



## **On Marriage (Matrimony) and Family**

### *Unofficial translation*

The Code of the Republic of Kazakhstan dated 26 December, 2011 No. 518-IV.

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**The order of enforcement of this Code of the Republic of Kazakhstan, See Article 283.**

This Code determines purposes, objectives, principles and legal regulatory basis of marriage and family (matrimonial) relations, secure protection of rights and interests of a family, considering its development as priority direction of social state policy of the Republic of Kazakhstan.

### **GENERAL PART**

#### **SECTION 1. GENERAL PROVISIONS**

#### **Chapter 1. MARRIAGE AND FAMILY LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN**

#### **Article 1. Basic definitions, used in this Code**

1. The following basic definitions shall be used in this Code:

1) acts of civil status - the legally executed circumstances that individualize a person and with whom the origin, existence and termination of his (her) rights and obligations is linked;

2) civil status registration department (hereinafter - the registering authority) - is a local executive body carrying out state registration of acts of civil status;

3) an accreditation - an official recognition of the right of adoption agencies to carry out their activity by an authorized body in the scope of protection of children rights of the Republic of Kazakhstan;

4) alimony - a financial or material allowance, which is obliged to be provided by one person to other person, having the right to its receipt;

5) a child (children) left without a custody of parents (parent) - a child (children) that lost a custody of one or both parents, due to restriction or deprivation of their parental rights, recognition as missing, declaration as decedent, recognition as incapable or partially capable, service of sentence in the places of deprivation of freedom, avoidance of the child's nurturing or protection of his (her) rights and interests, as well as with refusal to take a child from an educational or healthcare organization, as well as in other cases of absence of parental custody and that is in need for the security of required protection of his (her) rights and interests, provided by the Laws of the Republic of Kazakhstan;

6) an abandoned child (children) - a child, whose parent (parents) abandoned from his (her) further nurturing, education, material support by executing the relevant juridical documents;

7) establishment of paternity - establishment of paternity of a person, in respect of a child by registering body or in a judicial proceeding, if a person is not married to mother of the child;

8) a child (children) - a person under eighteen years of age (age of majority);

9) adoption - a legal form of transferring a child (children) into nurturing to family, on the basis of court decision that consequently emerges personal non-property and property rights and obligations, equating to the rights and obligations of the relatives by birth;

10) adoption agencies - the non-commercial foreign organizations, carrying out activity on adoption of children in the territory of its state and accredited to carry out such activity in the territory of the Republic of Kazakhstan in the manner, established by this Code;

10-1) a guest family - is a family temporarily taking up orphans, children left without parental care, being in organizations of all types (educational, medical, etc.) for periods not connected to the educational process (vacations, weekends and holidays);

11) a childhood - a legal status of persons under the age of majority;

11-1) an adoptive family - is a form of placement in the family, which has accepted for the upbringing of at least four and not more than ten orphans, children left without parental care, being in educational organizations for orphans, children left without parental care;

12) legal representatives of a child - parents (parent), adoptive parents, guardian or custodian, foster parent (foster parents), foster educator and other persons substituting them, carrying out care, education, upbringing, protection of rights and interests of a child in accordance with the legislation of the Republic of Kazakhstan;

13) close relatives - parents (parent), children, adoptive parents, adopted children, brothers and sisters of the full and half blood, grandfather, grandmother, grandchildren;

14) a sham marriage (matrimony) a marriage (matrimony) contracted in the manner, established by the Law of the Republic of Kazakhstan, without intention of spouses or one of them to create a family;

15) identification document - a tangible object of a standard form with information on private data of an individual, attached on it, permitting to confirm a personality and legal status of its owner for the purpose of evidence of identification;

The identification documents include the documents, mentioned in paragraph 1 of Article 6 of the Law of the Republic of Kazakhstan "On identification documents";

16) legal relation - a relationship between one of the spouses towards the close relatives of the other spouse;

17) an orphan child (children-orphans) - a child (children), whose parents or one of the parents died;

17-1) Republican databank on orphans, children left without parental care, and persons wishing to take up children for upbringing in their families (hereinafter referred to as the Republican databank) - is a database containing information on orphans, children, left without parental care, as well as those who wish to take up orphans, children left without parental care, for upbringing in their families;

18) authorized body in the scope of protection of children's rights - the central executive body, determined by the Government of the Republic of Kazakhstan;

19) guardianship - a legal form of protection of the child's (children's) rights and interests at the age from fourteen to eighteen, as well as persons of the full legal age, restricted in legal capacity by court as a result of inordinate drinking or narcotic drugs abuse;

20) a child (children) who is in a difficult life situation - is a child (children) whose vital activity is disrupted as a result of the circumstances and who cannot overcome these circumstances on his own or with the help of the family; a child (children) who is in special educational organizations, educational organizations with special treatment for juveniles (minors), who is registered in the probation service;

21) a trusteeship - a legal form of protection of the rights and interests of children under the age of fourteen years and persons, recognized incapable by court;

22) a trustee or a guardian - a person appointed to carry out the functions on trusteeship or guardianship, in the manner, established by the Law of the Republic of Kazakhstan;

23) assisted reproductive methods and technologies - a complex of medical arrangements on diagnostics, treatment and rehabilitation, oriented to correction of reproductive activity of citizens;

24) financial condition - existence or absence of job wages, pension, other incomes; their amount; existence of property; receipt or non-receipt of financial support from other family members;

25) treaty regime of property - property regime of spouses, established by the marriage contract;

26) a marriage (matrimony) - a union with equal rights between a man and a woman, concluded with free and full agreement of parties, in the manner, established by the Law of the Republic of Kazakhstan with the purpose of creating a family, creating property and personal non-property rights and obligations between the spouses;

27) marriage (matrimonial) age - the age, established by this Code, at which a person shall have the right to enter into marriage (matrimony);

28) a sole mother - a woman that gave a birth to child (children), but not married, registered in the registering bodies;

29) a family - a scope of persons, linked by the property and personal non-property rights and obligations, emerging from marriage (matrimony), affinity, legal relation, adoption or other form of adoption of children on care, and called to strengthening and development of family relations;

30) a marital status - a marriage (matrimony) or a single state, or a dissolution of marriage (matrimony), widowhood, existence or absence of children or other family members;

31) a foster care - a form of nurturing, whereby children-orphans, children left without a custody of parents (parent) shall be transferred into foster care to the families under a contract, concluded by authority body, carrying out the functions on trusteeship and guardianship, and by the person that expressed desire for taking care of a child (children);

32) reproductive health - a human health, reflecting his (her) ability to reproduce full-fledged descendants;

33) a surrogate mother - a woman, carried a child after application of assisted reproductive methods and technologies and giving a birth of a child (children) for customers, according to surrogacy contract;

34) surrogate motherhood - a carrying and birth of a child (children), including the cases of castling births under the contract between surrogate mother and spouses with the remuneration payment;

35) surrogacy contract - a notarized written agreement between married persons (in matrimony) willing to have a child, and a woman that gave her agreement to carry and give a birth to a child by the application of assisted reproductive methods and technologies;

36) relatives - persons being in the kinship, having common ancestors to the great grandfather and great grandmother.

2. The definitions "child (children)" and "child", "parents (parent)" and "parents", "spouses (husband, wife)" and "spouses" shall be equal, unless otherwise provided by this Code.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 29.01.2013 No. 74-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2014 № 236-V (shall be enforced from 01.01.2015); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 18.04.2017 № 58-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Article 2. Basis of marriage and family legislation of the Republic of Kazakhstan**

1. The marriage (matrimony) and family, motherhood, paternity and childhood shall be under the state protection.

2. The marriage and family legislation of the Republic of Kazakhstan shall be based on the principles of:

- 1) voluntariness of marriage (matrimonial) union between a man and a woman;
- 2) equality of marriage and family rights in family;
- 3) inadmissibility of arbitrary interference by someone in the family affairs;
- 4) solution of intra family's issues by the mutual agreement;
- 5) priority of the family nurturing of children, carrying for their development and prosperity;
- 6) priority protection of rights and interests of minors, elderly and disabled members of family;
- 7) securing of unimpeded exercise of the rights by members of family, possibility of judicial protection of these rights;
- 8) wellness maintenance of all family members;

3. The marriage (matrimony) concluded only by state bodies shall be admitted.

The marriage (matrimony), concluded by religious rites and ceremonies shall not be equated to the marriage (matrimony), registered in the registering bodies and shall not create the relevant legal consequences.

The factual cohabitation of a man and a woman, as well as persons of the same sex shall not be recognized as the marriage (matrimony).

4. Any forms of restriction of the rights of citizens during contracting marriage (matrimony) based on origin, social, official and property position, race, nationality, language, treatment of religion or any other circumstances shall be forbidden.

In marriage and family (matrimonial) relations, the rights of citizens may be restricted only on the basis of the Law and only inasmuch as this is necessary for the purpose of protection of constitutional system, public order, rights and freedom of a person, health and morality of population.

### **Article 3. Relations regulated by marriage and family legislation of the Republic of Kazakhstan**

The marriage and family legislation of the Republic of Kazakhstan shall:

- 1) establish the rights and obligations, property and personal non-property relations between family members such as spouses, parents and children, and between other relatives and other persons in cases and within the limits, provided by the marriage and family legislation of the Republic of Kazakhstan;
- 2) establish conditions and procedure for contracting a marriage (matrimony), termination of marriage (matrimony) and recognition of its invalidation;
- 3) determine the forms and procedure for placing children-orphan and children left without a custody of parents in family;
- 4) regulate procedure for the state registration of acts of civil status;
- 5) determine the functions of the state bodies, carrying out the state registration of acts of civil status;

### **Article 4. Marriage and family legislation of the Republic of Kazakhstan**

1. The marriage and family legislation of the Republic of Kazakhstan shall be based on the Constitution of the Republic of Kazakhstan; consists of this Code, other regulatory legal acts of the Republic of Kazakhstan.

2. If an international treaty, ratified by the Republic of Kazakhstan established other rules than those contended in this Code, the rules of international treaty shall be applied.

### **Article 5. Execution of civil legislation of the Republic of Kazakhstan to marriage and family (matrimonial) relations**

1. The civil legislation of the Republic of Kazakhstan shall be executed to the property and personal non-property relations between family members, mentioned in Article 3 of this Code, not regulated by the marriage and family legislation of the Republic of Kazakhstan, insofar as it is not inconsistent with the essence of marriage and family (matrimonial) relations.

2. Regulations of marriage and family and (or) civil legislation of the Republic of Kazakhstan, regulating similar relations (analogy by the Law) shall be applied, in cases when relations, provided by Article 3 of this Code are not directly regulated by the legislation of

the Republic of Kazakhstan or by the agreement of parties and there are no rules, practiced for them, insofar as it is not inconsistent with their essence.

In case of impossibility to use the analogy by the Law in required cases, the rights and obligations of the subjects of marriage and family (matrimonial) relations shall be determined proceeding from the common principles and meaning of marriage and family or civil legislation of the Republic of Kazakhstan and requirements of conscientiousness, rationality and justice (analogy by the Law), as well as in compliance with the principles of operation of the Law in time, space and scope of persons.

## **Chapter 2. EXERCISE AND PROTECTION OF MARRIAGE AND FAMILY (MATRIMONIAL) RIGHTS**

### **Article 6 Exercise of rights and obligations in marriage and family (matrimonial) relations.**

Citizens shall dispose the rights, belonged to them, emerging from the marriage and family (matrimonial) relations, including the right to protect these rights, at their own convenience, unless otherwise provided by the legislative acts of the Republic of Kazakhstan.

The exercise of marriage and family (matrimonial) rights and fulfillment of obligations shall not violate the rights, freedom and legal interests of other family members and other legal entities.

