

ACT of the Czech Republic No. 94/1963 Sb. on family

as amended by the Acts No. 132/1982 Sb., No. 234/1992 Sb., by the decision of the Constitutional Court No. 72/1995 Sb., by the Acts No. 91/1998 Sb. (full wording promulgated in No. 210/1998 Sb.), by the Acts No. 360/1999 Sb., No. 301/2000 Sb. and No. 109/2002 Sb.

The National Assembly of the Czechoslovak Socialist Republic has passed this Act on Family:

PART ONE MARRIAGE CHAPTER ONE RISE OF MARRIAGE

§ 1

- (1) Marriage is a permanent community of man and woman founded in the way stipulated by law.
(2) The main purpose of marriage are foundation of family and proper upbringing of children.

§ 2

Man and woman who want to enter into marriage (the "fiancés") should first know each other's character qualities and health condition in order to enter into a marriage that is able to fulfill its purpose.

§ 3

- (1) The marriage is entered into on the basis of a free and complete consenting declaration of the man and woman that they jointly enter into a marriage; the declaration is done before the municipal office entrusted with keeping of register, eventually before an authority that fulfills its task (the "register office") or before an authority of a church or religious company entitled thereto by a special regulation.
(2) The declaration is done in public in a ceremonial way in presence of two witnesses.

§ 4

Civil wedding

- (1) The declaration on entrance into marriage shall be done by the fiancés before mayor, his representative or before an entrusted member of the municipal board of the register office in whose district permanent residence of one of the fiancés is reported. The declaration on entrance into marriage may be also done before mayor or before a representative of the mayor of the municipality, city district or city part of a territorially divided statutory city that belong to the district of the register office and are not a register office. The declaration on entrance into marriage must be done in presence of a municipality's employer meeting the requirements according to a special Act.^{3c)}
(2) The relevant register office may approve of an entrance into marriage before another register office or in any suitable place.
(3) If life of one of the fiancés is directly endangered, the marriage may be entered into before any municipal office in any place.

3c) § 9 of the Act No. 301/2000 Sb., on record books, name and surname and on amendment to several acts.

Religious wedding

§ 4a

- (1) Declaration on entrance into marriage shall be done by the fiancés before a relevant authority of the church before a person entrusted by the registered church or religious company.¹⁾
(2) The marriage is entered into in a place determined by regulations of the church or religious company for religious ceremonies or religious acts.
(3) If life of one of the fiancés is directly endangered, the marriage may be entered into on any place.

§ 4b

- (1) Conditions of entrance into marriage stipulated by this Act apply also to the religious wedding.
(2) The religious wedding may be done after the fiancés give the wedding officer a certification issued by the relevant register office not older than three months proving that they meet legal requirements of entrance into a valid marriage.
(3) Within 3 working days from entrance into marriage, the authority of the church or religious company registered by state before that the marriage was entered into must deliver the statement on entrance into marriage containing the facts according to a special Act²⁾ to the relevant register office in whose administrative district the marriage was entered into.³⁾
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2) § 20 of the Act No. 301/2000 Sb.

3) § 11 of the Act No. 301/2000 Sb.

§ 4c

Religious marriages entered into by citizens of the Czech and Slovak Federative Republic abroad from January 1, 1950 to the day of effectivity of this Act in accordance with law of the place where the marriage was entered into are considered valid according to Czechoslovak law.

§ 5

A Czech citizen may enter into marriage abroad before a diplomatic authority of the Czech Republic entitled thereto by a special regulation.^{3a)}

3a) Art. 5 letter f) of the Ordinance No. 32/1969 Sb. on Vienna Convention on Diplomatic Relations.

§ 6

(1) The fiancés must submit the stipulated documents and declare that they are not aware of any circumstances impeding marriage, that they know each other's health condition and that they have considered regulation of their following property relationships, residence and material assurance of the family after the entrance into marriage.

(2) A person who wants to enter into a new marriage must prove that his or her previous marriage ceased to exist or was declared invalid.

(3) The register office may exempt submission of the required documents if their acquisition is connected with an impediment that can be hardly overridden.

§ 7

(1) If life of the person who wants to enter into marriage is directly endangered, the documents otherwise necessary to the entrance into marriage do not have to be submitted. However, even in such case, the fiancés must declare that they are not aware of any circumstances impeding the marriage.

(2) If at least one of the fiancés is citizen of the Czech Republic and the marriage is entered into abroad, the declaration of the fiancés in case mentioned in paragraph 1 may be accepted even by the master of a ship floating under Czech flag, by the captain of an aircraft registered in the Czech Republic or by a commander of a military unit of the Czech Republic located abroad.

§ 8

(1) In entering into marriage before a register office or before an entitled religious authority, the fiancés must consently declare whether the surname of one of them shall be their common surname or whether each of them shall keep the hitherto surname or whether one of them shall use and state the hitherto surname as second together with their common surname; if the hitherto surname was composed of two surnames, only one of them may be used and stated as second.

(2) If the fiancés keep their hitherto surnames, they must declare which of their surnames shall be the surname of their common children.

§ 9

(1) For important reasons, a district office may approve that declaration of one of the fiancés on entrance into marriage can be done by his or her representative. The power of attorney must be done in writing and the signature thereon must be officially verified. The second fiancé with whom the marriage is to be entered into must be exactly identified in the power; otherwise, the marriage shall not arise.

(2) The recall of the power of attorney is effective only if the second fiancé learns about it before doing the declaration on entrance into marriage.

(3) The written power of attorney must include:

a) name or names, surname, eventually birth surname, date and place of birth, birth numbers and place of permanent residence of the fiancés and the representative; and

b) declaration on surname of the fiancés and their common children in male and female form; and

c) declaration that the empowering person is not aware of circumstances impeding marriage, that he or she knows the other fiancé's health condition and that he or she has considered regulation of future property relationships, living and material security of the family after the entrance into marriage.

(4) The fiancé may be represented only by a major individual who is not deprived of capacity to legal acts or whose capacity to legal acts is not restricted and whose sex is the same as is the of the represented fiancé.

§ 10

(1) If a civil wedding was done, following religious ceremonies have no legal relevance.

(2) If a religious wedding was done, no subsequent civil wedding can be done.

CHAPTER TWO

INVALIDITY AND NON-EXISTENCE OF MARRIAGE

§ 11

(1) Marriage can not be entered into with a married man or woman; the court shall declare the marriage invalid even without a petition.

