing a duty to maintain and the recipient of alimony payments. If a person, who owes a duty to maintain or a recipient of alimony support payments lack dispositive legal capacity, an agreement may be concluded between the legal representatives of such persons. A person, who was declared as partially lacking dispositive legal capacity may conclude an alimony agreement only with the consent of his/her legal representative.

Article 100. Form of an alimony agreement.

1. An agreement regulating the amount and the order of alimony payments must be written; the notarial registration of such an agreement is required.
2. Failure to comply with the requirements of paragraph 1 of the present article shall entail the consequences provided for by Article 181 of the Civil Code of the Kyrgyz Republic.

Article 101. The order of conclusion, execution, amendment, invalidation, or dissolution of the alimony agreement.

1. Concluding, executing, amending, dissolving or deeming void an alimony agreement shall be governed by the norms of the Civil Code of the Kyrgyz Republic on conclusion, execution, amendment, dissolution and invalidation of civil transactions.
2. An alimony agreement can be amended or dissolved at any time provided that both parties agree to do so. Amendment or dissolution of an alimony agreement should be performed in the same manner the alimony agreement was concluded.
3. Unilateral amendment of an alimony agreement or a unilateral refusal to fulfill obligations, stemming from an alimony agreement is not allowed.
4. If a significant change in financial or marital status of one of the parties occurs and if parties fail to agree on amendment or dissolution of an alimony agreement, an interested party may apply to a court with the request to amend or dissolve the agreement. In making its decision on amendment or dissolution of an alimony agreement, the court takes into consideration all factors deserving attention.

Article 102. Invalid alimony agreements.

If the provisions of an alimony agreement significantly violate the rights of minor children of the family or of major-age incapable members of the family, such an agreement may be deemed void in a judicial procedure. Such a court procedure shall be initiated by an application from a legal representative of a minor child, major-age incapable member of the family, guardianship agency or a procurator.

Article 103. Amount of alimony support payments established by an alimony agreement.

1. The amount of alimony support payments in the alimony agreement is determined by both parties of such an agreement.
2. The amount of alimony support payments in the alimony agreement may not be lower than the amount the receiving side can recover in a judicial procedure (Article 81 of the present Code).

Article 104. Means and order of alimony under alimony agreement.

1. The alimony agreement defines means and order of alimony.
2. Alimony may be attached to the payer's earnings and (or) other income (proportion), alimony payments may be fixed regular payments and alimony payments may be a lump-sum payment. Transfer of property or any other means of alimony agreed in the contract are acceptable.

Article 105. Adjustment of alimony under alimony agreement.

An adjustment of alimony is performed according to the provisions of the alimony agreement. If an alimony agreement does not include provisions for the adjustment of alimony, such adjustment is carried out according to the provisions of the article 117 of the present Code.

Chapter 17. The order of recovery of alimony.

Article 106. Recovery of alimony by an order of a court.

If no alimony agreement exists, family members, mentioned in the articles 80-98 of the present Code, have a right to recover alimony in a judicial procedure.

Article 107. Period for filing for alimony support.

1. A person who is entitled to alimony has a right to file for it regardless of time passed since the right for alimony originated.
2. Alimony is recovered starting the day an application for recovery of alimony support payments was filed.

Alimony may be recovered for a period, preceding an appeal for alimony support, provided that such a period does not exceed 3 years and provided that the applying side had taken proper steps to recover financial relief from the payer during that period and the payer evaded providing financial relief.

Article 108. Pendente lite.

1. Pendente lite is a temporary alimony arrangement, established by the court until a final hearing.
2. The amount of pendente lite alimony is established by the court, which shall have regard to financial and marital status of the parties. The amount of child alimony is established in accordance with article 81 of the present Code.

Article 109. Responsibility of employers to deduct alimony payments.

Administration of the organization, where a person owing a duty to provide financial relief is employed, must deduct alimony from earnings and (or) other income of the debtor. Administration of such an organization deducts alimony, on the grounds of an alimony agreement or a writ of execution. The administration must pay or transfer the alimony payments to the recipients of such payments within three days after the earnings and (or) other income have been paid to the debtor.

Article 110. Deduction of alimony payments under the alimony agreement.

Alimony payments may be deducted from the payer's income and (or) earnings even if alimony payments amount to more than 50% of the payer's income and (or) earnings, provided that doing so follows the alimony agreement.

Article 111. Responsibility of a payer to inform about changes in employment.

1. If a payer changes his employment or a place of residence, the administration of an employing organization must inform the officer of the law and the recipient of the financial relief about such a change within 3 days after such a change becomes known to the administration.
2. The payer must inform, within the time period set in paragraph 1 of the present article, the officer of the law and the recipient of alimony about the change in his/her employment and (or) place of residence. The payer owing financial relief to his minor children must also inform the officer of the law and the recipient of financial relief on any additional earnings or income.
3. If persons, responsible for providing information, mentioned in paragraphs 1 and 2 of the present article fail to do so without justifiable reasons, such persons shall be persecuted according to the provisions of the law.

Article 112. Orders for the sale of property of the payer.

1. If earnings and (or) income of a payer are not sufficient to pay alimony in full, alimony payments are deducted from the payer's property such as bank accounts or any other financial resources. If these resources are not sufficient to meet the obligations stemming from the alimony agreement or from the decision of a court, a penalty may be imposed on any property of the payer.
2. Penalty on financial assets and (or) other property of the payer is imposed according to the order established by the civil legislation.

Article 113. Determination of arrears in alimony.

1. Alimony for a period, preceding an appeal for alimony support, provided that such a period does not exceed 3 years is recovered according to the provisions of an alimony agreement or a writ of execution.
2. If recovering alimony was not possible due to the payer's evasion to perform his/her duties, alimony is recovered for the whole period of evasion, regardless of the three-year limit provided by paragraph 2 of the present of article 107 of the present Code.
3. The officer of the law establishes the amount of arrears in alimony support. The calculation of the amount of alimony due should be based on the amount of alimony support ordered by a court or established by an alimony agreement.
4. The amount of arrears in child alimony (article 81 of the present Code) is determined with the regard to earnings and (or) income of the payer and time child alimony is due. If the payer was not employed during the period for which child alimony is due or if accurate information on the payer's income during that period is not available, the calculation of arrears shall be based on the average wage in Kyrgyz Republic at the moment of such calculation. If the calculated amount of arrears significantly violates the interests of one of the parties, the interested party may appeal to a court, which will determine the amount due considering financial and marital status of the parties and other relevant factors.
5. If one of the parties does not agree with the arrears, as calculated by the officer of the law, it may appeal to a court in a procedure defined by the provisions of the civil legislation.

Article 114. Exemption from payment of alimony arrears.

1. Exemption from the payment of alimony arrears or a reduction of arrears is allowed with the consent of both parties. An exclusion to this rule shall be the arrears in child alimony.