### **Article 7. Protection of marriage and family (matrimonial) rights**

Protection of marriage and family rights shall be carried out by court by the rules of civil procedure. In cases, provided by this Code, the protection of marriage and family (matrimonial) rights shall be carried out by state bodies, within their competence and in the manner, provided by this Code.

The application for protection of violated right to governing body or managing authority shall not prevent the reference to the court with a claim on right protection.

### **Article 8. Application of the limitation of action in marriage and family (matrimonial) relations**

1. The limitation of action shall not be extended to requests, emerged from marriage and family (matrimonial) relations with the exception of cases, when the term for protection of violated right is established by this Code.

2. During the application of rules, establishing a limitation of actions, in consideration of disputes, emerged from marriage and family (matrimonial) relations, a court shall govern by the standards of the Civil Code of the Republic of Kazakhstan.

## **SECTION 2. MARRIAGE (MATRIMONY)**

### **Chapter 3. CONDITIONS AND PROCEDURE FOR CONCLUSION OF MARRIAGE (MATRIMONY)**

#### **Article 9. Conditions of conclusion of marriage (matrimony)**

1. Conclusion of marriage (matrimony) requires free and complete agreement of a man and a woman, entering into marriage (matrimony) and their attainment of marriage age.

2. Marriage (matrimony) may not be concluded in existence of circumstances, mentioned in Article 11 of this Code.

#### **Article 10. Marriage age**

1. Marriage age shall be established for men and women at eighteen years of age.

2. At the place of state registration of conclusion of marriage, registering bodies may reduce marriage (matrimonial) age for a term of not less than two years in existence of following reasonable excuses:

1) pregnancy;

2) birth of common child.

3. Request on reducing marriage (matrimonial) age may be submitted by persons, willing to enter into marriage (matrimony) and their parents or guardians, specifying the reasons, making it necessary to reduce established marriage (matrimonial) age.

4. Reduce of marriage age shall be allowed only upon the agreement of persons entering into marriage (matrimony).

5. Marriage (matrimony) between persons, not attained marriage (matrimonial) age, or a person, attained marriage (matrimonial) age with a person, not attained marriage (matrimonial) age shall be allowed only with a written agreement of parents or guardians of the persons, not attained marriage (matrimonial) age.

#### **Article 11. Persons, the conclusion of marriage (matrimony) of whom is not allowed**

Conclusion of marriage (matrimony) shall not be allowed between:

1) persons of the same sex;

2) persons, at least one of whom is married;

3) close relatives;

4) adoptive parents and adopted children, children of adoptive parents and adopted children;



5) persons, at least one of whom is recognized incapable as a consequence of mental disease or dementia by enforced court decision.

## **Article 12. Medical checkup of persons, entering into marriage (matrimony)**

1. Public health organizations shall provide counseling and checkup, on medical as well as medicogenetic issues and issues of reproductive health services of the persons, willing to enter into marriage (matrimony) only by their mutual agreement.

2. The results of medical checkup of a person entering into marriage shall be a medical secrecy and may be reported to a person, with whom it intends to conclude marriage (matrimony) only upon the agreement of a person who passed the checkup.

Exceptions shall apply in cases, when a person entering into marriage has a disease that creates a threat of health to another person entering into marriage (matrimony).

## **Article 13. Procedure for conclusion of marriage (matrimony)**

1. Marriage (matrimony) shall be concluded in registering bodies or in especially dedicated state wedding registry offices, by the personal presence of persons entering into marriage (matrimony).

In exceptional cases (serious illness, disability associated with movement difficulties, detention or in places of deprivation of liberty), when one of the persons wishing to marry cannot come to the registering authority, the state registration of the marriage is performed at home, in a medical or other organization in the presence of persons entering into marriage, with mandatory coordination with the administration of the relevant organization.

2. Conclusion of marriage (matrimony) shall be performed upon expiry of a monthly term from the date of submission of the application to a registering body by those, willing to enter into marriage.

In existence of legitimate reasons that are duly documented, a registering body may reduce or increase this term, at the place of state registration of conclusion of marriage (matrimony).

In existence of special circumstances (pregnancy, birth of a child, immediate danger to life of one of parties and other special circumstances), the state registration of conclusion of marriage (matrimony) shall be performed on a day of filing of the application, at the wish of those who enter into marriage (matrimony).

3. The state registration of conclusion of marriage (matrimony) shall be performed in the manner, prescribed by this Code.

4. Refusal of the state registration of conclusion of marriage (matrimony) by registering body, may be appealed to the court by persons, willing to enter into marriage (matrimony) or one of them, as well as by their legal representatives.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

#### **Chapter 4. TERMINATION OF MARRIAGE (MATRIMONY)**

##### **Article 14. Termination of marriage (matrimony)**

Termination of marriage (matrimony) shall be a termination of legal relations between spouses, in consequence of circumstances beyond their control (death, declaration of one of them as decedent or recognition as missing) or in consequence of activities on individual initiative both of two, as well as one of spouses by dissolution of marriage (matrimony) in the manner, prescribed by this Code.

Termination of marriage (matrimony) between spouses shall not suspend and terminate legal relations between parents and children, born or adopted in this marriage (matrimony).

##### **Article 15. Termination of marriage (matrimony) in consequence of death of one of spouses, his (her) declaration as decedent by court or recognition as missing**

1. Marriage (matrimony) shall be terminated in consequence of death of one of spouses, as well as his (her) declaration as decedent by court or recognition as missing.

2. In case of appearance of a spouse, declared decedent or recognized as missing by court and in case of reversal of the relevant juridical decisions, a marriage (matrimony) may be reinstated by registering body with the joint application of spouses.

3. Marriage may not be reinstated if other spouse has entered into new marriage (matrimony), with the exception of cases, when at the moment of conclusion of marriage (matrimony) the parties (or one party) knew that the spouse, recognized as missing or declared decedent is alive.

##### **Article 16. Dissolution of marriage (matrimony)**

1. Marriage (matrimony) may be terminated by its dissolution upon the application of one or both of spouses, as well as upon the application of trustee of a husband (a wife), who recognized by court incapable.

2. Dissolution of marriage (matrimony) is impossible without the agreement of a wife during her pregnancy and within the first year of child's life.

##### **Article 17. Dissolution of marriage (matrimony) in registering bodies**

1. Dissolution of marriage (matrimony) shall be performed in registering bodies, by the mutual agreement to dissolution of marriage (matrimony) of spouses, who have no common minors, and in the absence of property and other complaints to one another.

2. Independently from existence of minors of the spouses, the marriage (matrimony) shall be dissolved in registering bodies upon the application of one of the spouses if the other spouse is:

1) recognized as missing by the court;

2) recognized incapable;

3) recognized partially capable;

4) convicted of committing a crime to deprivation of freedom for a term of not less than three years.

3. The state registration of dissolution of marriage (matrimony) shall be performed by registering body in the manner, prescribed by this Code.

### **Article 18. Consideration of disputes arising between spouses in the dissolution of marriage (marriage)**

Disputes regarding the division of common property, payment of funds for maintenance of a disabled spouse, as well as minor children, arising between spouses in the dissolution of marriage are considered in mediation or in a judicial procedure.

**Footnote. Article 18 in the new wording of the Law of the Republic of Kazakhstan dated 17.11.2014 № 254-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

### **Article 19. Dissolution of marriage (matrimony) in a judicial proceeding**

1. Dissolution of marriage (matrimony) shall be performed in a judicial proceeding, if it is found that the further cohabitation and family preservation is not possible.

2. Dissolution of marriage (matrimony) in a judicial proceeding shall be performed in the following cases:

1) existence of common minors, with the exception of cases provided by paragraph 2 of Article 17 of this Code;

2) absence of agreement of one of spouses to dissolution of marriage (matrimony);

3) if one of the spouses evades the dissolution of marriage (matrimony) by actions or omissions, in spite of the absence of objections;

4) existence of property and other claims to one another.

3. Dissolution of marriage (matrimony) shall be performed in a judicial proceeding upon expiry of one month from the date of filing the application on dissolution of marriage (matrimony) to the court by spouses.

4. In exceptional cases, a court shall have the right to dissolve marriage (matrimony) before expiration of the term, mentioned in paragraph 3 of this Code.

#### **Article 20. Dissolution of marriage (matrimony) in a judicial proceeding in the absence of agreement of one of spouses to dissolution of marriage (matrimony)**

In the absence of agreement of one of spouses to dissolution of marriage (matrimony), a court shall have the right to use efforts for reconciliation of spouses and adjourn examination of the case, fixing a time limit within six months.

In case of adjournment of examination of the case with specifying the time for reconciliation, a court shall decide the issues, provided by subparagraphs 2) and 4) of paragraph 2 of Article 22 of this Code, at the suit of one of the spouses.

Dissolution of marriage (matrimony) shall be performed, if the measures for reconciliation of spouses proved to be issueless and the spouses (or one of them) insist on dissolution of marriage (matrimony).

#### **Article 21. Dissolution of marriage (matrimony) in a judicial proceeding on other grounds**

1. In the absence of mutual agreement to dissolution of marriage (matrimony) of spouses, having common minors and in the absence of property or other complaints to one another, a court shall have the right to dissolve marriage (matrimony) without establishing the motives of dissolution of marriage (matrimony).

2. If in the absence of property complaints to one another, one of the spouses, having common minors, files an application on dissolution of marriage (matrimony) and the other spouse, in spite of absence of complaints, evades from the dissolution of marriage (matrimony) by actions and omissions, a court shall have the right to dissolve marriage (matrimony) without explanation of reasons of dissolution of marriage (matrimony).

#### **Article 22. Issues, solved by court during rendering of decision on dissolution of marriage (matrimony)**

1. During dissolution of marriage (matrimony) in a judicial proceeding, the spouses may subject the agreement to consideration of court, with whom of spouses minors will live, the order of payment of funds for maintenance of children and (or) disabled and indigent spouse, the amounts of these payments or on partition of common property of spouses. The last name selection after dissolution of marriage (matrimony) shall be solved by spouses at the state registration of dissolution of marriage (matrimony).

2. If there is no agreement between spouses on the issues, mentioned in paragraph 1 of this Article as well as if it is established that this agreement violates the interests of children or one of the spouses, court shall be obliged to:

1) decide with whom of the parents, the minors will live after dissolution of marriage (matrimony);

2) decide which of the parents and in which amount of allowance will pay the alimony for maintenance of children;

3) perform the partition of common property after demand of spouses, being in their joint property, in recognition of the interests of minors and (or) interests of the spouses;

4) decide the amount of allowance, after demand of a spouse, having the right for receipt of allowance from another spouse.

3. In case, the partition of property concerns the interests of third parties, the court shall have the right to appropriate the demand on partition of property to the separate proceeding.

### **Article 23. Moment of termination of marriage (matrimony) at its dissolution**

1. Marriage (matrimony), dissolved in registering bodies shall be terminated from the date of the state registration of dissolution of marriage (matrimony) in a civil register, and during dissolution of marriage (matrimony) in court - from the date of enforcement of judicial decision on dissolution of marriage (matrimony).

Court is obliged to submit the copy of court decision to a registering body at the place of rendering of decision within three days from the date of enforcement of judicial decision on dissolution of marriage (matrimony) as well as at the place of the state registration of conclusion of marriage (matrimony).

2. The enforced court decision on dissolution of marriage (matrimony) shall be subject to the state registration in registering bodies, at the place of rendering of the court decision or at place of residence of one of spouses.

Spouses shall not have the right to conclude a new marriage (matrimony) before receiving the certificate on the former dissolution of marriage (matrimony).

### **Article 24. Consequences of termination of marriage (matrimony)**

By the termination of marriage (matrimony), the property and personal non-property rights and obligations of spouses, emerged from their marriage and family (matrimonial) relations shall be terminated, with the exception of the cases, provided by this Code.