(2) The marriage shall not be declared invalid and shall become valid as soon as the previous marriage ceased to exist or was declared invalid.

§ 12

A marriage can not be entered into between ancestors and descendants and between sister and brother; the same rule shall apply to a relationship founded by way of adoption if the adoption still exists. The court shall declare the marriage invalid even without a petition.

§ 13

(1) A marriage can not be entered into by a minor. If it is in accordance with the social purpose of marriage, the court may exceptionally and for important reasons approve of entrance into marriage by a minor older than sixteen years. Without this approval, the marriage is invalid and the court shall declare the invalidity even without a petition.

(2) The verdict on invalidity of marriage shall not be issued and such marriage shall become valid, if the spouse who was minor at the moment of entrance into marriage has achieved the age of eighteen years or if his spouse became pregnant.

§ 14

(1) A person deprived of capacity to legal acts can not enter into marriage.

(2) A person whose capacity to legal acts is restricted may enter into marriage only with an approval of court.

(3) A marriage can not be entered into by a person suffering from a mental disorder that would lead to a restriction or deprivation of capacity to legal acts. However, in case of a person suffering from a mental disorder that would lead to restriction of capacity to legal acts, the court may approve of entrance into marriage if the health condition of the person is compatible with the purpose of marriage.

(4) If a marriage is entered into by a person deprived of capacity to legal acts or by a person suffering from a mental disorder that would lead to deprivation of capacity to legal acts, the court shall declare the marriage invalid even without a petition.

(5) If a marriage is entered into by a person whose capacity to legal acts is restricted or by a person suffering from a mental disorder that would lead to deprivation of capacity to legal acts without the approval of a court, the court shall declare such marriage invalid upon a petition of any of the spouses. The court shall not declare the marriage invalid if the health condition of the person became compatible with social purpose of marriage.

§ 15

(1) A marriage that ceased to exist can not be declared invalid.

(2) A marriage entered into by a married man or woman or between ancestors and descendants or between sister and brother shall be declared invalid even after it ceased to exist. The same rule shall apply to a marriage entered into between persons relative to each other on the basis of an adoption.

§ 15a

(1) The marriage is invalid if the declaration of entrance into marriage was done as a result of unlawful threat or error concerning identity of one of the fiancés or concerning the nature of the legal act of entrance into marriage. The court shall declare such marriage invalid on the basis of a petition of any of the spouses.

(2) The right of a spouse to assert invalidity of marriage according to paragraph 1 shall become extinct after the lapse of one year from the day when he or she learnt of the decisive fact.

§ 16

(1) If proceedings on declaration of a marriage invalid have already been instituted upon a petition of one of the spouses, the marriage can be declared even after death of the other spouse.

(2) After death of the spouse who filed the petition for declaration of a marriage invalid, the marriage can be declared invalid also if his or her descendants ask for it within one year after his or her death.

§ 17

(1) A marriage that was declared invalid shall be regarded as never being entered into.

(2) As for rights and duties of the spouses to their common child and for their property relationships after declaration of invalidity of the marriage, provisions on rights and duties of divorced spouses to their common child and on their property relationships shall apply analogously.

§ 17a

(1) A marriage shall not arise if the man or woman was forced to the declaration on entrance into marriage by means of physical violence.

(2) A marriage shall not arise if it was entered into by a minor younger than sixteen years.

(3) A marriage shall not arise if the requirements stipulated on § 4, § 4a para. 1, § 4b para. 2 and § 9 were not met.

CHAPTER THREE
RELATIONSHIPS BETWEEN SPOUSES

§ 18

Man and woman have equal rights and duties in marriage. They must live together, be faithful to each other, mutually respect their dignity, help each other, jointly care of their children and create a healthy family niveau.

§ 19

- (1) Both spouses must care of satisfaction of the family' s needs according to their abilitiespossibilities and property condition.
- (2) Provision of cash and other means for expenses of common household can be wholly or partially replaced with a personal care of the common household and children.
- (3) Unless one of the spouses fulfills his or her duty to cover the expenses of the common household, a court shall decide on the case upon petition of the other spouse.

§ 20

The spouses decide jointly about the family' s affairs. Unless they are able to agree on essential affairs, the case shall be decided by a court upon a petition of any of them.

§ 21

- (1) A spouse may represent another spouse in his or her usual affairs, in particular in receiving of usual performances unless a special act stipulates otherwise.
- (2) Conduct of one spouse in arranging for usual affairs of the family binds both spouses jointly and severally.
- (3) The provisions of paragraphs 1 and 2 shall not apply if the third party was aware of the fact that the other spouse explicitly excluded these effects vis-à-vis such third person.

CHAPTER FOUR
TERMINATION OF MARRIAGE BY DEATH,
BY DECLARATION OF ONE SPOUSE' S DEATH

§ 22

- (1) Marriage is terminated by death of one spouse or by declaration of one spouse' s death. If one spouse was declared dead, the marriage is terminated on the day when the decision thereon became final and conclusive.
- (2) If the declaration of death is quashed, the terminated marriage shall not re renewed if the other spouse has meanwhile entered into a new marriage.

CHAPTER FIVE
DIVORCE

§ 23

left out

§ 24

- (1) Upon petition of any of the spouses, the court may divorce the marriage if the marriage is so broken that renewal of the marriage community can not be expected; in deciding on divorce, the court takes account of causes of the breakdown of marriage.
- (2) If the spouses have minor children, the marriage can not be divorced if it is at variance with interests of these children based on special reasons.

§ 24a

- (1) If the marriage existed at least one year, the spouses have not been living with each other for at least six months and the other spouse joins the petition for divorce, the conditions mentioned in § 24 para. 1 shall be considered fulfilled. The court shall not find out causes of the breakdown and shall divorce the marriage if the spouses submit
 - a) written agreements with officially verified signatures of the participants regulating settlement of mutual property relationships, rights and duties from their common residence and an eventual maintenance duty after the divorce; and
 - b) a final and conclusive decision of court approving of an agreement about regulation of the condition of minor children after the divorce.
- (2) The provision of § 24 para. 2 shall apply analogously.

§ 24b

- (1) If the spouse who did not predominantly take part in breakdown of the marriage through violation of marriage duties disagrees with the petition for divorce and the divorce would lead to a considerable harm to this spouse, the court shall reject the petition for divorce if extraordinary circumstances indicate that the marriage should be preserved.
- (2) However, if the spouses have not been living with each other for at least three years, the court shall divorce the marriage if the conditions mentioned in § 24 are fulfilled.