2. The court may, after an appropriate application is filed by the payer, fully or partially exempt the payer from paying the alimony arrears if the court establishes that such a debt accumulated as a result of payer's illness or as a result of any other justifiable reason and the financial and marital status of the payer makes it impossible to pay off the amount of alimony due.

Article 115. Legal consequences of arrears

1. If alimony payments are established by an alimony agreement, the payer shall be held responsible for the arrears that have accumulated as a result of his/her fault according to the provisions of the alimony contract.

2. If alimony payments are ordered by the court and the arrears have accumulated as a result of the payer's fault, the payer pays to the recipient of alimony a penalty of one-tenth of a percent of the total amount of arrears per each day such debt is outstanding.

The recipient of alimony support may sue the payer for any additional damage caused by arrears in alimony and not covered by the penalty.

Article 116. Alimony set-off and repayment.

1. Alimony may not be offset by any counter-claims.

2. Alimony shall not be repaid except for the following situations:

- the maintenance order of the court is vacated due to false evidence provided by the recipient of alimony.

- the alimony agreement is deemed invalid due to misrepresentation or undue influence exerted on a payer by a recipient.

- the court established that the legal documents such as the court's decision, alimony agreement or a writ of execution were falsified by one of the parties.

3. If the actions described in the preceding section were committed by a legal representative of a minor child or by a legal representative of a major-age and incapable of working recipient of alimony, alimony shall be repaid by the guilty legal representative.

Article 117. Adjustment of alimony.

1. Adjustment of fixed regular alimony payments, imposed by a decision of the court is carried out by the administration of an organization, employing the payer. Such an adjustment should be proportional to the changes in the minimum wage level.

2. For the purposes of adjustment, the amount of fixed regular payments, imposed by a decision of the court, shall be expressed in terms of minimum monthly wages.

Article 118. Recovery of alimony if the payer moves to another country for permanent residence.

1. A person, moving to another country for permanent residence may conclude a contract with the family members he/she owes a duty to maintain. Such an agreement must be in accordance with articles 99,100,103 and 104 of the present Code.

2. If such an agreement is not achieved, an interested party may appeal to the court, which will determine the amount of alimony.

Article 119. Variation of alimony orders of a court. Discharge of alimony orders of a court.

1. If financial or marital status of the recipient or the payer of alimony has significantly changed after an alimony order of a court, the court may, at the request of any of the parties' change or discharge it's alimony order. In deciding on variation or discharge of an alimony order, the court may consider any other than the above-mentioned, relevant factors.

Article 120. Termination of alimony duties.

1. Alimony duties, stemming from an alimony agreement are terminated upon death of one of the parties, expiration of the period of effect of an alimony agreement or under any other circumstances provided by the alimony agreement.

2. Alimony duties enforced by a court order are terminated if:

- the receiving child attains his/her majority or acquires dispositive legal capacity before majority.
- the child receiving alimony support is adopted
- the court establishes that a recipient of alimony support no longer needs it or has acquired the capacity to work
- if the spouse-recipient of alimony remarries.
- if the payee or the recipient of alimony dies.

Part 6. Upbringing of neglected children.

Chapter 18. Registration and placement of neglected children.

Article 121. Protection of rights and interests of neglected children.

1. Protection of rights and interests of neglected children (children whose parents are dead, deprived of parental rights, limited in their parental rights, seriously ill, absent for lengthy periods of time, lack dispositive legal capacity, evade performing their parental duties to upbringing their children and to protect their rights) and in other cases where children do not have parental care is a duty of guardianship agencies.

Guardianship agencies identify neglected children, register such children and, depending on individual circumstances, make arrangements for such children (article 123 of the present Code). Guardianship agencies exercise subsequent control over the conditions of upbringing and education of such children.

No private entity, institution or organization other than the guardianship agencies themselves shall be allowed to perform duties of guardianship agencies.

2. Local self-government agencies act as guardianship agencies. The law, the present Code and the Civil Code of the Kyrgyz Republic, govern the activity of guardianship agencies.

Article 122. Identification and registration of neglected children.

1. Officials of child welfare and educational institutions and other citizens possessing information about neglected children must convey their information to an appropriate guardianship agency.

2. Directors of educational, health care and other similar institutions must convey information on neglected children to the local guardianship agency within 7 days after such information becomes known to them.

3. A guardianship agency arranges placement of the child in family (article 123 of the present code) within one month following their obtainment of the information mentioned in article paragraph 1 and 2 of the present Article. If placement of a child in a family is not possible in a one-month period, the guardianship agency notifies the local self-government agency about such child.

Local self-government agency shall arrange placement of a child in a family of citizens, residing within the borders of the Kyrgyz Republic. If no placement of a child is possible after one month following the receipt of the information on the child by the local self-government agency, it informs the appropriate state agency, as defined by the order of the Government of the Kyrgyz Republic. The duty of such a state agency shall be placement of the child in a family of the citizens, residing within the borders of the Kyrgyz Republic.

The order of establishment and use of the state database on neglected children shall be defined by the Government of the Kyrgyz Republic.

4. Officials mentioned in the paragraphs 2 and 3 of the present article, which knowingly misrepresented information concerning neglected children shall be persecuted by the law.

Article 123. Placement of neglected children.

1. Neglected children shall be placed for adoption in families or placed in foster families. If no such placement is possible, neglected children shall be transferred to child welfare agencies (educational institutions, health care institutions, orphanages etc.)

The laws of the Kyrgyz Republic may establish other types of placement of neglected children.

In placement of a neglected child, the child's interests shall be treated as paramount. The placement of a neglected child shall take into account the child's mother tongue, religious, ethnic and cultural background of the child.

Chapter 19. Adoption of children.

Article 124. Children who may be adopted.

1. Adoption is the prior form of placement of neglected children.

2. Adoption of minors shall proceed according to the requirements of the 3rd paragraph of section 1 of article 123 of the present Code. In reaching any decision relating to the adoption of a child a court or an adoption agency shall have regard to all relevant factors, first consideration being given to the need to safeguard and promote the welfare of the child.

3. Adoption of brothers and sisters by different persons is allowed only in the cases where such adoption satisfies the interests of the children.

4. Adoption of children by citizens of other countries or by stateless persons is allowed only in the cases where placement of children for adoption in a family of citizens of Kyrgyz Republic, residing within the borders of the Kyrgyz Republic or in a family of relatives of children, regardless of the citizenship of the relatives, is not possible.

The citizens of the Kyrgyz Republic, residing outside the borders of the Kyrgyz Republic, foreign citizens or stateless persons (provided that they are not relatives of the child) may adopt a child after 3 months the information concerning these children has reached the state database of neglected children (section 3 of article 122 of the present Code).

Article 125. Order of adoption.