## **Chapter 5. INVALIDITY OF MARRIAGE (MATRIMONY)**

### **Article 25. Recognition of marriage as invalid**

1. Marriage (matrimony) shall be recognized invalid by court under violation of conditions, established by Articles 9-11 of this Code, as well as in the following cases:

1) during conclusion of sham marriage (matrimony);

2) during conclusion of the forced marriage (matrimony);

3) if one of the persons, entered into marriage (matrimony) concealed existence of disease, creating a real danger to members of created family, personal and public safety from another.

2. Court shall be obliged to send the statement from this court decision to the a registering body, at the place of the state registration of conclusion of marriage (matrimony) within three days from the date of enforcement of the court decision on recognition of marriage (matrimony) as invalid.

3. Marriage (matrimony) shall be recognized invalid from the date of its conclusion.

## **Article 26. Persons, having the right to require recognition of marriage (matrimony) as invalid**

1. The following persons shall have the right to submit request on recognition of marriage (matrimony) as invalid:

1) a minor spouse, his (her) legal representatives or a prosecutor, if a marriage (matrimony) is concluded with a person, not attained marriage (matrimonial) age;

2) a spouse, whose rights are offended by conclusion of marriage (matrimony), as well as a prosecutor, if a marriage (matrimony) is concluded in the absence of willful agreement of one of the spouses for its conclusion, in consequence of concussion, artifice, ignorance or impossibility to conceive the significance of his actions and control them, on the strength of condition at the moment of state registration of conclusion of marriage (matrimony);

3) a spouse, who didn't know on existence of circumstances, precluding conclusion of marriage (matrimony), trustee of a spouse, recognized incapable, a spouse on a previous undissolved marriage (matrimony);

4) a prosecutor, as well as a spouse, who didn't know about shame of marriage (matrimony) in case of conclusion of sham marriage (matrimony);

5) a spouse, whose rights are violated in existence of circumstances, mentioned in subparagraph 3 of paragraph 1 of Article 25 of this Code.

2. During consideration of the case on recognition of marriage (matrimony) as invalid, concluded with a person, not attained marriage (matrimonial) age, as well as with a person, recognized incapable by court, authority body, exercising the functions of trusteeship and guardianship shall be involved to participation in this case.

## **Article 27. Circumstances, removing invalidity of marriage (matrimony)**

1. If by the time of consideration of the case on invalidity of marriage (matrimony), the circumstances preventing conclusion of marriage (matrimony) are ceased, a court shall have the right to accept a marriage (matrimony) as valid thereafter.

2. A court may reject a suit on recognition of marriage (matrimony) as invalid, concluded with a person, not attained marriage (matrimonial) age, if it is required by the interests of a minor spouse, as well as in the absence of his (her) agreement to recognition of marriage (matrimony) as invalid.

3. Court may not accept a marriage (matrimony) as valid, if persons, registered this marriage (matrimony) created a family in fact, before judicial consideration of the case.

4. Marriage (matrimony) may not be recognized invalid after its dissolution, with the exception of cases of existence of close relationships between spouses, or when one of the spouses is in the other undissolved marriage (matrimony) at the moment of the state registration of marriage (matrimony).

## **Article 28. Consequences of recognition of marriage (matrimony) as invalid**

1. Marriage (matrimony), recognized invalid by court, shall not engender the rights and obligations of spouses, provided by this Code, with the exception of cases established by paragraphs 4 and 5 of this Article.

2. A legal regime of property, acquired jointly by persons, whose marriage (matrimony) is recognized invalid, shall be regulated by the standards of the Civil Code of the Republic of Kazakhstan. In this case, a marriage contract, concluded between spouses shall be recognized invalid.

3. Recognition of marriage (matrimony) as invalid shall not prejudice the rights of children, born in this marriage (matrimony) or within two hundred and eighty days from the date of recognition of marriage (matrimony) as invalid.

4. During rendering of decision on recognition of marriage (matrimony) as invalid, a court shall have the right to declare the right to receive financial support by a spouse (spouse in good faith), who didn't know the circumstances being the ground for recognition of marriage (matrimony) as invalid during conclusion of marriage (matrimony) from the other spouse in accordance with Articles 148 and 149 of this Code, and in respect of division of property, acquired jointly before recognition of marriage (matrimony) as invalid, shall have the right to apply provisions, established by Articles 33, 37 and 38 of this Code, as well as accept a marriage contract as valid fully or partially.

A spouse in good faith shall have the right to seek for the compensation of caused material and moral damage from the other spouse in accordance with the Civil Code of the Republic of Kazakhstan.

5. During recognition of marriage (matrimony) as invalid, a spouse in good faith shall have the right to preserve a last name, chosen by him in the course of the state registration of conclusion of marriage (matrimony).

## **Chapter 6. PERSONAL RIGHTS AND OBLIGATIONS OF SPOUSES**

### **Article 29. Origin of rights and obligations of spouses**

The rights and obligations of spouses shall be created from the date of the state registration of conclusion of marriage (matrimony).

### **Article 30. Equality of spouses in family**

1. Spouses shall have equal rights and incur equal obligations.

2. Each of spouses shall be free in choice of business occupation, professional occupation and religion.

3. Issues of motherhood, paternity, nurturing, education of children, place of residence, place of temporary residence and other issues of family life shall be jointly solved by spouses .

4. Spouses shall be obliged to build their relationships relying on a mutual respect and assistance, make a contribution to prosperity and strengthening of family, to be careful of health, development and possessions of children.

### **Article 31. Right of choice of last name by spouses**

1. In the course of conclusion of marriage (matrimony), spouses shall choose the last name of one of them as common last name at their own wish, or each of spouses preserve their premarital last name, or one of them (or both) combines his (her) last name to the last name of the other spouse. The combining of last names shall not be allowed, if the premarital last name of one of spouses is already compound.

In case of change of last names in the course of the state registration of conclusion of marriage (matrimony), a citizen shall be obliged to change identity papers within one month.

2. Change of last name by one of spouses shall not entail the regulatory change of last name of the other spouse.

3. In case of dissolution of marriage (matrimony), spouses shall have the right to preserve last name, chosen in the course of conclusion of marriage (matrimony), or re-establish their premarital last names.

## **Chapter 7. PROPERTY RIGHTS AND OBLIGATIONS OF SPOUSES**

### **§ 1. Legal regime of property of spouses**

### **Article 32. Concept of legal regime of property of spouses**



1. Legal regime of property of spouses shall be regime of their common joint property, unless otherwise provided by marriage contract.

2. Marriage and family rights to possess, use and dispose the property, being a joint property of peasant or farm enterprise members, shall be determined by the Civil Code of the Republic of Kazakhstan.

### **Article 33. Common joint property of spouses**

1. A property, gained by spouses during marriage (matrimony) shall be their common joint property.

2. The property, gained by spouses during marriage (matrimony) shall contain amounts of incomes of each of the spouses from work, entrepreneurial and intellectual activity, amounts of incomes from the common property of the spouses and separate property of each of the spouses, received employment pensions, benefits, pension savings, as well as other money payments that don't have a special designation (amounts of material assistance, amounts, paid in compensation of damage due to disablement, as a consequence of maim or injury to health and the others). A common property of the spouses shall be also a gained movable and immovable property, securities, corporate stocks, contributions, shares in capital, contributed to lenders or other organizations, and any other property, gained by the spouses during a marriage (matrimony), in spite of the fact, for which name in family it was acquired or who of the spouses paid monetary funds.

3. The right to common property shall also belong to a spouse that was engaged in household management, childcare or for other legitimate reasons didn't have independent income during the marriage (matrimony).

### **Article 34. Possession, use and disposition of common property of spouses**

1. Possession, use and disposition of common property of spouses shall be carried out by the mutual agreement of spouses.

2. In the consummation of transaction by one of spouses on disposition of common property of the spouses, the agreement of the other spouse shall be suggested. The transaction, consummated by one of the spouses on disposition of common property of the spouses may be recognized invalid on the grounds of absence of the agreement of other spouse only after his (her) demand and only in cases if it is proved, that the other party knew or should have known about dissent of the other spouse to make this transaction.

3. For consummation of transaction on disposition of immobility by one of spouses and the transaction, requiring a notarial certification and (or) registration in prescribed legal procedure, it is necessary to obtain a notarized agreement of the other spouse.

The spouse, whose notarized agreement for settlement of mentioned transaction was not received, shall have the right to demand invalidation of the transaction in a judicial

proceeding within three years from the date, when he has known or should have known about consummation of transaction.

### **Article 35. Property of each of spouses**

1. The property of each of spouses shall be:

1) a property, belonged to each of spouses before marriage (matrimony);

2) a property, received by spouses in the period of marriage (matrimony) as a gift, under procedure of inheritance or other honorary transactions;

3) items of private use (clothes, footwear and others), with the exception of treasures and other luxury goods, even though acquired at the common expense of spouses during marriage (matrimony).

2. Property, gained by each of spouses during estrangement shall be adjudged by court as ownership of each of the spouses, due to factual termination of marriage (matrimony).

### **Article 36. Recognition of property of each of spouses as their common ownership**

Property of each of spouses shall be recognized as their common ownership, if it is established that during the marriage (matrimony), investments were incurred on account of common property of spouses or property of the other spouse or work of each of them, that greatly increased the cost of this property (capital repair, reconstruction, redesign and others).

### **Article 37. Partition of common property of spouses**

1. Partition of common property of spouses may be performed both in the period of marriage (matrimony) and after its dissolution after demand of each of spouses, as well as in case of assertion of a claim on partition of common property of spouses, for levy of execution on a share of one of spouses in the common property of spouses by a creditor.

2. Common property of spouses may be divided between the spouses under their agreement. The agreement of partition of common property of spouses shall be notarized.

3. In the event of a dispute, the division of common property of spouses, as well as determination of the spouses' shares in this property, shall be made in the mediation or judicial procedure.

When dividing the common property of spouses, the court, at the request of the spouses, taking into account the interests of a minor child, determines which property is to be transferred to each of the spouses. In the event that one of the spouses receives the property, the value of which exceeds the share due to him, another spouse receives appropriate monetary or other compensation.

4. Items, acquired only for repletion of wants of minors (clothes, footwear, school supplies and sports requisites, musical instruments, children's library and others) shall not be subject to partition and shall be transferred without compensation to the spouse, living with children.

Contributions, made by spouses on account of common property of spouses in the name of their common minors shall be treated as belonging to these children and shall not be considered in the course of partition of common property of spouses.

5. In case of partition of common property of spouses during marriage (matrimony), the part of common property of spouses, which was not divided, as well as a property, gained by spouses during the marriage (matrimony) hereinafter shall be their joint property.

6. The limitation of action, lasting for a period of three years from the moment of dissolution of marriage (matrimony) shall be applied to demands of spouses on partition of common property of spouses, the marriage (matrimony) of which is dissolved.

**Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 17.11.2014 № 254-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 38. Determination of shares in partition of common property of spouses**

1. In partition of common property of spouses and determination of shares in this property, the shares of each of spouses shall be recognized as equal, unless otherwise provided by the agreement.

2. Court shall have the right to depart from the beginning of equality of spouses' shares in their common property, proceeding from the interests of minors and (or) one of spouses, if the other spouse didn't receive incomes without a valid excuse or dissaved the common property of spouses to the detriment of home interests without the agreement of the other spouse.

3. The joint debts of spouses shall be divided between spouses in proportional shares, awarded to them, in the course of partition of their common property.

## **§ 2. Treaty regime of property of spouses**

### **Article 39. Marriage contract**

1. The marriage contract shall be recognized as the agreement of persons, entering into marriage (matrimony) or agreement of spouses, establishing property rights and obligations of spouses in marriage (matrimony) and (or) in case of its dissolution.