§ 25

A marriage can not be divorced unless the decision on regulation of condition of minor children after the divorce issued according to § 176 of the Civil procedure Code has become final and conclusive.

§ 26

(1) Before issuing a decision on divorce of spouses having a minor child, the court shall regulate their rights and duties to the child after the divorce; the court shall particularly determine who shall be entrusted with custody of the child and how each of the parents shall contribute to his or her maintenance.

(2) If both parents are able to upbringing the child and are interested in the upbringing, the court may put the child into a common or alternating custody of both parents if it is compatible with the child' s interest and if it leads to a better security of his or her needs.

(3) A decision regulating the exercise of parental responsibility may be replaced with an agreement of the parents; the validity of such agreement requires a consent of the court.

(4) In deciding on the child' s custody, the court shall particularly take account of the child' s interest with regard to his or her personality, talent, abilities and possibilities of development and with regard to life condition of parents. The court shall see to taking account of the child' s right to a care of both parents and to a regular contact with them and to the other parent' s right to regular information about the child. The court shall also take account of emotional orientation and background of the child, ability and reliability of the parent to upbringing the child, to stability of the custody in the future, to ability of the parent to agree on the upbringing of the child with the other parent, to child' s emotional links to brothers and sisters, grandparents and other relatives as well as to a material security from the parent' s side including flat condition.

(5) The court shall always take account of who has so far taken care for the child' s emotional, intellectual and moral upbringing apart from the proper care.

§ 27

(1) The agreement between the parents about contact with the child does not require a court' s consent.

(2) However, the court shall regulate the contact of the parents with the child if such measure is required by the interest in his or her upbringing or by condition of the family. A repeated groundless prevention of the entitled parent from contact with the child is considered change of condition requiring a new decision on the custody.

(3) If it is necessary and in the child' s interest, the court shall restrict or prohibit contact of the child with his or her parent.

(4) If it is required by the child' s interest and by condition of the family, the court may regulate the child' s contact with grandparents and brothers and sisters.

§ 28

If the condition changes, the court may change the decision or agreement of parents about the exercise of their parental rights and duties even without a petition.

§ 29

Within one month after the decision on divorce became final and conclusive, the spouse who assumed the other spouse' s surname may let the register office know that he or she assumes the previous surname or that he or she ceases to use the common surname beside the previous surname.

PART TWO

RELATIONSHIPS BETWEEN PARENTS AND CHILDREN

CHAPTER ONE

PARENTAL RESPONSIBILITY

§ 30

left out

§ 31

(1) The parental responsibility is an aggregate of rights and duties concerning

a) care of a minor including in particular care of his or her health, physical, emotional, intellectual and moral growth; and

b) representation of the minor; and

c) management of his or her property.

(2) In exercising the rights and duties mentioned in paragraph 1, the parents must rigorously protect the child' s interests, manage his or her behavior and exercise a surveillance over him or her in accordance with the level of his or her development. They may use adequate upbringing measures so that the child' s dignity is not violated and his or her health, emotional, intellectual and moral development are not endangered.

(3) If the child is able to have his or her own opinion and to consider consequences of measures concerning him or her, the child has the right to obtain necessary information and express his or her opinion about all decisions of the parents concerning essential affairs of his or her person and to be heard in every proceedings in that such affairs are decided on.

(4) A child living in common household with parents must help them according to his or her abilities and possibilities. He or she must contribute to coverage of common needs of the family if it has his or her own income or a property that can be used for common needs of the family.

§ 32

- (1) The parents have a decisive function in the child' s upbringing.
- (2) The parents should be an example to their child through their personal life and behavior.

§ 33

Also the spouse who is not parent of the child takes part in the child' s upbringing provided that he or she lives with the child in a common household.

§ 34

- (1) The parental responsibility shall be born by both parents.
- (2) If one of the parents does not live, is not known has not a full capacity to legal acts, the parental responsibility shall be exercised by the other parent. The same rule shall apply if one of the parents was deprived of his or her parental responsibility or if exercise of his or her parental responsibility was suspended.
- (3) The court may grant the parental responsibility concerning care of the child even to his or her minor parent who has achieved sixteen years if he or she has the necessary makings of exercise of rights and duties following from the parental responsibility.

§ 35

The child must honor and respect his or her parents.

§ 36

The parents represent the child in legal acts to that he or she is not fully capable.⁵⁾

5) § 8 and 9 of the Civil Code.

§ 37

- (1) None of the parents can represent the child as for legal acts in matters in those conflict of interests between the parents and the child or conflict of more children of the same parents could occur.
- (2) If the child can be represented by none of the parents, the court shall appoint a curator who shall represent the child in proceedings or in a certain legal act. The post of curator should be usually exercised by an authority exercising socio-legal protection of children (the "authority of socio-legal protection of children").

§ 37a

- (1) The parents must manage their child' s assets with care of a proper manager
- (2) The proceeds from the child' s assets must be used above all for his or her maintenance and then adequately for family' s needs. The property substance may be affected oly if a gross disproportion between the liable persons and condition of the minor arises without fault of the liable persons.
- (3) As soon as the child becomes major, the parents shall give over the property they managed before. They must give the child a statement of the management of property if the child asks for it within one year after the end of the management. The child' s rights from liability for damages and unjustified enrichment shall remain unaffected.

§ 37b

- (1) In grounded cases that could lead to jeopardize of the property interests of the child, the court shall appoint a curator for a more intense protection of the child' s property. The post of curator may be exercised only by an individual who is fully capable to legal acts, whose way of life guarantees a proper exercise of this post and who agrees to the appointment as a curator.
- (2) Unless an individual can be appointed as the curator, the court shall usually appoint an authority of socio-legal protection of children as the curator.
- (3) The court shall determine the extent of the property that is to be managed by the curator with the care of a proper manager. At the same time, the court shall determine the ways in those the individual party can or must not be disposed of. The court shall particularly determine the way of exercise of ownership and other real rights, intellectual property rights, rights to securities and rights following from obligations.
- (4) In the course of management of the property, the curator must not do acts that are connected with inadequate risk.
- (5) The curator shall be subject to control of the court. According to circumstances of the case, the court shall link validity of a legal act to its consent and shall decide on a duty to provide regular reports about management of the child' s property.
- (6) Within two months after the end of his or her function, the curator must provide the court with a final statement about the management of the child' s property.
- (7) The curator is entitled to a compensation of necessary expenses connected with administration of the property and to an adequate remuneration paid from the proceeds of the child' s property. The amount of the remuneration shall be determined by the court.
- (8) The curator shall be liable for breach of duties mentioned in paragraphs 3 and 4 according to general provisions on compensation of damages.