1. The duty of deciding on adoption applications rests with the courts.

Participation of the persons applying for adoption, a guardianship agency and a procurator in the adoption court hearings is mandatory.

2. A requirement for adoption is an opinion of a guardianship agency on whether the adoption is in the child's best interests and whether the prospective adopter is a suitable person to adopt the child.

The Government of the Kyrgyz Republic sets the order of adoption in Kyrgyz Republic. The Government exercises control over the welfare of adopted children residing within the borders of the Kyrgyz Republic.

3. Rights and duties of adopters and adopted children (article 138 of the present Code) emerge since the day the affirmative decision on adoption of the court becomes effective.

The court must inform the local office for registration of acts of civil status about the affirmative decision on adoption within three days after the affirmative decision becomes effective.

Adoption of a child is subject to compulsory registration; such a registration shall proceed according to the procedures established for state registration of acts of civil status.

Article 126. Registration of children subject to adoption and registration of persons willing to adopt a child.

1. Registration of children subject to adoption is regulated by the provisions of section 3 of article 122 of the present Code.

2. Persons, willing to adopt a child are registered in accordance with the rules and regulations established by the Government of the Kyrgyz Republic.

Foreign citizens and stateless persons, willing to adopt children-citizens of the Kyrgyz Republic are registered by the local self-government agencies (section 3 of article 122 of the present Code).

Article 127. Prohibition of mediation in the matters relating to adoption.

1. Mediation in the matters relating to adoption, i.e. any activity on behalf of persons, interested in adoption, which is aimed at selection and placement of children for adoption is prohibited.

2. Guardianship agencies' and local administration's activities stemming from their duty to identify and register children, who do not have parental guardianship are not considered to be mediation. Similar activities of foreign organizations' provided that such are done in accordance with international agreements of the Kyrgyz Republic are not considered to be mediation.

Organizations and institutions mentioned in the above paragraph must be non-profit making bodies.

The regulations for child adoption activities of foreign organizations and institutions of foreign countries shall be determined by the Ministry of Justice of the Kyrgyz Republic and by the Ministry of International Affairs of the Kyrgyz Republic with the approval of the Government of the Kyrgyz Republic.

3. Person(s) willing to adopt a child have a right for a legal representative in an adoption court hearing. Similarly, person(s) willing to adopt a child have a right for a translator during the court hearings.

4. Mediation activity in matters concerning child adoption shall be persecuted according to the legislation of the Kyrgyz Republic.

Article 128. Persons who have a right to adopt.

1. Any person, upon attaining majority age, regardless of sex, has a right to adopt except:

-persons deemed by the court as lacking dispositive legal capacity in full or in part

-spouses, one of which is deemed by the court as lacking (fully or partially) dispositive legal capacity

-persons deprived of or limited in their parental rights by an order of a court

-persons who had their guardianship rights removed because of undue performance of their guardianship duties.

-persons who had previously abandoned, neglected or in any other way ill-treated their adopted children

-persons, whose health condition does not allow them to perform their parental duties. The Government of the Kyrgyz Republic establishes the list of diseases that do not allow adoption.

-persons who do not have earnings and (or) income sufficient to provide the child the subsistence minimum officially declared in the Kyrgyz Republic.

-persons who do not have permanent living place, or who do not have a dwelling that meets the sanitary and safety requirements.

-persons who have a record of conviction for an intentional crime against life or health of citizens.

2. An adoption order cannot be made upon the application of more than one person unless the applicants are married to each other.

3. If there are applications for adoption from more than one person, the preference will be given to the relatives of the child, provided that this serves the child's best interests and that the relatives comply with the requirements put forth by paragraphs 1 and 2 of the present article

Article 129. Age difference between adopters and adopted children.

1. The difference in age between an unmarried adopter and an adopted child may not be less than 16 years. This age difference requirement may be lowered by the decision of the court for the reasons the court considers relevant.

2. In cases of stepparent adoption, the age difference requirement is not valid.

Article 130. Agreement of parents to the adoption.

1. Adoption of a child requires an agreement of his parents. Adoption of children of parents, who are under the age of sixteen, is allowed only with the agreement of minor parents' parents or guardians. If there are no known parents or guardians of a child, an agreement of a guardianship agency is required.

Parent's agreement to their child's adoption may be expressed at the time of the adoption hearing or a documentary evidence of such an agreement must be presented to the court.

2. Parents can withdraw their adoption agreement before the announcement of a an adoption order of a court.

3. Parents can agree on their child's adoption only after birth of their child.

Article 131. Dispensing parental agreement to adoption.

Parental agreement to adoption is not required if:

-parents cannot be found or incapable of signing such an agreement

-parents were deprived of their parental rights

-the court declared parents lacking dispositive legal capacity

-parents have persistently failed without reasonable cause to discharge the parental duties in relation to the child

-for any other reasons the court considers relevant

Article 132. Agreement to adoption of guardians of a child, adopted parents and directors of Institutions that accommodate the child.

1. Adoption of children who have guardians requires a written agreement to adoption of the guardian.

Adoption of adopted children, requires a written agreement to adoption of the adoptive parents of the child.

Adoption of neglected children accommodated by educational, health care or child welfare institutions, requires a written agreement of directors of such institutions.

2. The court may, provided that doing so is in child's best interests, dispense an agreement to adoption of the persons, mentioned in the preceding paragraph.

Article 133. Child's agreement to adoption.

1. Adoption of a child, who attained 10 years of age, requires the child's agreement to adoption.
2. If a child, who is being adopted have had his home with the applicants for adoption and considers the applicants to be his parents the child's agreement to adoption is not required.

Article 134. Agreement to adoption of the spouse of an applicant for adoption.

1. If a single application for adoption was filed by a married person, an agreement to adoption of the applicant's spouse is required.
2. An agreement to adoption of a spouse of an applicant for adoption is not required, if the spouses have separated, are living apart for more than a year or if the location of the other spouse is not known.

Article 135. First name, patronymic and family name of an adopted child.

1. An adopted child retains his first name, patronymic and family name.
2. At the adopter's request, an adopted child is given the family name of the adopter and any first name chosen by the adopter. Patronymic of an adopted child is derived from the first name of the male adopter. If the adopter is female, an adopted child is given the patronymic of the adopter's choice. If family names of the spouses adopting a child are different, an adopted child is given one of the family names of the spouses.
3. If an adopter is single, he/she may choose the adopted child's mother's (father's) name. The chosen name of a parent shall be recorded in the birth records.
4. Change of family name, first name or patronymic of an adopted child who attained ten years of age is allowed only with the consent of the child. An exception to this rule shall be the cases, described in section 2 of article 133 of the present Code.
5. Information on the change of an adopted child's first name, family name and patronymic is recorded in the court's adoption order.

Article 136. Change of date and place of birth of an adopted child.