2. The marriage contract may provide the property rights of children, born or adopted in marriage (matrimony).

### **Article 40. Conclusion of marriage contract**

1. The marriage contract may be concluded both from the date of filing of application to a registering body on the state registration of marriage (matrimony), till the state

registration of conclusion of marriage (matrimony), and at any time during the marriage (matrimony).

The marriage contract, concluded before the state registration of conclusion of marriage (matrimony) shall be enforced from the date of the state registration of conclusion of marriage (matrimony).

2. The marriage contract shall be concluded in written form and shall be subject to be compulsorily notarized.

#### **Article 41. Content of marriage contract**

1. Spouses shall have the right to change regime of joint property, established by the Laws of the Republic of Kazakhstan, according to the marriage contract, establish regime of joint, participatory share or separate ownership on all the property of spouses, on its separate types or on the property of each of spouses.

The marriage contract may be concluded both in respect of existing and future property of spouses.

In the marriage contract, spouses shall have the right to determine their rights and obligations by mutual allowance, methods of participation in incomes to one another, order of incurring of expenses by each of them; to determine a property, which will be transferred to each of spouses in case of dissolution of marriage (matrimony), as well as include any other provisions in a marriage contract, concerning the property relations of spouses, as well as property status of children, born or adopted in this marriage (matrimony).

2. The rights and obligations, provided by marriage contract may be restricted by the specified periods or may be dependent from happening or non-happening of particular conditions.

3. The marriage contract may not restrain capability or legal competence of the spouses, their right to judicial recourse for protection of their rights; govern personal non-property relations between spouses, rights and obligations of spouses in respect of children; provide provisions that restrain the right of incapable spouse in need for receipt of allowance, and other conditions which are inconsistent with fundamental principles of matrimonial legislation of the Republic of Kazakhstan.

#### **Article 42. Modification and dissolution of marriage contract**

1. The marriage contract may be modified or dissolved at any time by the mutual agreements of spouses. The agreement of modification or termination of marriage contract shall be concluded in the same form as the marriage contract.

The unilateral repudiation of a marriage contract shall not be allowed, with the exception of cases, provided by the Civil Code of the Republic of Kazakhstan.

2. Upon request of one of spouses, the marriage contract may be modified or dissolved by court decision, on the grounds and in the manner, prescribed by the Civil Code of the Republic of Kazakhstan for modification and dissolution of the contract.

3. Validity of marriage contract shall be terminated upon the termination of marriage (matrimony), with the exception of obligations, which provided by the marriage contract for the period after termination of marriage (matrimony).

#### **Article 43. Recognition of marriage contract as invalid**

1. The marriage contract may be recognized invalid by court in full or in part, on the grounds of invalidity of legal transactions, provided by the Civil Code of the Republic of Kazakhstan.

2. The court may also recognize marriage contract as invalid in full or in part upon request of one of spouses, if conditions of the contract put this spouse in disadvantage or offend the property rights of children, born or adopted in this marriage (matrimony). Conditions of marriage contract, violating requirements of paragraph 3, Article 41 of this Code shall be recognized invalid.

### **§ 3. Responsibility of spouses on obligations**

#### **Article 44. Levy of execution upon property of spouses**

1. On the obligations of one of spouses, the execution shall be levied only upon the property of this spouse. In deficiency of this property, a creditor shall have the right to request apportionment of participatory share of a spouse-debtor, which would be due to a spouse-debtor in partition of common property of spouses for levy of its execution.

2. The execution shall be levied upon common property of spouses on common obligations of spouses, as well as on the obligations of one of spouses, if the court establishes that all that was gained on the obligations of one of spouses was used for family needs. In deficiency of this property, spouses shall jointly and severally incur liability due to mentioned circumstances by the property of each of them.

If it is established by the court verdict that common property of spouses was acquired or increased at the expense of one of spouses by criminal way, the execution shall be levied respectively to common property of spouses or its part.

3. The responsibility of spouses for damage, caused by their minor shall be determined by the Civil Code of the Republic of Kazakhstan. The levy of execution upon the property of spouses during compensation of damage, caused by their minor shall be performed in accordance with paragraph 2 of this Article.

#### **Article 45. Guarantees of rights of creditors in the course of conclusion, modification and dissolution of marriage contract**

A creditor (creditors) of a spouse-debtor shall have the right to request the modification of conditions or dissolution of marriage contract, concluded between spouses, due

to the modified circumstances in accordance with the standards of the Civil Code of the Republic of Kazakhstan.

### **SECTION 3. FAMILY**

#### **Chapter 8. ESTABLISHMENT OF A CHILD'S BIRTH**

##### **Article 46. Grounds for creation of rights and obligations of parents and a child**

1. A child shall be registered with immediate effect from the birth, and from the moment of birth shall have the right for name and acquisition of nationality, as well as, as much as possible shall have the right to know his (her) parents and to be cared by them.

2. The rights and obligations of parents and a child shall be based on the birth of a child, certified in the manner, prescribed by the Law of the Republic of Kazakhstan.

3. The rights and obligations of adoptive parents and adopted children shall be based on the enforced court decision on adoption.

##### **Article 47. Establishment of child's birth**

1. The birth of a child from mother (motherhood) shall be established by a registering body on the basis of documents, confirming the birth of a child by a mother in a healthcare organization.

In case of the child's birth out of a healthcare organization, his (her) birth shall be established by a registering body on the basis of medical documents, confirming the fact of birth, and in case of their absence, the fact of birth of a child shall be established in a judicial proceeding.

2. The birth of a child from married persons shall be confirmed by certificate on conclusion of the parent's marriage (matrimony).

In case of the child's birth by a surrogate mother, the birth of a child shall be certified on the basis of concluded contract of the surrogate motherhood.

3. In case of child's birth within two hundred and eighty days from the moment of dissolution of marriage (matrimony), recognition of its invalidity or from the moment of death of a spouse of a child's mother, a former spouse of mother may be admitted as a father of a child, unless the contrary is proved.

4. If the mother of a child declares that her spouse or former spouse is not the father of a child, the paternity in respect of a child shall be established according to the standards, provided by paragraph 5 of this Article or Article 48 of this Code, in existence of written application by mother and father of a child or a spouse, former spouse. In the absence of such application, this issue shall be solved in a judicial proceeding.

5. The paternity of a sole person with the mother of a child shall be established by filing of the joint application to a registering body by father and mother of a child. In case

of mother's death, recognition of her as incapable, impossibility to establish location area of the mother or in case of deprivation of her parental rights - upon the application of the father of a child, with the agreement of a body, carrying out the functions of trusteeship and guardianship functions, in the absence of such agreement - by the court decision.

If the credibility of paternity of a man that is not a spouse of the mother is established, the mother of a child shall have the right to request the relevant monetary funds for her maintenance, in a judicial proceeding for pre-delivery and postnatal periods. Amount of monetary funds and a periodicity of payments shall be determined by court, proceeding from the financial condition and family status and other interests of the parties, deserving attention, in divisible parity to monthly calculation index acting as from the date of payment of monetary funds.

6. The expulsion of information on the father of a child from the entry of birth, in which a spouse or a former spouse of the mother of a child noted as the father of a child, shall be conducted by a registering body on the basis of court decision on expulsion of information on the father of a child in the birth statement on the state registration.

7. The establishment of paternity in respect of a person, attained eighteen years of age (age of majority) shall be allowed only with his (her) agreement, and if he (she) is recognized incapable - with the agreement of his (her) trusteeship or body, carrying out the functions on trusteeship and guardianship.

#### **Article 48. Establishment of paternity in a judicial proceeding**

In case of birth of a child, the parents, who are not married together, and in the absence of parent's joint application or application of the father of a child, the birth of a child from particular person (paternity) shall be established in a judicial proceeding upon application of one of the parents, trustee or guardian of a child or upon the application of a person, who has a child at his expense, as well as upon the application of a child himself (herself), upon reaching of majority age by him. By this, the court shall take into consideration the evidences that trustworthy confirm the birth of a child from particular person.

#### **Article 49. Establishment of the fact of acknowledgement of paternity by court**

In case of death of a person, recognized himself as the father of a child, but was not married with the mother of a child, the fact of recognition of his paternity may be established in a judicial proceeding, in accordance with the Civil Procedure Code of the Republic of Kazakhstan.

#### **Article 50. Register on parents (parent) of a child in the register of birth**

Register on parents (parent) of a child in the registry of birth shall be performed in the manner, provided by this Code.

#### **Article 51. Contestation of paternity (maternity)**

1. The parents' register in the register of birth may be contested only in a judicial proceeding, upon request of a person, registered as the father or mother of a child, person who

are actually the father or mother of a child, child himself (herself) upon his (her) reaching the majority age, trustee or guardian of a child, trustee of a parent, recognized incapable by court.

2. Request of a person, registered as the father of a child on the basis of joint application of the father and mother, upon application of the father of a child or according to the court decision on cancellation of paternity may not be satisfied, if this person knew, that actually he is not the father of a child, at the moment of register.

If a spouse or former spouse of the mother of a child is registered as the father of a child in the register of birth by a registering body, a registering body shall refuse the state registration of establishment of paternity in written before decision of the issue on expulsion of information about the father of a child from the register of birth by court.

3. Persons, who gave the written agreement to application of assisted reproductive technologies in the manner, prescribed by the legislation of the Republic of Kazakhstan, shall not have the right to cite on these circumstances at the contestation of paternity (motherhood)

Persons, who gave the agreement to implantation of embryo to another woman, as well as a surrogate mother, shall not have the right to cite on these circumstances at the contestation of motherhood and paternity.

## **Article 52. Rights and obligations of a child, born by not married persons**

In establishment of paternity in the manner, prescribed by Articles 47-49 of this Code, a child shall have the similar rights and obligations in respect of parents and their relatives, as the child, born by married persons.

## **Article 53. Privacy, personal and family secret**

1. A private life, personal and family secret shall be under guardianship of the Law.

2. Civil servants, carrying out the state civil registration, as well as other persons, otherways informed on a private life shall be obliged to keep the personal and family secret.

3. Disclosure of information on personal and family life of citizens shall entail a liability, established by the Laws of the Republic of Kazakhstan.

## **Chapter 9. SURROGATE MOTHERHOOD AND APPLICATION OF ASSISTED REPRODUCTIVE METHODS AND TECHNOLOGIES**

### **Article 54. Surrogacy contract**

1. A surrogacy contract shall be concluded in a written form in compliance with requests of the civil legislation of the Republic of Kazakhstan and shall be subject to be notarized.



2. Conclusion of surrogacy contract shall admittedly suggest parental rights and obligations of spouses (customers) to a child, born in a result of application of assisted reproductive methods and technologies.

3. Contemporaneously with the surrogacy contract, spouses (customers) shall conclude a contract with a healthcare organization, applying assisted reproductive methods and technologies , which will provide the relevant services.

#### **Article 55. Content of surrogacy contract**

A surrogacy contract shall contain:

- 1) the data of spouses (customers) and a surrogate mother;
- 2) the order and conditions of payment of financial expenses for maintenance of a surrogate mother;
- 3) the rights, obligations and responsibility of parties in case of non-fulfillment of the contract conditions;
- 4) the amount and order of compensations, provided by paragraph 1 of Article 57;
- 5) the other conditions, as well as the acts of providence.

#### **Article 56. Requirements, specified to a surrogate mother**

1. A woman, willing to be a surrogate mother shall be at the age from twenty to thirty five years, with satisfactory physical, mental and reproductive health, confirmed by opinion of a healthcare organization, as well as have own healthy child.

2. In case, if a surrogate mother is married, the notarized agreement of the spouse shall be provided in a written form, during conclusion of the surrogate contract.