§ 38

- (1) Children shall have the common surname of their parents or the surname of one of them that was agreed on at the moment of entrance into the marriage.

(2) As for a child whose surname was not determined in this way and whose parents have different surnames, the parents shall agree on the child' s surname and let the register office about such agreement.

(3) If the parents fail to agree on the name or surname of the child or if none of the parents is known, the name or surname shall be determined by the court.

§ 39

(1) If the parents enter into marriage after birth of their child, the child shall have the surname determined for their other children.

(2) If the marriage is entered into by a child whose father is not known, the parents may consently declare before the register office that the surname determined for their other children shall be born also by this child.

§ 40

The child' s surname according to previous provisions can not be changed as soon as the child becomes major.

CHAPTER TWO UPBRINGING MEASURES

§ 41

repealed

§ 42

Measures restricting the parental responsibility may be done only by court.

§ 43

(1) If interest in a proper upbringing of child requires so and unless the authority of socio-legal protection of children did so, the court may take the following measures:

a) the court shall suitably admonish the minor, his or her parents and persons who disturb his or her proper upbringing; or

b) the court shall order a surveillance over the minor and exercises it in co-operation with school, civic associations in place of the minor' s residence or place of work; or

c) imposes restrictions upon the minor that shall prevent detrimental influences on his or her upbringing, in particular visits to enterprises and entertainment unsuitable for the minor with regard to his or her person.

(2) The authority of socio-legal protection of children that took a measure mentioned in paragraph 1 does not need an approval of the court. These measures may be taken by a court, too; if they are taken by an authority of socio-legal protection of children, they do not need an approval of the court. These measures may be changed or canceled only by the authority that has taken them.

§ 44

(1) If an important impediment prevents a parent from exercising of his or her parental responsibility and if it is in the child' s interest, the court may suspend the exercise of parental responsibility.

(2) Unless a parent properly exercises the duties following from the parental responsibility and if it is in the child' s interest, the court shall restrict his or her parental responsibility; in doing so, the court shall always define the extent of rights and duties to that the restriction applies.

(3) If a parent abuses his or her parental responsibility or neglects its exercise in a significant way, the court shall deprive him or her of parental responsibility.

(4) If a parent committed an intentional crime against his or her child or if a parent used his or her child younger than fifteen years to perpetration of a crime, eventually if he or she committed a crime as an accomplice, abettor or assistant of a crime committed by his or her child, the court shall always consider whether there are reasons for institution of proceedings on deprivation of parental responsibility.

(5) The maintenance duty of the parent vis-à-vis his or her child shall not be discharged through the court' s decision according to the previous paragraphs.

§ 45

(1) If it is required by the child' s interest, the court may award the child' s custody to another individual than parents if this person provides guarantee of a proper upbringing and agrees to the award of custody. In choosing the suitable person, the court should always prefer the child' s relatives.

(2) A child may be also entrusted into a common custody of spouses. If one of the spouses dies, the child shall remain in custody of the other spouse. After the divorce of the spouses, the court shall decide about the child' s custody; the common custody shall last until the court' s decision.

(3) Only one spouses may be awarded the child' s custody only with a consent of the other spouse. This consent is not necessary if the other spouse lost his or her capacity to legal acts or if gaining of such consent is connected with an impediment that can hardly be overridden.

(4) In awarding the child' s custody to another individual than the parents, the court shall define the extent of their rights and duties vis-à-vis the child.

Fostering

§ 45a

- (1) The court may put a child into fostering of an individual (the "foster father") if the child' s interest requires so and if the person of the foster father guarantees a proper care of the child.
- (2) The child can be also put into a common fostering of spouses; the provision of § 45 para. 2 and 3 shall apply analogously.
- (3) The fostering may be canceled by a decision of the court. The court may cancel the fostering care only for important reasons; the court shall always cancel the fostering if the foster father asks for it.

§ 45b

- (1) Before putting the child into fostering, the court shall ask the authority of socio-legal protection of children to submit an opinion whether the person who is to become foster father is suitable for exercise of such care.
- (2) If a child is put into institutional upbringing on the basis of a judicial decision, before putting of the child into fostering by the court, the authority of socio-legal protection of children may put the child into custody of a person who is interested in becoming foster father and meets the stipulated requirements; a child that is not placed in institutional care may be put into custody of future foster people with the consent of his or her parents. Unless proceedings on putting of the child into fostering are not instituted within three months from the day when such decision became final and conclusive, the decision on provisional custody shall lose legal relevance.

§ 45c

- (1) The foster father must care of the child personally. If the child was put into fostering of only one of spouses, the provision of § 33 shall apply analogously.
- (2) In the course of care of the child, the foster father exercises adequately rights and duties of parents. The foster father has not maintenance duty vis-à-vis the child and may represent the child and manage his or her affairs only in usual cases. If the foster father is of the opinion that a decision of the child' s legal representative is not in accordance with the child' s interests, the foster father may demand that the court decide.
- (3) The child must help in the foster father' s household according to his or her abilities; if the child has his or her own income and lives in a common household with the foster father, the child must contribute to coverage of common needs of the family.

§ 45d

- (1) The claim to maintenance determined by a court' s decision for a child entitled to a contribution for coverage of needs according to a special act^{7a)} shall pass to the state. If the maintenance exceeds the amount of the contribution mentioned in the first sentence, the child is entitled to the difference between the maintenance and the contribution; this difference shall be paid to the foster father.
- (2) The court shall order that parents, eventually other individuals bound to provide the child with maintenance should pay this maintenance to the relevant authority that pays the foster father or the major child contribution for coverage of needs of the child according to a special act.^{7a)}

7a) § 37 and 38 of the Act No. 117/1995 Sb. on state social support, as subsequently amended.