1. For the purposes of protecting the secrecy of adoption, the adopter has a right to request the change of place of birth and the date of birth (provided that the desired change in dates is not more than three months) of an adopted child.

The change of date of birth of an adopted child is allowed only for children, who have not attained one year of age.

2. Information on the change of date and (or) place of birth of an adopted child is recorded in the court's adoption order.

Article 137. Recording adopters' names as parents' names in the birth records.

1. The adopters may request the court to record their names as parent's names in the birth records.
2. Change of parents' names of an adopted child who attained ten years of age is allowed only with the consent of the child. An exception to this rule shall be the cases described in the article 133.2 of the present Code.
3. Information on the change of the parent's names of an adopted child is recorded in the court's adoption order.

Article 138. The legal consequences of an adoption.

1. An adopted child shall be treated in law as if he were equal in his personal property and non-property rights to the children of his adoptive parents
2. An adopted child is freed from any duties or rights stemming from his ancestral relation to his biological parents (relatives).
3. If one of the parents of an adopted child died, the court may, at the request of the parents of the deceased parent (grandparents of an adopted child) preserve the child's personal property and non-property rights and duties towards the relatives of the deceased parent, provided that doing so is in the child's best interests. The right of relatives of a deceased parent of an adopted child to contact the adopted child shall be regulated by article 67 of the present code.
4. If the court satisfies the request for preservation of rights of an adopted child in respect to his parents or relatives, an appropriate notice shall be made in the court's adoption order.
- 5 The provisions of paragraph 1 and 2 of the present article shall be effective regardless of the registration of adoptive parents as parents of an adopted child in the birth register.

Article 139. The right of an adopted child for pension and other benefits.

A child, who by the time of his adoption has a right for pensions or other benefits due to death of his parents, retains this right after the adoption.

Article 140. The secrecy of adoption.

1. The secrecy of adoption is protected by the law.

Judges, government officials or other persons who possess knowledge about the adoption must preserve the secrecy of adoption.

2. Persons who disclose the secrecy of adoption without the agreement of adoptive parents shall be persecuted by the law.

Article 141. Revocation of adoption.

1. Adoption may be revoked only by an appropriate order of a court.
2. Participation of a guardianship agency and of a procurator in the adoption revocation hearing is mandatory.
3. Adoption is revoked starting the day the decision of the court to revoke the adoption becomes effective.

Within three days after the date the adoption revocation order becomes effective the court must send a notice on the adoption revocation order to the office for registration of acts of civil status that registered the revoked adoption.

Article 142. Grounds for revocation of adoption.

1. Adoption may be revoked if adoptive parents evade performing their parental duties, abuse their parental rights, ill-treat or in any other way exercise physical or mental violence over their children or if adoptive parents are chronic alcoholics or drug addicts
2. The court may revoke an adoption for any other reasons deemed relevant by the court.

Article 143. Persons, who have a right to demand revocation of an adoption.

The following persons and institutions have a right to demand revocation of an adoption:

- parents of an adopted child
- adoptive parents

- adopted child upon attaining 14 years of age
- a guardianship agency
- a procurator

Article 144. Legal consequences of revocation of an adoption

1. The revocation of an adoption terminates mutual rights and obligations of the adopted child and his adoptive parents (relatives). The revocation of an adoption restores mutual rights of an adopted child and his parents (relatives), if doing so is in child's best interests.
2. After the revocation of an adoption, the adopted child is transferred to his parents. If transferring the child to his parents is not possible or is not in the child's best interests, the child is transferred to a guardianship agency.
3. The court shall decide whether an adopted child may have his first name, family name and patronymic restored.

Change of family name, first name or patronymic of a child who attained ten years of age is allowed only with the consent of the child.

4. The court may make a child alimony order against the former adoptive parents. The provisions of Articles 81 and 83 of the present Code shall guide such a decision.

Article 145. Revocation of adoption of a child, who attained majority age.

Revocation of adoption of a child, who attained majority age is not allowed, an exception to this rule shall be the cases where adoptive parents, the adopted child and parents of the adopted child (provided that parents are not deprived of parental rights and possess full dispositive legal capacity) agree to the revocation.

Chapter 20. Guardianship.

Article 146. Children, subject to guardianship

1. Guardianship is established for orphans or neglected children for the purposes of maintenance and education and protection of rights and interest of such children.
2. Only children who have not attained 18 years of age may be subject to guardianship.
3. Appointment of guardians and termination of guardianship shall be regulated by the Civil Code of the Kyrgyz Republic.

Article 147. Guardians.

1. Only persons of majority age who have full dispositive legal capacity may act as guardians. Any person, deprived of parental rights cannot be appointed as a guardian.
2. In appointing a guardian, the personal qualities of a guardian, ability of a guardian to perform the duties of a guardian, relations between a guardian and the child, relations between a guardian and the members of the child's family and, if possible, desires of the child shall be considered.
3. The following people cannot be appointed as guardians:
 - alcoholics or drug addicts
 - persons limited in their parental rights
 - persons who had their adoptive rights and duties revoked by an order of the court due to their fault

-persons, whose health condition does not allow them to perform guardianship duties (section 1 of article 128 of the present Code.)

Article 148. Guardianship over children accommodated by child welfare, educational and health care institutions.

1. Children, fully maintained at state expense at child welfare, educational, health care and other similar institutions are not subject to guardianship. Guardianship duties are placed on the administration of such institutions.

Temporary placement of a child in such institutions by a guardian does not terminate his/her rights and responsibilities as guardian.

2. The guardianship agencies perform control over the conditions of life in the institutions, mentioned in section 1 of the present article.

3. Protection of rights of children brought up in the institutions, mentioned in section 1 of article 148 is a duty of guardianship agencies.

Article 149. Rights of the wards.

1. The wards have the following rights:

-the right for guardianship's care and the right for residence in the guardian's family (with the exceptions, mentioned in article 71 of the present Code.)

-the right for decent maintenance, education, development and the right for respect of their dignity

-the right for financial relief, pensions or other social benefits awarded to them by the law

-the right for physical protection

2. Neglected children also have the rights, provided by articles 55 and 57 of the present Code.

Article 150. The rights of neglected children maintained at state expense at child welfare institutions.

1. Neglected children, maintained at child welfare institutions have the following rights:

-the right for maintenance, education, all-around development, respect of their dignity

-the right for alimony, pensions or any other social benefits awarded to them by the law.

-the right for employment privileges, established by the Labour Code.

2. Neglected children who are maintained at child welfare institutions also have rights and duties established by articles 55-57 of the present Code.

Article 151. Rights and duties of a guardian.

1. A guardian of a child has the right and is obliged to participate in the ward's upbringing. A guardian has an obligation to care about the child's health, physical, emotional and religious development.

A guardian may choose methods of upbringing and disciplining the child. Such a choice should consider the opinion of the child and the recommendations of a guardianship agency. The guardian must comply with the requirements of section 1 of article 65 of the present Code.