3. A healthcare organization, applying the assisted reproductive methods and technologies shall be obliged to pronounce the opinion on their appliance with total and comprehensive information on the used biological material of these persons, willing to have a child, or a donated bank.

One copy of the opinion shall be attached to the notarized surrogacy contract and shall be kept at the place of settlement of transaction.

#### **Article 57. The rights and obligations of parties of the surrogacy contract**

1. During conclusion of the surrogacy contract, the spouses (customers) shall be obliged to:

1) incur the financial expenses, linked with medical checkup of a surrogate mother;

2) incur the financial expenses, linked with application of assisted reproductive methods and technologies;

3) provide the medical opinion of physical and mental health to healthcare organizations, applying the assisted reproductive methods and technologies, as well as results of a medicogenetic checkup;

4) disburse expenses of medical service of a surrogate mother during the period of pregnancy, maternity and within fifty six days after childbearing, and in case of birth complications linked with pregnancy and childbearing shall be obliged to disburse expenses within seventy days after the childbearing.

2. During conclusion of surrogacy contract, in accordance with requirements of Article 56 , a surrogate mother shall be obliged to:

1) provide medical opinion of her physical, mental and reproductive health to customers;

2) be followed up by a doctor and fully comply with his (her) recommendations and medical disposals;

3) inform the persons that concluded the contract with her, on gestation course with periodicity, mentioned in the surrogacy contract;

4) transfer a child to the persons, concluded the surrogacy contract with her.

3. A surrogate mother shall not have the right to transfer a child to other persons.

4. In existence of a permanent employment of a surrogate mother, the issue of continuation of labour activity shall be decided by the mutual agreement of parties of the surrogate contract.

5. A surrogate mother shall incur a liability for pregnancy, provided by the surrogacy contract after application of assisted reproductive methods and technologies, and shall be obliged to preclude the possibility of natural pregnancy.

6. The issue on carrying of a multiple pregnancy shall be decided by the mutual agreement of the parties of the surrogacy contract.

## **Article 58. Application of assisted reproductive methods and technologies**

1. The application of assisted reproductive methods and technologies shall be allowed in respect of the married women, as well as in respect of sole women, attained the majority age

and having satisfactory physical, mental and reproductive health, confirmed by the opinion of a healthcare organization.

2. A woman, carrying and giving a birth to a child in a result of assisted reproductive methods and technologies, including the usage of a donor's semen, shall be genetic mother.

3. In case of a child's birth in a result of application of assisted reproductive methods and technologies, information about the parents of this child shall be registered in the manner , prescribed by this Code.

#### **Article 59. Legal implications of a surrogacy contract or application of assisted reproductive methods and technologies**

1. Spouses (customers) shall be recognized as the parents of a child, born in a result of assisted reproductive methods and technologies on the basis of the surrogacy contract.

In case of birth of two and more children in a result of application of such methods and technologies or according to the surrogacy contract, spouses (customers) shall incur liability for each born child in equal measure.

2. A wife (customer), concluded the surrogacy contract shall be registered as the mother of a child after his (her) birth in the medical birth certificate.

3. Surrender of a child shall be formed in established manner after registration of his ( her) birth in a registering body by spouses (customers).

In case of surrender of a child, the spouses (customers) who gave their agreement for application of assisted reproductive methods and technologies or concluded the contract with a surrogate mother shall not have the right to request compensation of the financial expenses.

In case of surrender of a child by spouses (customers) that concluded the contract with a surrogate mother, the right to motherhood shall remain at her wish, but in case of her surrender, a child shall be transferred on custody of the state.

In case of surrender of a child by spouses (customers) and in case of child adoption by a surrogate mother, these persons shall be obliged to pay compensation in amount and in the manner, prescribed by the contract.

4. In case of dissolution of marriage (matrimony) of spouses (customers), the responsibility for a child, born under the surrogacy contract shall be vested in both spouses ( customers).

5. In case of death of one of spouses (customers), the responsibility for a child, born under the surrogacy contract, shall be vested in a living spouse.

6. In case of death of both spouses (customers) and refusal of their close relatives to adopt a born child, this child may be transferred to a surrogate mother at her wish, and in case of her refusal, a child shall be transferred on custody of the state.

Transfer of a child to a surrogate mother or on custody of the state shall not forfeit his (her) rights as a heir of spouses (customers).

7. Disuse of assisted reproductive methods and technologies after conclusion of the surrogacy contract within the term specified by the contract shall entail a nullity of the contract.

8. In case of occurrence of natural pregnancy of a surrogate mother after conclusion of the surrogacy contract, the contract shall be dissolved with disbursement of expenses by her, expended by customers in accordance with the surrogacy contract.

## **Chapter 10. RIGHTS OF A CHILD**

### **Article 60. Right of a child to live and to be nurtured in a family**

Every child shall have the right to live and to be nurtured in a family, right to know his parents, right to be cared by them, right for a joint residence with them, with the exception of cases, when it conflicts with his (her) interests.

A child shall have the right to be nurtured by his (her) parents, right to security of his (her) interests, universal development, respect of his (her) human dignity.

In the absence of parents, in forfeiture or restriction of their parental rights and in the other cases of forfeit of parental custody, the right of a child to be nurtured in family shall be secured by authority body, carrying out the functions of trusteeship or guardianship in the manner, prescribed by chapters 13, 15 and 18 of this Code.

### **Article 61. Right of a child to communicate with parents and other relatives**

1. A child shall have the right to communicate with both parents, grandfathers, grandmothers, brothers, sisters and other relatives. The parents' dissolution of marriage (matrimony), recognition of its invalidity or estrangement of parents shall not influence on the rights of a child.

In case of estrangement of parents, a child shall have the right to communicate with each of them. A child shall have the right to communicate with his (her) parents also in case of their living in different countries.

2. A child being in the difficult period of life shall have the right to communicate with his (her) parents and other relatives in the manner, prescribed by the legislation of the Republic of Kazakhstan.

### **Article 62. Right of a child to express the sentiment**

A child shall have the right to express his (her) sentiment in decision of any question that affects his (her) interests in a family, as well as have the right to be heard in the course of any judicial examination or administrative proceeding. The public hearing of a child, attained the age of ten years shall be obligatory, with the exception of cases when it conflicts with his (her) interests. In cases provided by this Code, the bodies, carrying out the functions of trusteeship or guardianship, or the court may adopt decision only with the agreement of a child, attained the age of ten years and given to him (her) in the presence of legal representatives.

The opinion of a child shall be formed by decision of authority body, carrying out the functions of trusteeship or guardianship, adopted in the presence of parents or other legal representatives at child's location area.

### **Article 63. Right of a child to name, patronymic and last name**

1. A child shall have the right to name, patronymic and last name.

2. A child shall be named by his (her) parents, with their agreement or by other legal representatives of a child. The patronymic shall be given at the wish of parents or other legal representatives after a person, mentioned as his (her) father.

The assumption of the hyphenated name shall be allowed in a separate writing, but not more than two names.

In case of hyphenated name of a father, the patronymic shall be given by one of them or in writing as one solid word of the both names of a father.

In change of name of a father, the patronymic of his minor shall be changed, and the patronymic of his adult child - only when filing the application by him.

3. The last name of a child shall be determined as the last name of parents. If parents have different last names, a child shall be given by the last name of the father or mother by their agreement.

The last name of a child may be given at the wish of parents in the name of the father or grandfather of the child both from the father's and mother's side, in recognition of national heritage.

4. The controversions emerged between parents, concerning the name and (or) last name of a child shall be resolved in a judicial proceeding.

5. If paternity is not established, the name of a child shall be given by order of the mother; the patronymic shall be given by the name of a person, registered as father of the child; the last name - by the name of the mother's last name or in recognition of national heritage by the name of grandfather of the child.

6. If both parents of a child are unknown, the child's last name, first name and patronymic shall be given by a body, carrying out the functions of trusteeship or guardianship, healthcare and other organizations, carrying out the functions of protection of the rights of a child at his location.

#### **Article 64. Change of name and (or) last name of a child**

1. The last name of a minor shall be changed in change of the last name by both parents.

Proceeding from the child's interests, a registering body shall allow the change of the child's name, as well as given last name to the last name of other parent by joint application of parents until attainment of sixteen years of age by a child.

2. In case of termination of marriage (matrimony) or recognition of marriage (matrimony) as invalid, a child shall preserve his (her) last name received by him (her) at birth.

3. If the parents live separately without execution of dissolution of marriage (matrimony) in a registering body, and if a parent who shares a residence with his (her) child wishes to give him (her) his (her) last name, a registering body shall resolve this question, depending on the child's interests and in recognition of the opinion of the other parent, attested and certified by a notary. The public hearing of a parent shall not be obligatory, when it is impossible to establish his (her) location area, in case of deprivation or restriction of his (her) parental rights, recognition as incapable, as well as in cases of prevarication of a parent from maintenance of a child and nurturing without legitimate excuses.

4. If parents live separately, by executing the dissolution of marriage (matrimony) in a registering body, and a parent with whom a child lives wish to give him (her) his (her) last name, a registering body shall resolve this question for the benefit of a child without consideration of opinion of the other parent.

5. If a child is born by unmarried persons, and paternity is not established in a judicial proceeding, a registering body shall allow the change of his (her) last name to the mother's last name, which she has at the moment of making such request proceeding from the interests of a child.

6. Change of the first name and (or) last name of a child, attained the age of ten years shall be performed only with his (her) agreement, received in the presence of legal representatives.

#### **Article 65. Nationality of a child**

1. A nationality of a child shall be determined by nationality of his (her) parents.

2. If the nationality of the parents is different, it shall be determined at the wish of a child, in accordance with the national origin of the father and mother by the time of issuance of certificate of identity or passport.

3. In the following, the nationality of a child may be changed only to the nationality of the other parent upon his (her) application.

#### **Article 66. Property rights of a child**

1. A child shall have the right to receive a financial support from his (her) parents and other family members in the manner and amount, prescribed by section 5 of this Code.

2. The amounts, owed to a child in capacity of alimony, benefits shall go into disposal of parents and other legal representatives of a child, with the exception of directors of organizations for children-orphans, children left without a parental custody, and shall be expended by them for maintenance of a child, his (her) education and nurturing.

3. A child shall have the right of ownership on the earned incomes, property received by him (her) as a gift or in order of succession, as well as any other property, purchased on his (her) funds.

A child receiving incomes in consequence of his (her) work shall have the right to share the expenses on maintenance of family in case if he (she) lives with parents.

The right of a child for disposition of beneficially owned property belonging to him (her) shall be determined by the Civil Code of the Republic of Kazakhstan.

In carrying out of legal powers to manage the child's property by parents, they shall be extended by the rules established by Article 128 of this Code.

4. A child and parents, who share residence together, may own and use the property of each other by the mutual agreement.

5. In case of creation of the right of common property of parents and a child, their rights of possession, use and disposition of common property shall be determined by the Civil Code of the Republic of Kazakhstan.

#### **Article 67. Right of a child to protect his (her) rights and legal interests**

1. A child shall have the right to protect his (her) rights and legal interests.

Protection of rights and legal interests of a child shall be carried out by parents or other legal representatives of a child, and in cases, provided by the legislative acts of the Republic of Kazakhstan, by authority body, carrying out the functions of trusteeship or guardianship, a prosecutor and a court, as well as law enforcement agencies and other state bodies within their competence.

A minor, recognized fully capable in his (her) own behalf shall have the right to exercise his (her) own rights and obligations, including the right to protection, in accordance with the Laws of the Republic of Kazakhstan until attainment of the majority age.