§ 46

- (1) If upbringing of the child is seriously endangered or disturbed and other upbringing measures can not lead to rectification or if the parents are not able to upbring the child for other important reasons, the court may order an institutional custody or put the child into a care of an institute for children requiring an immediate assistance (§ 42 of the Act No. 359/1999 Sb., on socio-legal protection of children). If it is necessary in the minor' s interest, the court may order the institutional custody or put the child into a care of an institute for children requiring an immediate assistance even if other upbringing measures did not precede. For important reasons, the court may prolong the institutional custody by up to one year after attaining of majority.
- (2) Before ordering the institutional custody, the court must examine whether the upbringing of the child can not be assured in the form of an alternative family care or a family care in an institute for children requiring an immediate assistance that must be preferred to the institutional custody. If the reasons for institutional custody disappear after it was ordered or if the child can be granted an alternative family care, the court shall cancel the institutional care.

§ 47

- (1) The court shall permanently watch exercise of upbringing measures ordered by the court and evaluate their effectivity. The court may ask the municipality or district office to control instead of the court whether the upbringing measures taken by the court are observed.
- (2) If the child is, with regard to his or her age and intellectual level, able to express his or her opinion and knowledge, his or her opinion and knowledge must be taken into consideration on taking upbringing measures.

§ 48

repealed

§ 49

If the parents are not able to agree on essential affairs of the exercise of parental responsibility, the case shall be decided by a court.

§ 50

(1) Unless the parents of a minor live together and unless they are able to agree on regulation of upbringing and maintenance of the child, the court may decide even without a petition to whom the child shall be put into custody and how each of the parents shall contribute to his or her maintenance.

(2) The provisions of § 26 to 28 shall apply here analogously.

PART THREE

DETERMINATION OF PARENTHOOD

§ 50a

The woman who bore a child is considered to be the child' s mother.

§ 51

(1) If the child was born during the period from entrance into the marriage to the lapse of the three hundredth day after the extinction of the marriage or after declaration of its invalidity, the mother' s spouse is presumed to be the father.

(2) If the child is born by a mother that entered into marriage again, the new spouse is presumed to be the father even if the child was born before the lapse of the three hundredth day after her previous marriage ceased to exist or was declared invalid.

(3) In calculating the time decisive for determination of fatherhood, the marriage of the person who was declared dead is considered to have ceased to exist on the day defined as the day of death in the declaration of death.

§ 52

(1) Otherwise, the presumption of fatherhood shall point to the man whose fatherhood was determined by a consent declaration of parents done before the register office or before court.

(2) Declaration of a minor parent about fatherhood must be always done before court.

(3) The mother' s declaration is not necessary if she can not consider the importance of her conduct or if gaining of her declaration is obstructed by an impediment that can hardly be overridden.

§ 53

The consent declaration of parents may determine fatherhood even of a child that is not yet born if it has already be conceived.

§ 54

(1) Unless the fatherhood was determined according to the previous paragraphs, the child, the mother or the man claiming himself to be the father may ask the court to determine the fatherhood.

(2) The presumption of fatherhood shall point to the man who had sexual intercourse with the child' s mother at the moment from that no less than one hundred and eighty and no more that three hundred days elapsed to the child' s birth, unless his fatherhood is excluded by significant circumstances.

§ 55

Unless the presumed father is alive, the petition for determination of fatherhood is filed against a curator appointed by the court.

§ 56

(1) If the petitioner dies during the proceedings, the other entitled person may continue in the proceedings. Within six months from the child' s death, the petition for determination of fatherhood may be filed also by the petitioner' s descendants if they prove legal interest in such determination.

(2) If the man against whom the petition for determination of fatherhood is directed dies during the proceedings, the court shall continue in proceedings against a curator appointed by the court.

(3) If the man claiming himself to be the father dies during the proceedings, the court shall stop the proceedings unless the child or the mother continue in the proceedings.

§ 57

(1) The husband may deny his fatherhood before court within six months from the day when he learnt of the fact that his wife bore a child.

(2) If the husband lost his capacity to legal acts and this incapacity arose before the lapse of the denial period, the fatherhood may be denied by his curator within six months from the day when he learns about the child' s birth or, if he knew about the birth before his appointment, within six month after he was appointed as curator.

§ 58

(1) If the child is born during the period between the one hundred and eightieth day from entrance into marriage and the three hundredth day after the marriage ceased to exist or was declared invalid, the fatherhood may be denied only if it is excluded that the mother' s spouse could be the father. If the child is born within three hundred days from the divorce and another man claims himself to be the father, the husband' s fatherhood can be considered excluded even on the basis of a consent declaration of the mother, the husband and this man. This declaration must be done in the proceedings on denial of fatherhood.

(2) Fatherhood to a child born during the period between the one hundred and eightieth day and the three hundredth day from artificial insemination executed with the consent of the wife' s husband can not be denied. However, the fatherhood can be denied if the petitioner proves that the child' s mother became pregnant otherwise.

(3) If the child was born before the one hundredth and eightieth day from entrance into marriage, the fatherhood of the mother' s husband shall be denied simply if the husband denies his fatherhood before court. However, this rule shall not apply if the husband had sexual intercourse with the child' s mother at a moment from that no less than one hundred and eighty and no more than three hundred days elapsed to the child' s birth or if he knew at the moment of entrance into marriage that his wife is pregnant.

§ 59

(1) The husband may deny his fatherhood against the child and the mother; if one of them is no longer alive, against the other. If neither the child nor the wife is alive, the husband can not deny his fatherhood.

(2) Within six months from the child' s birth, also the mother may deny that her husband is father of her child. The provision on the husband' s right of denial shall here apply analogously.

§ 60

If the court has finally and conclusively decided that the new husband is not father of a newly married mother, the six-month denial period of the previous husband shall start running on the day when he learnt about this final and conclusive decision.

§ 61

(1) The man whose fatherhood was determined by the consent declaration of parents may deny his fatherhood before court only if it is excluded that he could be the father and only within six months from the day when the fatherhood was determined in this way; this period shall not elapse before the lapse of six months from the child' s birth.

(2) Also the mother may deny within the same period that the man whose fatherhood was determined by a consent declaration of parents is the father.

(3) The provisions of § 57 para. 2 and § 59 para. 1 shall apply here analogously.

§ 62

(1) If the period stipulated for denial of fatherhood by one of spouses elapsed, the Supreme State Representative may file a petition for denial of fatherhood against the father, the mother and the child if the child' s interest requires so.

(2) Unless one of them is alive, the Supreme State Representative may file a petition for denial of fatherhood against the others; unless none of them is alive, the petition may be filed against a curator appointed by the court for this case.