A guardian may choose (with the consideration of the child's opinion) an educational institution for his/her ward. A guardian's duty is to ensure that his/her ward receives general education.

2. A guardian has a right to seek the return of his ward from any person, retaining the child without sufficient legal reasons.

3. A guardian shall not impede the relatives of the ward from contacting the child, unless such contacts violate the interests of the child.

4. Articles 71-73 of the Civil Code of the Kyrgyz Republic define civic right rights and duties of a guardian.

5. A guardian is not compensated for performance of his/her guardianship duties.

The Government of the Kyrgyz Republic establishes the amount of state ward support payments to the guardian.

Chapter 21. Foster family.

Article 152. Foster family establishment.

1. Foster family is established by a foster agreement.

Foster agreement is concluded between a guardianship agency and foster parents (spouses or individual citizens willing to foster a child).

Only a child who is under the age of majority can be placed in a foster family. Foster agreement shall terminate at a time therein established.

2. The Government of the Kyrgyz Republic establishes a statute on foster parents.

Article 153. Foster agreement.

1. Foster agreement must establish the conditions of maintenance, upbringing and education of foster children. Foster agreement should define rights and duties of foster parents, duties of a guardianship agency to the foster family and conditions and consequences of termination of the foster agreement.

The Government of the Kyrgyz Republic establishes the amount of state payments to foster parents.

2. Foster parents may terminate the foster agreement before the appointed time if justifiable reasons (illness, change in marital or property status, conflicts between the children and others) exist.

A guardianship agency may terminate the foster agreement if the conditions of maintenance, upbringing and education in the foster family are not favorable, if a foster child is returned to his parents, or if a foster child was adopted.

Article 154. Foster parents

Any citizen of the Kyrgyz Republic who attained majority may be a foster parent except:

- persons who were deemed by the court as fully or partially lacking dispositive legal capacity
- persons who were deprived or limited in their parental rights by a court order
- persons who had their adoptive rights and duties revoked by a court order due to their guilt
- persons who had their guardianship rights and duties revoked by a court order because of their undue performance of guardianship rights and duties.
- persons whose health condition (section 2 of article 128 of the present Code) does not allow them to perform foster parent duties properly.

2. Selection of foster parents is performed by the guardianship agencies and is regulated by the provisions of article 147.2

3. Foster parents possess rights and duties the law establishes for guardians.

Article 155. Foster children.

1. Only children, who do not have parental guardianship, including children staying at educational, health care and other similar institutions, may be placed in foster families.
2. Foster parents may select foster children. The consent of a guardianship agency to the choice of foster parents is required.

Separation of brothers and sisters is prohibited, unless doing so serves children's best interests.

3. Placement of a child in a foster family must be done with the consideration of the child's opinion. Placement of a child, who attained ten years of age in a foster family, is allowed only with his agreement.
4. Foster children retain their right for alimony, pensions and other social benefits.

Foster children also have the rights, provided in the articles 55-57 of the present Code.

Article 156. Foster children maintenance.

1. The amount of maintenance support payments to foster families is established by the Government of the Kyrgyz Republic.
2. Guardianship agencies provide necessary assistance to foster families. Guardianship agencies have a right to control the execution of duties of foster parents' duties, stemming from foster agreement.

Part 7. Acts of civil status.

Chapter 22. General

Article 157. Registration of acts of civil status.

Birth, death, conclusion of marriage, dissolution of marriage, adoption, establishment of parentage, change of first name, family name or patronymic must be registered in the state offices for registration of acts of civil status.

Article 158. Offices for registration of acts of civil status.

Offices for registration of acts of civil status shall register the acts of civil status. Administrations of localities where no offices for such registration exist shall perform the registration of acts of civil status.

Article 159. The rules for registration of acts of civil status. Register of acts of civil status.

1. The regulations for the procedures of amendment, restoration and annulment of records of acts of civil status and the requirements for registers of acts of civil status shall be established by the Government of the Kyrgyz Republic.

Article 160. State duty.

1. Registration of marriages, divorces, changes of first names, family names, or patronymics, restoration or annulment of the records of acts of civil status and reissuance of civil status registration certificates are subject to state duty. The amount of the state duty is established by the Law of the Kyrgyz Republic "On state duty"
2. Registration of births, deaths and adoptions, issuance of civil status registration certificates and correction of errors in registers of acts of civil status are not subject to state duty.

Article 161. Regulations for the procedures of amendment, addition and correction of the records of acts of civil status.

1. Amendment, addition and correction to the records of acts of civil status, provided that sufficient reasons exist and that the interested parties agree on such a change is performed by the offices for registration of acts of civil status. Conflicts between interested parties over the change of records of acts of civil status shall be resolved in a judicial procedure.

2. Applications for amendment, addition and correction to the records of acts of civil status must be referred to closest offices for registrations of acts of civil status. Application for amendment, addition, or correction to the records of acts of civil status by citizens of the Kyrgyz Republic, whose place of permanent residence is outside the borders of the Kyrgyz Republic and applications by foreign citizens (or stateless persons) who registered their acts of civil status in the offices for registration of acts of civil of the Kyrgyz Republic, must be referred to the embassies or consulates of the Kyrgyz Republic.

3. Amendment, addition or correction to the records of acts of civil status shall be performed by the registration office, which made the original record. Refusal to change, add or correct the records of acts of civil status may be appealed to a court.

Article 162. Restoration of records off acts of civil status.

1. Application for restoration of lost records of acts of civil status must be submitted to the office for registration of acts of civil status closest to the place of permanent residence of an applicant. Applications by citizens of the Kyrgyz Republic, who are permanently residing outside the borders of the Kyrgyz Republic and by foreign citizens or stateless persons, who registered their acts of civil status in the offices for registration of acts of civil status of the Kyrgyz Republic may be submitted to the embassies and consulates of the Kyrgyz Republic.

2. A request for restoration of records of acts of civil status shall be satisfied only if there is a documentary evidence of existence of the lost record or by an order of the court.

3. Any loss of records of acts of civil status must be confirmed by an archive of the office for registration of acts of civil status that lost the record.

4. If the office for registration of acts of civil status is not able to restore the lost record of an act of civil status, the original record is established by the court.

5. Restored record of an act of civil status is registered by the closest to the court, which made the order, office for registration of acts of civil status.

Article 163. Annulment of records of acts of civil status.

1. The record of an act of civil status may annulled:

- by an order of the court

- if interested parties file an application for annulment of a record of an act of civil status

- if the office for the records of acts of civil status discovers a record of an act of civil status which should be annulled

2. Applications for annulment of record of an act of civil status shall be referred to the court or to the closest office for the records of acts of civil status.