2. A child shall have the right to be protected from abuse by parents or other legal representatives.

In case of violation of the rights and legal interests of a child, including the cases of non-compliance or improper performance of obligations on maintenance of a child, nurturing and education by the parents or other legal representatives, or in the abuse of parental (trustee, tutorial) rights, a child shall have the right to apply for defense of his (her) own rights to a body, carrying out the functions of trusteeship or guardianship on his (her) own behalf, and after attainment of the age of fourteen years - to the court.

3. The civil servants of state bodies and organizations and other citizens who came to knowledge on a danger to child's life or health, violation of his (her) rights and legal interests shall be obliged to report about this to a body, carrying out the functions of trusteeship or guardianship at the actual location area of a child. Upon the receipt of this information, a body, carrying out the functions of trusteeship or guardianship shall be obliged to use the reasonable efforts on defense of rights and legal interests of a child.

## **Chapter 11. RIGHTS AND OBLIGATIONS OF PARENTS**

### **Article 68. Equality of rights and obligations of parents**

1. Parents shall have equal rights and incur equal obligations in respect of their children (parental rights).

2. Parental rights, provided by this chapter shall be terminated upon the attainment of the age of eighteen years by children (age of majority), as well as in entering into marriage (matrimony) by minors.

### **Article 69. Rights of minor parents**

1. Minor parents shall have the right to joint residence with a child and participation in his (her) nurturing.

2. In case of birth of a child and in the course of establishment of motherhood and (or) paternity, the minor unmarried parents shall have the right to exercise parental rights upon their attainment of the age of sixteen years. Until the attainment of the age of sixteen years by minor parents, a body, carrying out the functions of trusteeship or guardianship shall appoint the trustee to a child, who will carry out his (her) nurturing jointly with minor parents of a child. The controversions emerged between the child's trustee and minor parents shall be resolved by a body, carrying out the functions of trusteeship or guardianship in recognition of interests and rights of a minor and parents.

3. Minor parents shall have the right to admit and litigate their paternity and motherhood on a common basis, as well as have the right to demand establishment of paternity in respect of their children in a judicial proceeding upon their attainment of the age of fourteen years.

### **Article 70. Rights and obligations of parents on the child's nurturing and education**



1. Parents shall be obliged to take care of health of their child.

2. Parents shall have the right and shall be obliged to nurture their child.

Parents shall have the priority right to nurturing of their child towards all the other persons.

Parents, nurturing a child, shall incur a liability for providing the conditions of life for his (her) physical, mental, moral and intellectual development.

3. Parents shall be obliged to provide the secondary-level education to a child.

In recognition of the child's opinion, parents shall have the right of choice of the educational institutes and modes of study of a child, till his (her) receipt of the secondary-level education.

4. All issues relating to the nurturing and education of a child shall be resolved by parents on their mutual agreement, proceeding from the child's interests and in recognition of his (her) opinion. In existence of controversions between parents, they shall have the right to seek the resolutions of these disagreements to a body, carrying out the functions of trusteeship or guardianship, or to a court.

#### **Article 71. Rights and obligations of parents on defense of rights and interests of a child**

1. Parents shall be legal representatives of their child and speak in defense of his (her) rights and interests in respect of any individual and legal persons, as well as in the court with no discretionary powers.

2. Parents shall not have the right to represent their child's interests, if a body, carrying out the functions of trusteeship or guardianship established that the interests between parents and a child have contraventions. In case of controversions between parents and a child, a body, carrying out the functions of trusteeship or guardianship shall be obliged to appoint an authorized agent to defense the rights and interests of a child.

Parents shall not have the right to represent the interests of a child, in case if they are deprived or restricted in parental rights in respect of him (her).

#### **Article 72. Execution of parental rights in behalf of a child**

Parental rights may not be exercised in contravention with the child's interests. Ensuring of interests of a child shall be a primary concern of his (her) parents.

In execution of parental rights, parents shall not have the right to injure the physical and mental health of the child's moral development. The method of nurturing of a child shall exclude neglectful, abusive, rough, degrading treatment, outrage or exploitation of a child.

## **Article 73. Execution of parental rights by a parent living separate from a child**

1. A parent living separate from a child shall have the right to communicate with a child, to participate in his (her) nurturing, to solve the issues concerning the child's education and other important issues for a child.

A parent who shares residence with his (her) child shall not preclude the communication of a child with the other parent, if such communication shall not injure the physical or mental health of a child and his (her) moral development.

2. Residence and legal address of a child when the parents live apart are established by agreement of the parents.

In the absence of an agreement, the dispute between the parents is resolved by way of mediation or by a court with the participation of the body that performs the functions of guardianship or custody, at the request of the parents on the basis of the interests of a child and taking into account his opinion. At that, the court takes into account the affection of the child to each of the parents, brothers and sisters, the age of the child, the moral and other personal qualities of the parents, the relationship between each parent and the child, the possibility of creating conditions for the child for development and upbringing (occupation, working time, material and marital status of parents and other similar conditions).

3. Parents have the right to conclude in writing an agreement on the procedure for the exercise of parental rights by a parent living apart from the child.

If the parents cannot come to an agreement, the dispute is resolved by the body that performs the functions of guardianship or custody, and in case of disagreement with its decision - in the mediation procedure or by the court with the participation of this body and the parents of the child.

4. In the failure to execute the court decision on the order of exercise of parental rights, a liable parent shall incur liability, provided by the Laws of the Republic of Kazakhstan.

In case of malicious failure to execute the court decision, the court, upon request of a parent, living separate from a child, may decide to transfer a child to him (her), based on the child's interests and in recognition of the child's opinion.

5. A parent, living separate from a child shall have the right to receive information of his (her) child from educational institutes, healthcare and other organizations.

Reporting may be refused only in case of existence of threat to life and health of a child on the side of a parent. The refusal in reporting of information may be contested in a judicial proceeding.

**Footnote. Article 73 as amended by the Law of the Republic of Kazakhstan dated 17.11.2014 № 254-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Article 74. Right of parents to reclamation of a child from other persons**

1. Parents shall have the right to demand a return of a child from any person, holding him (her) at his (her) own place without legal basis or on the basis of court decision. In case of origin of the dispute, parents shall have the right to seize the court for defense of their rights.

In considering these requests, in recognition of a child, the court shall have the right to dismiss a claim of parents, if it comes to conclusion that the transfer of a child to parents is not in the interests of a child.

2. If it is established by the court that neither parents, nor a person, who shares residence with a child are unable to ensure his (her) proper nurturing and development, the court shall transfer a child on a custody of a body, carrying out the functions of trusteeship or guardianship.

## **Chapter 12. DEPRIVATION AND RESTRICTION OF PARENTAL RIGHTS**

### **Article 75. Deprivation of parental rights**

1. Parents shall be deprived of parental rights if they:

1) evade from performance of parental obligations including malicious evasion from the payment of alimony;

2) abandon to take their child with no legitimate excuses from a maternity clinic ( department), organizations for children-orphans and children left without a parental custody, and other organizations;

3) abuse their parental rights;

4) abuse a child, including carrying out of physical or mental act of outrage against him (her), entrench upon his (her) sexual immunity;

5) misuse alcohol or narcotic drugs, psychotropic substances and (or) their substitutes.

2. Parents are deprived of parental rights when they commit an intentional criminal offense against the life or health of their child, spouse or other family members.

**Footnote. Article 75 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).**

### **Article 76. Order of deprivation of parental rights**

1. Deprivation of parental rights shall be performed in a judicial proceeding.

Cases on deprivation of parental rights shall be considered upon the application of one of the parents or other legal representatives of a child, bodies or organizations, obligated to protect the rights of minors, as well as at the suit of a prosecutor.

2. Cases on deprivation of parental rights shall be considered with the participation of a prosecutor and a body, carrying out the functions of trusteeship or guardianship.

3. In consideration of the case on deprivation of parental rights, the court shall decide the issue of the alimony recovery for a child from parents, deprived of parental rights.

4. If during consideration of the case on deprivation of parental rights, the court detects characteristic features of the criminally punishable act, it shall be obliged to disclose this to a prosecutor by a special determination.

5. The court shall be obliged to send the abbreviate from this decision to a registering body at the place of state registration of the child's birth and to a body, carrying out the functions of trusteeship or guardianship, according to the place of residence of a child within three days from the date of enforcement of the court decision on the deprivation of parental rights.

#### **Article 77. Consequences of the deprivation of parental rights**

1. The deprivation of parental rights shall entail forfeiture of all rights, based on the fact of blood relation with a child, including the rights to receive financial support from him (her), as well as facilities and state benefits, established for citizens, having children.

2. The deprivation of parental rights shall not release parents from an obligation to maintain their child, which shall be terminated with his (her) adoption.

3. The issue on the further joint residence of a child with a parent, deprived of parental rights shall be resolved in a judicial proceeding.

4. A child in respect of whom the parents are deprived of parental rights shall preserve the right to property of a dwelling place or the right to use a dwelling place, as well as property rights, based on the fact of blood relation with parents and other relatives, including the right to receipt inheritance.

5. If it is impossible to transfer a child to the other parent or in case of deprivation of parental rights of both of the parents, a child shall be transferred on custody of a body, carrying out the functions of trusteeship or guardianship.

6. Upon request of parents deprived of parental rights, a body, carrying out the functions of trusteeship or guardianship shall allow appointments with a child, if it doesn't have a negative impact on the child.

7. In case of deprivation of parental rights of the parents, the adoption of a child shall be allowed upon expiry of six months from the date of enforcement of the court decision to deprive parents of their parental rights.

Adoption of a child, one of whose parents is deprived of parental rights shall be allowed with agreement of the other parent.

## **Article 78. Restoration of parental rights**

1. Parents may be restored in parental rights by the court, in cases if they changed their behavior, lifestyle and attitude to the nurturing of a child.

2. Restoration of parental rights shall be carried out in a judicial procedure upon the application of a parent deprived of parental rights. Cases of restoration of parental rights are considered with the participation of the parent, the body exercising the functions of guardianship or custody.

3. The court shall have the right to dismiss a claim of parents on restoration of parental rights, in recognition of the child's opinion, if the restoration of parental rights is inconsistent with interests of the child.

The restoration of parental rights in respect of a child, attained the age of ten years shall be possible only with his (her) agreement.

It is prohibited to restore parental rights, if a child is adopted and adoption is not cancelled.

**Footnote. Article 78 as amended by the Law of the Republic of Kazakhstan dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Article 79. Restriction of parental rights**

1. The court may come to decision on restriction of parental rights by removal of a child from custody of parents without depriving their parental rights, in recognition of the interests of the child.

The placement of a child in respect of whom the parents or one of them is deprived or restricted of parental rights, shall be performed by a body, carrying out the functions of trusteeship or guardianship according to the child's place of residence.

2. The restriction of parental rights shall be allowed, if leaving of a child with parents is dangerous for him (her):

1) due to circumstances, beyond the control of parents (mental derangement or other chronic illness, set of reduced circumstances);

2) due to the parents' behavior, but at the same time, the sufficient grounds for deprivation of parental rights are not established.

If parents do not change their behavior, a body, carrying out the functions of trusteeship or guardianship shall be obliged to commence a suit of deprivation of parental rights upon expiry of six months after rendering the decision by the court on deprivation of parental rights.

3. The suit on deprivation of parental rights shall be filed by the close relatives of a child, organizations, carrying out the functions of protection of child's rights, a prosecutor.

4. Cases on limitation of parental rights are considered with the mandatory participation of a representative of the body exercising the functions of guardianship or custody.

5. In consideration of the case on restriction of parental rights, the court shall have the right to resolve the issue on alimony recovery from parents to a child.

**Footnote. Article 79 as amended by the Law of the Republic of Kazakhstan dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 80. Consequences of restriction of parental rights**

1. Parents whose parental rights are restricted by the court shall forfeit the right to individual nurturing of a child, and in cases, provided by subparagraph 2) of paragraph 2 of Article 79 of this Code, also the right to benefits and state benefit payments, established for citizens having children.