§ 62a

Even before the lapse of the period stipulated for denial of fatherhood, the Supreme State Representative may file a petition for denial of fatherhood of a man whose fatherhood was determined by a consent declaration of parents and who can not be the father, if it is apparently in the child' s interest and in accordance with provisions regulating fundamental human rights.

CHAPTER FOUR

ADOPTION

§ 63

(1) Adoption establishes between the adoptive parent and the adopted child the same relationship as is the relationship between parents and children, and a close relationship between the adopted child and the adoptive parent' s relatives. The adoptive parents have a parental responsibility in upbringing of children (§ 31 to 37b).

(2) The adoption is decided on by a court upon a petition of the adoptive parent. The petition for adoption of a child to a foreign country must include a final and conclusive decision on approval of the adoption issued by the Office for International Protection of Children (§ 67 para. 3).^{7b)}

7b) § 35 para. 2 letter i) of the Act No. 359/1999 Sb. on socio-legal protection of children.

§ 64

(1) A child may be adopted only by individuals whose way of life guarantees that the adoption shall be to the benefit of child and society.

(2) A child can not be adopted by a person who has not capacity to legal acts.

§ 65

(1) There must be an adequate difference between the age of adoptive parent and the age of the adopted child.

(2) Only a minor child may be adopted and only if it leads to his or her benefit.

§ 66

(1) A child may be jointly adopted only by spouses.

(2) If the adoptive person is a spouse, the adoption may happen only with the other spouse' s consent;

however, this consent is not necessary if the other spouse lost capacity to legal acts or if gaining of his or her consent is prevented by an impediment that can hardly be overridden.

§ 67

(1) The adoption requires a consent of the legal representative of the child. If the child is able to consider the consequences of the adoption, also his or her consent is necessary except for cases when it would frustrate the purpose of adoption.

(2) An adoption of a child requires consent of a parent even if he or she is minor.

(3) An adoption of a child to a foreign country requires a consent of the Office for International Protection of Children.

§ 68

(1) If the child' s parents are legal representatives of the child, their consent is not necessary if

a) they have not manifested a proper interest in the child permanently for at least six months, in particular by not visiting the child, by not fulfilling their maintenance duty to the child regularly and voluntarily and by not trying to rectify their family and social condition within the limits of their possibilities so that they can personally care of the child; or

b) if they manifested no interest in the child for at least two months after the child' s birth even if no impediment prevented them from manifesting the interest.

(2) The provision of paragraph 1 shall analogously apply if the parent is minor.

(3) Satisfaction of the conditions mentioned in paragraph 1 shall be decided on by the court upon a petition of an authority of socio-legal protection of children as a curator of the child or upon a petition of a child' s parent.

§ 68a

Furthermore, a consent of the adopted child' s parents who are his or her legal representatives is not necessary if the parents agree to the adoption in advance without relation to certain adoptive parents. The consent in advance must be given in writing by the personally attending parent before a court or before the relevant authority of socio-legal protection of children. The consent can be given no earlier than after six weeks after the child' s birth. The consent may be recalled only before the child is put into custody of future adoptive parents

§ 68b

In cases mentioned in § 68 para. 1 and § 68a, the adoption requires consent of a curator appointed to the adopted child in adoption proceedings.

§ 69

(1) Before issuance of the court' s decision on adoption, the child must be put into the future adoptive parent' s custody for at least three months; the cost of the pre-adoption care shall be covered by the future adoptive parent.

(2) Putting of a child placed in an upbringing institution on the basis of a judicial decision or of his or her parent' s will into the future adoptive parent' s custody shall be decided on by an authority of socio-legal protection of children; the provisions of § 67 to 68b shall apply analogously.

(3) If a foster father decides to adopt a child put into his or her fostering, the at least three-month pre-adoption care before issuance of the court' s decision on adoption whose costs are to be covered by the future adoptive parent is not necessary if the fostering was at least three months long.

(4) The provision of paragraph 3 shall apply analogously if another individual than the parent into whose custody the child is put according to § 45 decides to adopt the child and also if a guardian who personally cares of the child decides to adopt him or her.

§ 69a

Before deciding on the adoption, the court shall instruct the adoptive parent(s) about the purpose, content and consequences of adoption.

§ 70

On the basis of a medical examination and of other necessary examinations, the court must ascertain the adoptive parents' health condition, their personal qualities and motivation to the adoption and consider whether they are not at variance with the purpose of adoption; the court must let the adoptive parent and the adopted child' s legal representative know about the results of the adoption. The court must also ascertain the health condition of the adopted child and let the adoptive parent and the adopted child' s legal representative about results of the examination. The court must also ask the authority of socio-legal protection of children to express its opinion.

§ 70a

A child can not be adopted if a court' s decision in fatherhood proceedings instituted upon petition of a man claiming himself to be the adopted child' s father has not yet become final and conclusive.

§ 71

The adopted child shall have the adoptive parent' s surname. A child jointly adopted by spouses shall have the surname determined for their other children; the same rule shall apply if the adoptive parent is the spouse of the adopted child' s mother.

§ 72

(1) Adoption leads to extinction of mutual rights and duties between the adopted child and his or her original family. The same rule shall apply to rights and duties of a curator or guardian appointed in order to exercise these rights and duties for the parents.

(2) If the adoptive parent is a spouse of one of the adopted child' s parents, the adoption shall not affect relationships between the adopted child and this parent and his or her relatives.

§ 73

(1) Except for irrevocable adoption, the adoption can be canceled only by the court upon petition of the adopted child or of the adoptive parent for important reasons.

(2) Cancellation of the adoption leads to rise of mutual rights and duties between the adopted child and his or her original family. The adopted child shall have his or her original surname.

Irrevocable adoption

§ 74

(1) Adoption may be done also in the manner that upon the adoptive parent' s petition, the court decides that the adopted parent shall be written in the register instead of the adopted child' s parents.

(2) In this way, the child may be adopted only by spouses, by one spouse living with one of the adopted child' s parents in marriage or by a survivor of an adopted child' s parent or adoptive parent. In this way, the child may be exceptionally adopted also by a lonely person provided that this adoption shall fulfill its social task. In such case, the court shall also decide that the data about the child' s other parent shall be deleted from the register.

(3) This adoption can not be canceled.

§ 75

The adoption may concern only a minor older than one year.

§ 76

The adopted child can be repeatedly adopted only if he or she is adopted by the adoptive parent' s spouse or of the adoptive parent died or if the previous adoption was canceled.