Citizens of the Kyrgyz Republic, whose place of permanent residence is outside the borders of the Kyrgyz Republic, foreigners or stateless persons, who registered the their acts of civil status in Kyrgyzstan may submit their application for annulment of record of an act of civil status to the embassies and consulates of the Kyrgyz Republic.

3. Records are annulled by the office for registration of acts of civil status that made a record that needs to be annulled.

Article 164. Responsibility of officials for violations of rules of acts of civil status.

Employers of the offices for registration of acts of civil status shall be persecuted by the law if they:

- refuse without proper reasons to register acts of civil status

- fail to provide in due time information on natural migration of population

- knowingly provide incorrect information on natural migration of population

-breach the secrecy of adoption

Article 165. Duty of citizens to provide accurate information to the offices for registration of acts of civil status.

The law shall persecute citizens, who conceal information that prevents them from concluding a marriage and citizens who knowingly provide false information to the offices for registration of acts of civil status.

Chapter 23. Registration of birth.

Article 166. Procedures for registration of birth.

1. Birth is registered by the offices for registration of acts of civil status upon receipt of declaration of birth

2. The declaration of birth can be either written or oral and must be submitted by parents (or one of them). In cases of death, illness of parents (or one of the parents) or in any other circumstances preventing submittal of the declaration of birth, such a declaration may be submitted by the interested parties or by an administration of a health care institution, where the mother of the child stayed during the childbirth. A certificate of a health care institution or (if childbirth did not occur in a health care institution) a certificate signed by a doctor, or any other medical specialist, or an attestation from at least two eyewitnesses of the childbirth must be attached to the declaration of birth. First names, family names, patronymics and nationalities of the parents are recorded according to the provisions of paragraphs 1-3 of articles 51,52,58 of the present Code.

3. Births of children of minor parents, are registered on general conditions.

Article 167. Registration of birth of children, born after their father's death or after the marriage was dissolved or deemed invalid.

Births of children conceived during the marriage and born after death of their father or after the marriage was dissolved or deemed invalid are registered on general grounds, provided the time that passed since the death of a father or after the marriage was dissolved or deemed invalid does not exceed two hundred and seventy days.

Article 168. Period for submission of a declaration of birth.

The declaration of birth must be submitted to the offices for registration of acts of civil status no later than two months after the date of birth. If the child was stillborn, the declaration of birth must be submitted to the offices for registration of acts of civil status no later than five days after the childbirth.

Article 169. Procedures for registration of birth of found children.

The application for registration of birth of a found child must be submitted no later than three days after the child was discovered. A protocol of the local police agency, stating time, place and circumstances of the discovery of a neglected child must be attached to an application for registration of birth of a neglected child.

Article 170. Ceremonial registration of birth.

Parents may request the office for registration of acts of civil status to perform ceremonial registration of birth. The ceremonial registration of birth may be performed in the building of an office for registration of acts of civil status or in any other place agreed upon by the parents of the child and the office for registration of acts of civil status, provided that such place complies with the regulations for registration of acts of civil status.

Article 171. Information included in the register of birth.

1. The register of birth shall include time and place of birth of the child, child's sex, child's first name, family name and patronymic, names, first names and patronymics of the child's parents, parents' place of permanent residence and parents' nationalities. A birth certificate is issued upon the registration of birth.

2. If the child was stillborn, a respective note is made in the birth register.

Chapter 24. Registration of established of paternity.

Article 172. Regulations on registration of established of paternity.

1. Registration of the established paternity (section 4 of article 48 of the present Code) is performed by the office for registration of acts of civil status, which is closest to the place of residence of the parents. Paternity, established by an order of the court (article 49 of the present Code) is registered by the office for registration of acts of civil status, which is closest to the court, which made the order.

2. Registration of established paternity in respect to persons who attained majority is allowed only with their consent.

Article 173. Issuance of certificates of establishment of paternity and issuance of new birth certificates.

Upon registration of establishment of paternity, the offices for registration of acts of civil status issue certificates of establishment of paternity and new birth certificates.

Chapter 25. Registration of marriage.

Article 174. Submission of marriage application.

Persons willing to register must submit their marriage application to the closest to their place of permanent residence office for registration of acts of civil status.

Article 175. Marriage application.

1. Persons willing to register marriage must provide the following:

- personal identification documents
- if necessary, provide the legal documents authorizing marriage before the marriage age (Article 13 of the present Code).
- information on prior marriages
- information on children

2. The time for registration of marriage is set by the office for registration of acts of civil status with the consent of the applicants for marriage (article 11 of the present Code).

Article 176. Registration of marriage.

1. Marriage is registered in the offices for registration of acts of civil status. In the localities where no offices for registration of acts of civil status exist, marriage is registered by the local administrations. Officials of the above mentioned bodies:

- 1) announce submitted applications for marriage
- 2) explain rights and duties of the spouses to the persons, entering into marriage
- 3) verify the agreement to enter into marriage of the parties and the family names chosen by the spouses

2. If all marriage requirements are satisfied, the marriage is registered in the register of acts of civil status. The marriage record is verified by the signatures of the official of the office for registration of acts of civil status and by the signatures of the persons, entering into marriage.

3. If all marriage requirements are satisfied, the marriage is registered in the register of acts of civil status. The marriage record is verified by the signatures of the official of the office for registration of acts of civil status and by the signatures of the persons, entering into marriage.

Article 177. Ceremonial registration of marriage.

Ceremonial registration of marriage may be performed in the following places:

- buildings intended for ceremonial registration of marriages
- buildings of the offices for registration of acts of civil status
- any other place agreed upon by parties entering into marriage and the office for registration of acts of civil status.

Article 178. Suspension of marriage registration.

If there is a person, who asserts that there are legal requirements, preventing the parties from entering into marriage, the official performing the registration of marriage must suspend the registration and required the asserter to provide documentary evidence of his claim. The evidence of the claim must be submitted within a month following the suspension of marriage.

Article 179. Issuance of a marriage certificate to the spouses.

Marriage registration shall be followed by an issuance of a marriage certificate to the spouses.

Chapter 26. Marriage dissolution registration.

Article 180. Registration of marriage dissolution by an order of a court.

Marriage dissolution by an order of the court (article 25 of the present Code) shall be registered by an office for registration of acts of civil status. Such a registration is subject to state duty.

Article 181. Marriage dissolved by a mutual consent of the spouses.

1. Dissolution of marriage by a mutual consent of the spouses shall be registered (provided that they satisfy the requirements of section 1 of Article 19 of the present Code) shall be registered upon the submission of the spouses' joint application for dissolution of marriage.
2. Marriage shall be recorded dissolved and the certificates of the dissolution of marriage shall be issued one month after an application for dissolution of marriage has been filed.