2. Restriction of parental rights shall not release parents from obligations on financial support of a child.

3. A child, in respect of whom the parents are deprived of parental rights, shall preserve the right to property of a dwelling place or the right to use a dwelling place, and as well as preserve the property rights, based on the fact of blood relation with parents and other relatives, including the right to inheritance.

4. In case of restriction of parental rights of both of the parents, a child shall be transferred on custody of a body, carrying out the functions of trusteeship or guardianship.

5. The parents whose parental rights are restricted by the court shall be allowed to communicate with a child, if it doesn't have a negative impact on the child. The communication between parents and a child shall be allowed only with the agreement of a body, carrying out the functions of trusteeship or guardianship, a trustee or a guardian, foster tutors of a child or administration of organizations in which the child is placed.

#### **Article 81. Cancellation of consequences of restriction on parental rights**

1. If the grounds have revolted, in which the parents were restricted of parental rights, the court shall decide to return a child to the parents and to cancel consequences of restrictions, at the suit of the parents, provided by Article 80 of this Code.

2. In recognition of the child's opinion, the court shall have the right to dismiss a claim, if return of a child to parents conflicts with his (her) interests.

#### **Article 82. Removal of a child in instant danger to life or his (her) health**

1. In instant danger to life or health of a child, a body, carrying out the functions of trusteeship or guardianship shall have the right to remove a child with immediate effect from the parents or other persons, being in their custody.

The immediate removal of a child shall be conducted by a body, carrying out the functions of trusteeship or guardianship on the basis of the act of local executive body of the cities of republican significance, capital, a city of oblast subordination before decision of the court.

2. In removal of a child, a body, carrying out the functions of trusteeship or guardianship shall be obliged to give a notice immediately to a prosecutor, to ensure a temporary placement of a child and within seven days after rendering of the suit of removal of a child, by a local executive body of the cities of republican significance, capital, a city of oblast subordination, to file a claim in court on restriction or deprivation of parental rights of the parents.

#### **Article 83. Enforcement of court decisions with regard to case, linked with removal of a child**

1. Compulsory execution of court decisions, linked with removal of a child from parents and his (her) transfer to another person (persons) shall be performed with the obligatory participation of a representative body, carrying out the functions of trusteeship or guardianship, and person (persons) to whom the child shall be transferred, and in cases of need - with participation of representative of internal affairs bodies.

2. If it is impossible to execute the court decision on removal of a child from parents and his (her) transfer to another person (persons) without prejudice to his (her) interests, the child may be temporarily placed in organizations, carrying out the functions of protection of child's rights on the basis of determination of a court.

### **Chapter 13. ADOPTION OF A CHILD**

#### **Article 84. Children in respect of whom adoption shall allowed**

1. Adoption shall be allowed only in respect of minors, whose birth is registered in the manner, prescribed by this Code, and only in their interests in recognition of possibility of ensuring full physical, mental, intellectual and moral development.

By this, the age, maturity degree and agreement of a child shall be recognized for adoption.

2. Children shall be subject to be adopted, whose only parent or both parents:

1) died;

2) abandoned a child;

3) are deprived and not restored of parental rights;

4) gave consent to adoption of a child to relatives, persons who are married with mother or father of the adopted child (children);

5) are recognized incapable, recognized as missing or declared decedent;

6) unknown.

3. Children specified in subparagraphs 1) - 3), 5) and 6) of paragraph 2 of this article who are registered in the Republican databank may be transferred for adoption to the relatives of children regardless of citizenship and residence, citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan, in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

4. Children who are citizens of the Republic of Kazakhstan and who are in the centralized register in the Republican databank may be transferred for adoption to the citizens of the Republic of Kazakhstan permanently residing outside the Republic of Kazakhstan.

Children who are citizens of the Republic of Kazakhstan who are in the centralized register in the Republican databank may be transferred for adoption to foreigners only in cases where the child cannot be adopted by relatives, citizens of the Republic of Kazakhstan, residing in the territory of the Republic of Kazakhstan and beyond.

In consideration of the case on adoption of a child by foreign persons, the court shall be obliged to be satisfied in enforcement of the rights by an authorized body of the Republic of Kazakhstan in the scope of protection of children's rights to priority adoption of this child by the relatives, independently from their legal nationality and place of residence, or by the citizens of the Republic of Kazakhstan.

5. Adoption of children by foreign persons shall be allowed only by citizens of the country, having equivalent international obligations with the Republic of Kazakhstan in the scope of defense of the rights and interests of children.

6. The order of transfer of children, being the citizens of the Republic of Kazakhstan for the adoption, shall be approved by the Government of the Republic of Kazakhstan.



7. Permission to transfer the children for adoption specified in subparagraphs 1) - 3), 5) and 6) of paragraph 2 of this article is issued by the body exercising the functions of guardianship or custody, on the basis of the opinion of the commission.

8. Order of activities and composition of the commission are determined by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

**Footnote. Article 84 as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Article 85. Rights and obligations of persons, willing to adopt children**

1. Citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan, willing to adopt children shall be obliged to choose a child personally, have an immediate contact with him (her) for not less than two weeks, file a petition in a written form on a wish to adopt a child to a body, carrying out the functions of trusteeship or guardianship at the child's location, as well as present the act of housing survey, a certificate on amount of joint income, a family status, a health status and a certificate of clean record.

2. Citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan, willing to adopt children-orphans, children left without a parental custody, till the age of one year shall have the right to take a tutorship or to take children under the patronage until the end of the procedure of adoption.

3. Citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan, foreign persons laying a claim for adoption of a child shall file a written application to an authorized body in the scope of protection of the children's rights on a wish to adopt a child, as well as a certificate of incomes, a family status, a health status including the mental health, a certificate of absence of the drug (toxic) abuse, alcohol dependence, a certificate of clean record, personal moral qualities of the prospective adoptive parents, issued especially by competent foreign state bodies and adoption organizations. After presentation of documents to an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan and with the agreement of adoptive parent to adopt a child, an adoptive parent shall have an immediate contact with the child for not less than four weeks.

## **Article 86. Rights and obligations of an adoptive parent**

1. An adoptive parent of a child shall be obliged to nurture a child, to be careful of his (her) health, physical, mental, moral and intellectual development.

2. An adopter has the right to independently determine the methods of upbringing a child, taking into account the opinion of the child and recommendations of the body exercising the functions of guardianship or custody, and must comply with the requirements provided for by this Code.

The adopter who is a citizen of the Republic of Kazakhstan permanently residing in the territory of the Republic has the right to receive a lump sum payment in connection with the adoption of an orphan and (or) a child left without parental care.

The adopter is obliged to return to the budget the lump sum payment paid in connection with the adoption of an orphan and (or) a child left without parental care, in case of cancellation of adoption.

The procedure for appointment, refund and the size of a lump sum payment in connection with the adoption of an orphan and (or) a child left without parental care is determined by the Government of the Republic of Kazakhstan.

3. In recognition of the child's opinion an adoptive parent shall have the right to choose educational institutes and modes of study of a child before receipt of the obligatory common secondary-level education by him (her).

4. Adoptive parents being the citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan, shall be obliged to file reports on conditions of life, education, nurturing and health status of an adopted child, at least annually to a body, carrying out the functions of trusteeship or guardianship, at the place of rendering the court decision of a child adoption, until attainment of the age of eighteen years by a child.

Adoptive parents, being the citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan, and foreign adoptive parents shall be obliged to file reports on conditions of life, education, nurturing and health status of an adopted child to an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan, for the initial three years, every six months after the enforcement of the court decision on adoption and in the ensuing years at least annually until the attainment of the age of eighteen years by a child.

In the certain circumstances, the periodicity of the presentation of reports shall be established by decision of an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan, depending on particular situation, formed in the family of adoptive parents.

Adoptive parents, being the citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan, and foreign adoptive parents shall file reports through the foreign establishments of the Republic of Kazakhstan, situated in the country of residence of an adoptive parent and a child.

In case of failure to present or late presentation of reports by adoptive parents, being the citizens of the Republic of Kazakhstan, permanently residing beyond the borders of the Republic of Kazakhstan and by foreign adoptive parents in the manner, provided by this paragraph, the activity of agency on adoption, representing their interests in the course of adoption of a child in the Republic of Kazakhstan shall be early terminated on the grounds, provided by subparagraph 6) of paragraph 8 of Article 112 of this Code.

The procedure and terms for granting, the form of the report on living conditions, education, upbringing and the state of health of the adopted child are approved by the authorized body in the field of protection of the children's rights of the Republic of Kazakhstan.

**Footnote. Article 86 as amended by the Laws of the Republic of Kazakhstan dated 31.03.2014 № 180-V (shall be enforced from 01.01.2015); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 87. Procedure for adoption of a child**

1. Adoption shall be performed by the court upon the application of persons (person), willing to adopt a child. The consideration of cases on adoption of a child shall be performed by the court in a special procedure, provided by the Civil Procedure Code of the Republic of Kazakhstan.

The cases on adoption of children shall be considered by the court with the obligatory participation of adoptive parents, representative of a body, carrying out the functions of trusteeship or guardianship, as well as a prosecutor.

2. During adoption of a child, being a foreign person in the territory of the Republic of Kazakhstan by the citizens of the Republic of Kazakhstan, it is necessary to obtain the agreement of legal representative of a child and competent body of the state, the citizen of which is a child, as well as, if it is required in accordance with the legislation of mentioned state, the agreement of a child on adoption.

3. Adoption of a child, being the citizen of the Republic of Kazakhstan and residing beyond the borders of the Republic of Kazakhstan, performed by a competent body of a foreign state, the citizen of which is an adoptive parent, shall be accepted as valid in the Republic of Kazakhstan, on condition of obtaining the preliminary permit to adopt from a local executive body, at the place of his (her) or his (her) parents' residence, before departure beyond the territory of the Republic of Kazakhstan.

4. Adoption in the territory of the Republic of Kazakhstan by foreigners married to citizens of the Republic of Kazakhstan, of a child who is a citizen of the Republic of Kazakhstan, shall be carried out in accordance with the procedure established by this Code for foreigners.

**Footnote. Article 87 as amended by the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 88. Accrual of rights and obligations of adoptive parents**

Rights and obligations of an adoptive parent and an adoptive child shall be created from the date of enforcement of the court decision on adoption of a child.

Within three working days from the date of entry into force of the court decision on adoption of a child, the court is obliged to send the extract from this decision to the

registering authority at the place where the decision on adoption is made and to the body that carries out the functions of guardianship or custody at the place of the decision.

Footnote. Article 88 as amended by the Law of the Republic of Kazakhstan dated 31.10.2015 № 378-V (shall be enforced from 01.01.2016).

## **Article 89. Registration of children to be adopted and persons wishing to adopt children**

1. Registration of children to be adopted is carried out in accordance with the procedure established by paragraphs 5 and 6 of Article 117 of this Code.

2. Registration of persons who are citizens of the Republic of Kazakhstan permanently residing in the territory of the Republic of Kazakhstan, wishing to adopt orphans, children left without parental care, is carried out by bodies exercising the functions of guardianship or custody in the manner established by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

3. Registration of persons who are citizens of the Republic of Kazakhstan permanently residing outside the Republic of Kazakhstan, foreigners wishing to adopt orphans, children left without parental care who are citizens of the Republic of Kazakhstan, is made by foreign institutions of the Republic of Kazakhstan in the manner determined by the Ministry of Foreign Affairs of the Republic of Kazakhstan.

Footnote. Article 89 in the new wording of the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Article 90. Adoption of several children**

1. One person may adopt several children, being brothers and sisters or not related between each other.

Between adopted children, not related between each other the rights and obligations shall be created as between brothers and sisters.