§ 77

The decision that the adoptive parent shall be written in register instead of the adopted child' s spouses can be issued by the court even subsequently if the adopted child is still minor and even if the adoption was realized according to the hitherto regulations. Unless the adopted child was heard in adoption proceedings, this decision does not require his or her consent.

CHAPTER FIVE
GUARDIAN AND CURATOR

Guardian

§ 78

If a child' s parents died or were deprived of their parental responsibility or if exercise of their parental responsibility was suspended or have not a full capacity to legal acts, the court shall appoint a guardian to the child in order to upbringing the child, represent him or her and manage his or her property instead of parents.

§ 79

(1) Unless it is at variance with the child' s interests, the court shall appoint the person recommended by the parents as guardian. Unless nobody was recommended in this way, the court shall appoint somebody of relatives or of persons close to the child or to his or her family, eventually another individual.

(2) Also spouses may be appointed as guardians of a minor.

(3) Unless any individual can be appointed as guardian, the court shall appoint an authority of socio-legal protection of children as guardian.

(4) Before the guardian is appointed to the child or before the appointed guardian takes over exercise of his or her post, urgent acts in the child' s interest shall be done by an authority of socidegal protection of children in the child' s name.

§ 80

(1) The guardian is responsible for a proper exercise of this post and is subject to a regular supervision of court. In particular, the guardian must give the court reports about the child and statements about management of his or her property. However, the court may relieve the guardian of his or her duty to submit a detailed statement unless the proceeds from the property exceed probable costs for upbringing and maintenance of the child.

(2) If the management of the child' s property is connected with a considerable effort, the court may award the guardian upon his or her petition an adequate remuneration paid from this property yearly or at the end of the management.

(3) Within two months after the end of guardianship, the guardian must give the court a final statement about the management of the child' s property. The court may relieve the guardian of this duty.

(4) Any guardian' s decision about an essential affair concerning the child requires a consent of the court.

(5) The provision of § 37b shall apply here analogously.

§ 81

Provisions on rights and duties of parents and children shall analogously apply to relationships between the guardian(s) and the child. The guardianship does not include a guardian' s duty to maintain the child.

§ 82

- (1) Upon the guardian' s petition, the court shall relieve him or her of the guardianship.
- (2) The court shall recall the guardian if he or she becomes unable to exercise the post of guardian or if he or she violates his or her duties.
- (3) In case of divorce of spouses appointed as curators, the court shall always consider whether a further joint exercise of this post by both spouses is in the child' s interest. Otherwise, the court shall relieve one of them of the post of guardian.

Curator

§ 83

- (1) Apart from the cases of conflict of interests between the legal representatives and the child or between more children of the same parents (§ 37 para. 1), the cases of jeopardize of property interests of child (§ 37b), the cases of restriction of parental responsibility (§ 44 para. 2) and the cases of adoption (§ 68b), the court shall appoint a curator also if it is in the child' s interest for other reasons.
- (2) In such cases, also an authority of socio-legal protection of children can be appointed as curator.

§ 84

The extent of curator' s rights and duties shall be defined by the court with regard to the purpose for that the curator was appointed so that protection of minor' s interests is fully guaranteed.

PART THREE

MAINTENANCE

CHAPTER ONE

**MUTUAL MAINTENANCE DUTY
BETWEEN PARENTS AND CHILDREN**

§ 85

- (1) The parent' s duty to maintain their children exists unless the children are able to earn their living in their own.
- (2) Both parents contribute to their children' s maintenance according to their abilities, possibilities and property condition. The child is entitled to take part in his or her parents' life standard.
- (3) In determining the extent of their maintenance duty, there must be taken account of which of the parents personally cares of the child and in what extent. If the parents live together, there must be also taken account of the parents' care of the common household.

§ 85a

- (1) A parent having income from another than dependent activity that is subject to income tax⁸⁾ must prove his or her income before court, submit documents necessary for evaluation of his or her property condition and enable the court to find out also other facts necessary for decision by making the data protected according to special acts accessible. If the parent fails to fulfill this duty, his or her average monthly earning shall be presumed to amount to a fifteen times of life minimum necessary for assurance of maintenance and other fundamental personal needs of this parent according to the Act on Life Minimum.⁹⁾
- (2) If property condition of the liable parent admits so, also creation of savings assuring in particular preparation to future profession may be also considered the child' s justified needs.

⁸⁾ Act No. 586/1992 Sb. on income taxes, as subsequently amended.

⁹⁾ § 3 para. 2 letter e) of the Act No. 463/1991 Sb. on life minimum.

§ 86

- (1) Unless the minor' s parents live together, the court shall regulate the extent of their maintenance duty or shall approve of their agreement of the sum of maintenance (§ 50).
- (2) The court shall proceed in the same way if the parents live together but none of them fulfills voluntarily his or her duty to maintain the minor.
- (3) Maintenance of major children shall be regulated by the court only on the basis of a petition.

§ 87

- (1) Children who are able to earn living on their own must provide their parents a polite maintenance if the parents are in need thereof.
- (2) Each of the children shall fulfill this maintenance duty in a share according to proportion of his or her abilities, possibilities and property condition to the abilities, possibilities and property condition of the other children.

CHAPTER TWO

MAINTENANCE DUTY BETWEEN OTHER RELATIVES

§ 88

- (1) Ancestors and descendants have a mutual maintenance duty.
- (2) Unless the descendants are able to fulfill their maintenance duty, this duty shall pass to ancestors. More distant relatives have maintenance duty only if it can not be fulfilled by closer relatives.
- (3) If the court determines maintenance for a minor, the provision of § 85a shall apply analogously.

§ 89

If more liable persons are relatives in the same level, each of them shall fulfill his or her maintenance duty in a share corresponding the proportion of his or her abilities, possibilities and property condition to abilities, possibilities and property condition of the other liable persons.

§ 90

The entitled persons have the right to maintenance only if they necessarily need it.

CHAPTER THREE
MAINTENANCE DUTY BETWEEN SPOUSES

§ 91

- (1) Spouses have a mutual maintenance duty.
- (2) Unless one of the spouses fulfills this duty, the court shall determine of its extent on the basis of a petition of any of them; in doing so, the court shall take account of care of the common household. The extent of maintenance duty shall be determined so that material and cultural level of both parents is principally the same.
- (3) This maintenance duty must be preferred to maintenance duty of the children.