Article 182. Dissolution of marriage if on of the spouses was convicted and imprisoned or if the other spouse's location is not known

1. If one of the spouses was convicted and imprisoned for at least three years or if the location of one of the spouses is not known, the other spouse may file an application for dissolution of marriage. Such an application (and the documentary evidence of the other spouse's absence or conviction) must be directed to the office for registration of acts of civil status at the place of residence of the spouse.
2. The office for registration of acts of civil status must, upon receiving an application for dissolution of marriage, notify within one week the other spouse or a guardian of the spouse on the received application. The other spouse or his guardian must notify within fifteen days the office for registration of acts of civil status on any claims to the spouse, who filed the marriage application.

Article 183. Issuance of a marriage dissolution certificate.

1. Registration of marriage dissolution shall be followed by the issuance of a marriage dissolution certificate to each of the parties.
2. If marriage is dissolved by an order of a court, the marriage dissolution certificate must contain the date of entrance of the marriage dissolution order of a court into legal force.

Chapter 27. Registration of adoption.

Article 184. Grounds for registering an adoption.

Adoption is registered in the offices for registration of acts of civil status on the grounds of an adoption order of the court

Article 185. Place of registration of adoption.

Adoption is registered in the office for registration of acts of civil status at the place of issuance of an adoption order of a court.

Article 186. Issuance of an adoption certificate or a new birth certificate.

Offices for registration of acts of civil status issue adoption certificates. The new birth certificate is issued upon the change of family name, first name or patronymic of an adopted child, or upon the change in birth register of an adopted child (article 137 of the present Code).

Article 187. Annulment of adoption records.

1. Adoption revocation or annulment order of the court is a legal basis for annulment of adoption records.
2. An application for annulment of adoption records is filed by the parents of an adopted child (if the adoption revocation legal procedure was initiated by them) or by a guardianship agency (if the adoption revocation legal procedure was initiated by such an agency).

Chapter 28. Registration of change of name, patronymic and family name.

Article 188. Regulations for change of name, patronymic and family name.

1. Citizens of the Kyrgyz Republic who attained sixteen years of age are allowed to change their names, patronymics and family names. The offices for registration of acts of civil status at the place of residence of an applicant register changes of names, patronymics and family names. Refusal to register the change of name, patronymic and family name may be appealed to a court within the period established by the law.
2. Petitions for change of name, patronymic and family name are reviewed according to the regulations established by the Government of the Kyrgyz Republic.

Chapter 29. Registration of death.

Article 189. Regulations for registration of death.

1. Deaths and death declaration orders of the court are registered by the offices for registration of acts of civil status.
2. Death is registered by the offices for registration of acts of civil status at the place of death or residence of the deceased.
3. Orders of the court, declaring citizens dead are registered by the offices for registration of acts of civil status at the place the death declaration order was made.

Article 190. Period for submission of notice of death.

A notice of death must be submitted no later than seven days after death. In cases of violent death, accidental death or suicide a notice of death must be submitted no later than five days after the corpse is discovered.

Article 191. Submission of a notice of death.

A notice of death is submitted in a written or oral form by the cohabitants of the deceased. If no cohabitants exist or no cohabitants can be found, the notice of death is submitted by neighbors, workers of housing maintenance offices, administrations of organizations where death occurred or by police agencies that discovered the corpse.

Article 192. Notice of death.

A notice of death must contain the following information about the deceased:

- name, patronymic and family name
- date of birth
- marital status
- date of death
- cause of death

A notice of death must include name, patronymic and family name of the person who submitted the notice of death.

Article 193. Death attestation.

1. Death is attested by a medical certificate. If issuance of a medical certificate is not possible, death is attested by a death declaration order of the court.
2. Corpse discovery statement must be accompanied by a protocol drawn up by a respective state body.

Part 8. Application of the family legislation to family relations between the citizens of the Kyrgyz Republic and foreign citizens or stateless persons.

Article 194. Conclusion of marriage within the borders of the Kyrgyz Republic.

1. Regulations for conclusion of marriage within the borders of the Kyrgyz Republic are established by the legislation of the Kyrgyz Republic.
2. Legal requirements for a party concluding a marriage are established by the laws of the country of that party's citizenship. Any marriage concluded within the borders of the Kyrgyz Republic, must comply with the present Code.
3. Legal requirements for conclusion of marriage for stateless persons are established by the laws of a country, where such people have permanent residence.

Article 195. Conclusion of marriages in the embassies or consulates.

1. Marriages between citizens of the Kyrgyz Republic, residing outside the borders of the Kyrgyz Republic are concluded in the embassies or consulates of the Kyrgyz Republic.
2. Marriages between foreign citizens, solemnized in foreign embassies or consulates in the Kyrgyz Republic shall be recognized in the Kyrgyz Republic, if the parties to the marriage were, at the conclusion of such a marriage, citizens of a country that appointed an ambassador or a consul to the Kyrgyz Republic.

Article 196. Recognition of marriages, concluded outside the borders of the Kyrgyz Republic.

1. Marriages between the citizens of the Kyrgyz Republic and foreign citizens or stateless persons, concluded outside the borders of the Kyrgyz Republic, provided that such marriages satisfy the legal requirements for marriages of the countries where these marriages were concluded and the requirements of article 14 of the Present Code are recognized in the Kyrgyz Republic.
2. Marriages between foreign citizens, concluded outside the borders of the Kyrgyz Republic, provided that such marriages satisfy the legal requirements for marriages of the countries where such marriages were solemnized are recognized in the Kyrgyz Republic.

Article 197. Invalid marriages, concluded within or outside the borders of the Kyrgyz Republic.

Invalidity of marriages concluded within or outside the borders of the Kyrgyz Republic shall be determined by the legislation, which was used in conclusion of such marriages (articles 194 and 196 of the present Code).

Article 198. Dissolution of marriage.

1. Within the borders of the Kyrgyz Republic, dissolution of marriage between the citizens of the Kyrgyz Republic and foreign citizens or stateless persons shall be performed in accordance with the legislation of the Kyrgyz Republic.

2. The citizen of the Kyrgyz Republic, residing outside the borders of the Kyrgyz Republic may dissolve his/her marriage with a spouse (regardless of the spouse's citizenship) in a court of the Kyrgyz Republic. If the legislation of the Kyrgyz Republic allows dissolution of marriage in the offices for registration of acts of civil status, the marriage may be dissolved in the embassies or consulates of the Kyrgyz Republic.

3. Marriage between foreign citizens shall be recognized dissolved in the Kyrgyz Republic if the dissolution was performed accordance with the laws of the respective country.

Article 199. Personal property and non-property rights and duties of the spouses.

1. Personal property and non-property rights and duties of the spouses are established by the legislation of a country of joint residence. If there is no country of joint residence, personal property and non-property rights and duties of the spouses are established by the legislation of a country of latest joint residence. Within the borders of the Kyrgyz Republic, personal property and non-property rights and duties of the spouses who did not have joint residence are established by the legislation of the Kyrgyz Republic.