CHAPTER FOUR
MAINTENANCE TO A DIVORCED SPOUSE

§ 92

- (1) A divorced spouse who is not able to earn living on his or her own may ask the former spouse to maintain him adequately according to his or her abilities, possibilities and property condition. Unless they are able to agree on the maintenance, the court shall decide on it on the basis of a petition filed by any of them.
- (2) This maintenance duty must be preferred to the children' s duty to maintain their parents.

§ 93

- (1) A divorced spouse who did not predominantly take part in breakdown of the marriage through violation of marriage duties and who has suffered a considerable harm due to the divorce may be awarded maintenance by the court against his or her former spouse in the same extent as is the extent of the mutual maintenance duty between spouses according to § 91 para. 2.
- (2) The maintenance according to paragraph 1 may be awarded for no more than three years after the divorce.

§ 94

- (1) The right to maintenance shall become extinct if the entitled spouse enters into a new marriage or if the liable spouse dies.
- (2) The right to maintenance shall become extinct also by paying a lump sum on the basis of a written agreement.

CHAPTER FIVE
CONTRIBUTION TO MAINTENANCE AND COVERAGE
OF SEVERAL COSTS OF AN UNMARRIED MOTHER

§ 95

- (1) Father of a child whom the child' s mother has not married must provide the mother an adequate contribution to coverage of living for two years as well as to coverage of costs connected with pregnancy and lying-in.
- (2) In order to assure coverage of these costs and to assure the child' s maintenance for a period during that the employee is entitled to a motherhood holiday according to a special act,¹⁰⁾ the court may on the basis of the mother' s petition impose the person whose fatherhood is probable to grant the necessary sum in advance.
- (3) The right to ask for coverage of the costs according to paragraph 1 shall become statute-limited in three years after the days of lying-in.

10) § 157 para. 1 and § 158 of the Labor Code.

CHAPTER SIX
JOINT PROVISIONS

§ 96

- (1) In determining maintenance, the court shall take account of justified needs of the entitled person as well as to abilities, possibilities and property condition of the liable person. In evaluating the liable party' s abilities, possibilities and property condition, the court shall examine whether the liable person has not given up a more advantageous job or gainful activity or property benefit without important reason and

eventually whether he or she does not undergo inadequate property risks.

(2) The maintenance can not be awarded if it is at variance with good manners.

§ 97

(1) The maintenance must be paid in regular repeating installments except for cases according to § 94 para. 2 and § 97 para. 2; the installments are due monthly in advance.

(2) In case of maintenance for a child, the court may decide on a duty to pay a cash sum of maintenance payable in future as far as cases worth a special respect are concerned.

(3) Counterclaims may be cleared against maintenance claims only on the basis of an agreement. Counterclaims can never be cleared against claims to a minor' s maintenance.

§ 98

(1) The maintenance right can not become statute-limited. However, the maintenance may be adjudicated only from the day of institution of judicial proceedings; a minor' s maintenance may be adjudicated even for the period of no more that three years before the day of institution of judicial proceedings.

(2) Rights to individual repeating performances of maintenance as well as other rights to cash performances following from this Act can become statute-limited.

§ 99

(1) If the condition changes, the court may even without a petition change agreements and judicial decisions on minors' maintenance. If the maintenance is canceled or reduced with effect to past, consumed maintenance need not be returned.

(2) Except for minors' maintenance, the change or cancellation of maintenance can be done only on the basis of a petition.

§ 100

left out

§ 101

(1) A person who has wholly or partially paid maintenance for another person is entitled to ask this person for a recovery of such performance. This rule shall apply even if contribution to maintenance is granted by the authority stipulated by a special regulation¹¹⁾ in the entitled person' s interest.

(2) Statute of limitation of this claim is regulated by the provision of § 101 of the Civil Code.

11) § 5 of the Act No. 482/1991 Sb. on social necessity, as subsequently amended.

§ 102

If the authority stipulated by a special regulation¹¹⁾ granted contribution to maintenance and the maintenance was determined by a court' s decision, the claim of the person entitled from the decision shall pass to this authority in the sum of up to the granted contribution.

11) § 5 of the Act No. 482/1991 Sb. on social necessity, as subsequently amended.

§ 103

If the court decides to put a child into institutional custody or into a protective custody, the court shall also regulate the extent of the parents' maintenance duty unless the child' s needs are covered by a payment according to special regulations.¹²⁾

12) Such as the Ordinance No. 82/1993 Sb. on payments for accommodation in social care institutions, as subsequently amended; the Government' s Decree No. 176/1996 Sb. stipulating the sum of contribution to compensation of care granted to youth put into school custody institutions for the exercise of institutional upbringing, protective upbringing or preventive care.

PART FOUR FINAL PROVISIONS

§ 104

The provisions of Civil Code shall apply unless this Act stipulates something else.

§ 105

(1) The regulation of joint property of spouses and of the joint lease is stipulated in § 143 to 151 and in § 703 to 709 of the Civil Code.

(2) For the purposes of the provision of § 706 para. 1 of the Civil Code, children put into custody of another individual (§ 45) and children in personal care of their guardian (§ 78) shall be considered own children.

§ 106

Agreements and judicial decisions determining mutual maintenance duty between divorced parents before the effectivity of this Act may be changed or quashed by the court on the basis of a petition of any of the spouses if they are at variance with this Act.

§ 107

Except for adoption connected with record of the adoptive parent into register instead of parent, adoptions done according to the hitherto regulations shall be considered adoption according to § 63 to 73 of this Act.

§ 108

The following regulations shall be repealed:

1. Act No. 265/1949 Sb. on family law;
2. Act No. 266/1949 Sb. on provisional changes in several civil law affairs;
3. Act No. 59/1952 Sb. on entrance into marriages with foreigners;
4. Act No. 69/1952 Sb. on socio-legal protection of youth;
5. Legislative Measure of the Presidium of the National Assembly No. 61/1955 Sb. in amendments of divorce regulations;
6. Act No. 15/1958 Sb. on amendment to regulations on adoption;
7. Ordinance of the Ministry of Justice No. 70/1952 Sb. implementing the Act on Socio-Legal Protection of Youth;
8. Legislative Measure of the Presidium of the National Assembly No. 58/1955 Sb. on child' s allowances and protective custody;
9. Government' s Ordinance No. 73/1956 Sb. transferring the competence of youth protection authorities to executive bodies of national committees.

§ 109

This Act shall become effective on April 1, 1964.