2. The spouses who do not have common citizenship or a place of joint residence are free to choose legislation that will govern their marital and (or) alimony agreement. If the spouses did not choose such legislation, their marital and (or) alimony agreement will be regulated by paragraph 1 of the present article.

Article 200. Establishment and contest of parentage.

1. Establishment and contest of parentage of a child are regulated by the laws of the country of citizenship of the child.

2. Within the borders of the Kyrgyz Republic, regulations concerning establishment and contest of parentage are defined by the legislation of the Kyrgyz Republic. In the cases where the legislation of the Kyrgyz Republic allows establishment of parentage by the offices for registration for acts of civil status, child's parents, residing outside the borders of the Kyrgyz Republic, provided that at least one of them is a citizen of the Kyrgyz Republic may apply for establishment of parentage to the embassies and consulates of the Kyrgyz Republic.

Article 201. Rights and duties of parents and children.

Rights and duties of parents and children, including parental responsibility to maintain their children are regulated by the legislation of a country of joint residence of the parents. If no country of joint residence exists, rights and duties of a child and his parents are regulated by the legislation of the country of citizenship of the child. The defendant in an alimony support legal procedure may request application of the legislation of a country of permanent residence of the child to the alimony support legal procedure.

Article 202. Alimony duties of children and other members of the family who attained majority age.

Duty of major-age children to maintain their parents and alimony duties of other members of the family are regulated by the legislation of a country of their joint residence. If no country of joint residence exists, alimony duties are regulated by the legislation of a country of citizenship of a person who filed the alimony support suit.

Article 203. Adoption.

1. Adoption and annulment of adoption by foreign citizens or stateless persons of a child, possessing Kyrgyz citizenship is regulated by the legislation of a country of citizenship of adoptive parents (if an adoptive parent is a stateless persons, the appropriate legislation of a country of permanent residence of an adopter or a person applying for adoption shall be applied).

Besides, adoption of Kyrgyz citizens by foreign citizens or stateless persons must comply with the requirements of articles 124-126, article 128 (with the exception of eighth paragraph of section 1 of article 128), articles 129, 130, 131 (with the exception of the fifth paragraph of article 131), articles 132-134 of the present Code and with international agreements on child adoption ratified by the Kyrgyz Republic.

Within the borders of the Kyrgyz Republic adoption of citizen of the Kyrgyz Republic by a foreign citizen or a stateless person married to a citizen of the Kyrgyz Republic shall proceed according to the regulations set for citizens of Kyrgyz Republic by the present Code unless otherwise is established by an international agreement of the Kyrgyz Republic.

Within the borders of the Kyrgyz Republic, adoption of a foreign child by the citizens of the Kyrgyz republic is allowed only with the consent of a legal representative of a child and with the consent of a corresponding state agency of the country of citizenship of the child. Child's agreement for adoption is mandatory if the legislation of the country of citizenship of the child requires so.

2. Any child adoption, which can lead to the violation of the child's legal rights, as established by the legislation of the Kyrgyz Republic and by the international agreements of the Kyrgyz Republic is prohibited.

3. Protection of rights and interests of citizens of the Kyrgyz Republic adopted outside the borders of the Kyrgyz Republic by foreigners or stateless persons shall be the duty of the embassies and consulates of the Kyrgyz Republic. Such a protection shall be regulated by international agreements of the Kyrgyz Republic and the norms of international law.

4. Adoption of a Kyrgyz citizen, permanently residing outside the borders of the Kyrgyz Republic shall be recognized in the Kyrgyz Republic only if such an adoption was executed by a competent agency of the country of citizenship of an adopter. Adoption of a Kyrgyz citizen outside the borders of the Kyrgyz Republic is allowed only with the consent of the self-government agency of the locality where the child lived during his stay in Kyrgyzstan.

Article 204. Application of norms of family legislation of other countries.

1. Norms of family legislation of a foreign state shall be applied in Kyrgyzstan in within the limits of their regular application.

In applying norms of family legislation of a foreign state, the courts, the offices for registration of acts of civil status or other agencies may consult experts, the Ministry of Justice or any other competent agency of the Kyrgyz Republic.

2. If the norm of a foreign legislation, despite all the efforts (paragraph 1 of the present article) taken cannot be established, the norms of the Kyrgyz legislation shall applied.

Article 205. Limitation on application of norms of family laws of other countries.

Family law norms of other countries shall not be applied if doing so violates the legal order of the Kyrgyz Republic. In such cases, legislation of the Kyrgyz Republic shall be applied.

Part 9. Concluding part.

Article 206. Order of introduction into force of the present Code.

1. The present Code (with the exceptions described below) shall enter into force starting January 1, 2000.

2. The Marriage and Family Code of the Kyrgyz SSR shall lose its force since January 1, 2000.

Article 207. Application of the present Code.

1. The norms of the present Code shall be applied to family relations originated after January 1, 2000.

The norms of the present Code shall be applied to rights and duties emerged after January 1, 2000.

2. The legal procedures concerning child adoption established by article 125 of the present Code shall become effective after appropriate changes are introduced to the Code of Civil Procedure of the Kyrgyz Republic.

Until changes mentioned above are introduced to the Code of Civil Procedures, adoption of children-citizens of the Kyrgyz Republic by the citizens of the Kyrgyz Republic shall be regulated by decrees of the local self-government agencies; adoption of Kyrgyz citizens by foreign citizens or stateless persons shall be regulated by an appropriate decree of the Government of Kyrgyz Republic.

3. Article 25 of the present Code shall be enter into force after May 1, 2000.

Marriage, dissolved by an order of a court before May 1, 2000 shall be deemed dissolved since the date of registration of marriage dissolution in the offices for registration of acts of civil status.

4. The regulations of article 199 of the Civil Code of the Kyrgyz Republic on the limitation for action shall be applied to the article 15 of the present Code.

5. The regulations for marital and alimony agreements, established by chapters 8 and 16 of the present Code shall be applied to marital and alimony agreements concluded after January1, 2000.

6. Regulations on marital property and the property of the spouses, established by articles 34-37 of the present Code shall be applied to the property acquired by the spouse (spouses) before May 1,2000.

Article 208. Conformity of laws and legal normative acts with the present Code.

1. Until laws and legal normative acts, effective within the borders of the Kyrgyz Republic, are brought in accordance with the present Code, such laws and legal normative acts shall be applied within the limits established by the Constitution of the Kyrgyz Republic.

2. Within three months after the date of adoption of the present Code the Government of the Kyrgyz Republic shall:

- bring legal normative acts of the Government of the Kyrgyz Republic in accordance with the present Code

- prepare and propose changes to the legislation of the Kyrgyz Republic necessary to bring the legislation of the Kyrgyz Republic in accordance with the present Code.

- adopt normative legal acts to ensure effectiveness of the present Code.

The president of the Kyrgyz Republic Askar Akayev.