2. Adoption of brothers and sisters, nurtured in one family by different persons shall not be allowed, with the exception of cases when adoption is in the interests of children and children do not know about their kinship, not resided and nurtured jointly.

## **Article 91. Persons, having the right to be adopted**

1. Adoption shall be allowed in existence of conditions for normal physical, mental, intellectual and moral development, nurturing and education of a child in the family of adoptive parent.

2. Adoptive parents may be the persons of majority age with the exception of:

- 1) persons, recognized incapable or partially capable by the court;
- 2) spouses, one of whom is recognized incapable or partially capable by the court;
- 3) persons deprived or restricted of parental rights by the court;
- 4) persons, disbarred from the obligations of a trustee or a guardian for defective performance of assigned obligations to him (her) by the Laws of the Republic of Kazakhstan;
- 5) former adoptive parents, if the adoption is cancelled due to their fault by the court;
- 6) persons who, for reasons of health, cannot exercise parental rights. The list of diseases in which a person cannot adopt a child, take him into custody or guardianship, patronage, is established by the authorized body in the field of public health;
- 7) persons, who don't have permanent place of residence;
- 8) persons, maintaining the different sexual orientation;
- 9) persons who have an outstanding or unexpunged conviction for commission of an intentional crime at the time of adoption, as well as persons specified in subparagraph 14) of this paragraph;
- 10) stateless persons;
- 11) unmarried male persons, with the exception of cases of the factual nurturing of a child for not less than three years, due to the death of mother or deprivation of her parental rights;
- 12) persons, who as of the time of adoption have no income, ensuring the minimum subsistence income for an adopted child, established by the legislation of the Republic of Kazakhstan;
- 13) persons, registered in narcological or psychoneurologic dispensaries.
- 14) persons who have or have been convicted, subject or subjected to criminal prosecution (except for persons whose criminal prosecution was terminated on the basis of subparagraphs 1) and 2) of part one of Article 35 of the Criminal Procedure Code of the Republic of Kazakhstan) for criminal offenses: murder, deliberate harm to health, against health of the population and morality, sexual inviolability, for extremist or terrorist crimes, human trafficking.

3. Unmarried persons may not jointly adopt one and the same child.

Footnote. Article 91 as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Article 92. Age difference between an adoptive parent and an adopted child**

1. Difference in age between the adopter and the adopted child must be not less than sixteen years. For reasons recognized by the court as valid, the age difference can be reduced.

2. During adoption of a child by a stepfather (stepmother), the age difference, established by paragraph 1 of this Article shall not be required.

Footnote. Article 92 as amended by the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Article 93. Agreement of legal representatives for adoption of a child**

1. For adoption of a child, the agreement of his (her) parents shall be required, if they are not deprived of parental rights.

During adoption of a child of minor parents, not attained the age of sixteen years, the agreement of legal representatives shall be also required.

In the absence of legal representatives of minor parents or in case, if a child is neglected by minor parents in a healthcare organization at birth and no one is interested in his (her) fortune for more than three months, the agreement of a body, carrying out the functions of trusteeship and guardianship shall be required.

2. The agreement of parents to adopt a child shall be expressed in application, notarized or certified by the head of organization in which the child resides, without a parental custody, or by a body, carrying out the functions of trusteeship or guardianship at the place of adoption of a child or at the place of residence of parents, as well as may be expressed directly in the court during the process of adoption.

Before rendering of court decision on adoption of a child, the parents shall have the right to revoke their agreement to adoption.

3. Parents can give consent to adoption of a child by relatives, persons who are married with mother or father of the adopted child (children). The bodies exercising the functions of guardianship or custody shall submit to the court a conclusion on conformity of the adoption to the interests of the child. The conclusion on conformity of the adoption to the interests of the child is not required in the case of adoption of the child by his stepfather (stepmother) or adoption of the child by the consent of the parents by relatives.

4. For adoption of children being under trusteeship or guardianship, the agreement of their trustees and guardians shall be required in a written form.

5. For adoption of children being in care under agreement on transfer of a child to the foster care, the agreement of foster parents shall be required in a written form.

6. For adoption of children-orphans, children left without a parental custody and placed in educational organizations, healthcare and other organizations, the agreement of the heads of these organizations shall be required in a written form.

7. In recognition of the child's interests, the court shall have the right to decide on his (her) adoption, without the agreement of persons, mentioned in paragraphs 1, 4, 5 and 6 of this Article.

In case of surrender of a child after his (her) birth in a healthcare organization, without an execution of the application of surrender by both parents or a sole mother, in the manner, prescribed by the legislation of the Republic of Kazakhstan, as well as in case if an abandoned child at the age of no more than three years is detected, the court shall have the right to consider a case of adoption by the citizens of the Republic of Kazakhstan for the benefit of a child upon expiry of three months after abandonment or detection of a child.

**Footnote. Article 93 as amended by the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 94. Adoption of a child without the agreement of parents**

The agreements of parents for adoption of their child shall not be required in cases if they:

- 1) are unknown or declared decedent, recognized as missing by the court;
- 2) recognized incapable;
- 3) deprived of parental rights;

4) live separately from a child and evade from his (her) nurturing and financial support for more than six months by excuses, recognized by court as unreasonable.

In existence of executed written application on surrender of a child in a healthcare organization by a sole mother in the manner, prescribed by the legislation of the Republic of Kazakhstan, the court shall not have the right to demand and obtain other documents, confirming the agreement of parents to adoption.

#### **Article 95. The agreement of a child to adoption**

For the adoption of a child, attained the age of ten years, his (her) agreement shall be required.

The agreement of a child to adoption shall be established by the court in the presence of parents or other legal representatives of a child, a prosecutor.

#### **Article 96. The agreement to adoption of a child by one of spouses**

1. During adoption of a child by one of spouses, the written agreement of the other spouse to adoption shall be required, if a child is not adopted by both spouses.

2. The agreement of spouse to adoption shall not be required, if spouses factually terminated family relations or live separately for more than one year.

#### **Article 97. First name, patronymic and last name of an adopted child**

1. The first name, patronymic (in existence of it) and last name of an adopted child may be preserved.

2. Upon request of an adoptive parent, the last name shall be given to adopted child, as well as the first name mentioned by him (her), if it is not in a contrary with the child's interests. The patronymic of adopted child shall be established by the name of adoptive parent, if the adoptive parent is a man, and if an adoptive parent is woman - by the name of a person, mentioned by her as the father of adopted child.

If the last names of adoptive parents are different, the last name of a child shall be given by the last name of one of them with the agreement of adoptive parents.

3. During adoption of a child by unmarried person, upon his (her) request, the first name, patronymic and last name of the father (mother) of adopted child shall be registered in the register of births by order of adoptive parent during the state registration of adoption in a registering body. Upon request of adoptive parent, information of the father (mother) may not be specified.

4. Change of the first name, patronymic and last name of an adopted child, attained the age of ten years may be performed only with his (her) agreement, with the exception of cases, requiring the secrecy of adoption.

5. Change of the first name, patronymic and last name of an adopted child shall be specified in the court decision on his (her) adoption.

#### **Article 98. Change of the date and place of birth of an adopted child**

1. For the purpose of ensuring of the confidentiality of adoption upon request of an adoptive parent, the date of birth of an adopted child may be changed, but not more than six months, as well as the place of his (her) birth.

Change of the date of birth of an adopted child shall be allowed only in adoption of a child under the age of three years.



Change of the place of birth of an adopted child shall be performed only within the territory of the Republic of Kazakhstan and shall be allowed only upon request of an adoptive parent independently from the age of the child.

2. Change of the date and (or) place of birth of an adopted child shall be specified in the court decision on his (her) adoption.

#### **Article 99. Register of adoptive parents in capacity of parents of the adopted child**

1. Upon request of adoptive parents, the court shall adopt decision on register of adoptive parents in register of birth in capacity of parents of the adopted child by them.

2. The necessity of performance of this register shall be compulsory specified in the court decision on adoption of a child.

#### **Article 100. Legal consequences of adoption of a child**

1. An adopted child and his (her) posterity in respect of adoptive parents and their relatives, and adoptive parents and their relatives in respect of the adopted child and his (her) posterity shall be equated in personal non-property and property rights and obligations to relatives by blood.

2. An adopted child shall forfeit personal non-property and property rights and shall be released from his (her) obligations in respect of his (her) natural parents.

3. During adoption of a child by one person, the personal non-property and property rights and obligations may be preserved at the wish of the mother, if an adoptive parent is a man, or at the wish of the father, if an adoptive parent is a woman.

4. Responsibility for the safety of property, being in the ownership of an adopted child, shall rest on adoptive parent. In case of abdication of adoption, the obligation on return of this property also shall be imposed on the adoptive parent.

5. Preservation of relations between an adopted child and one of parents or relatives of a decedent parent shall be specified in the court decision on adoption of a child.

6. Legal consequences of adoption of a child, provided by paragraphs 1 and 2 of this Article shall be applied independently from record of adoptive parents, in capacity of parents in register of births of this child.

#### **Article 101. Preservation of the right to allowances and other social benefits of an adopted child**

A child, having the right to pension savings of parents in provident pension funds, allowances on the occasion of death of a wage-earner and other social benefits by the moment of his (her) adoption, shall preserve this right during his (her) adoption.

Footnote. Article 101 is in the wording of the Law of the Republic of Kazakhstan dated 21.06.2013 No. 106-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 102. The secrecy of adoption of a child**

1. The secrecy of adoption of a child shall be protected by the Law.
  
2. Parents, relatives, administrative officials of organizations, carrying out the functions of defense of the child's rights, and (or) state bodies, carrying out the state registration of adoption; judges, delivered decisions on adoption, as well as other persons, informed on adoption, shall be obliged to keep the secrecy of adoption.

#### **Article 103. Recognition of adoption as invalid**

1. Adoption shall be recognized invalid in the following cases:
  - 1) adoption of the court decision on adoption, on the basis of false documents;
  - 2) commitment of adoption without the agreements of persons, specified in Article 93 of this Code;
  - 3) adoption by a married person without the written agreement of the other spouse;
  - 4) violation of provisions, provided by paragraph 2 of Article 91 of this Code;
2. Recognition of adoption as invalid shall be performed in a judicial proceeding.
3. The case on recognition of adoption as invalid shall be considered by the court with compulsory participation of adoptive parents, prosecutor and representative of a body, carrying out the functions of trusteeship or guardianship.

#### **Article 104. Persons, having the right to demand recognition of adoption as invalid**

Demand on recognition of adoption as invalid may be submitted by the parents of adopted child, by the spouse of adoptive parent, by persons whose rights are violated by adoption, by a prosecutor or by a body, carrying out the functions of trusteeship or guardianship.

#### **Article 105. Consequences of recognition of adoption as invalid**

1. Adoption shall be recognized invalid from the moment of making the court decision on adoption.
  
2. In case of recognition of adoption as invalid, the mutual rights and obligations of an adopted child and adoptive parents, relatives of adoptive parents shall be terminated and the mutual rights and obligations of a child and his (her) parents (relatives) shall be restored, if it complies with the child's interests.

3. Upon request of parents, the former first name, patronymic (in its existence) and last name shall be given back to a child, as well as the former date and place of birth shall be restored, if they were changed during adoption.

4. The court shall be obliged to submit the abbreviate from this decision to a registering body and to bodies, carrying out the functions of trusteeship or guardianship, at the place of state registration of adoption within three days from the date of enforcement of the court decision on recognition of adoption as invalid.

#### **Article 106. Grounds for cancellation of child adoption**

1. Adoption of a child may be cancelled in cases, if an adoptive parent:

1) evades parental obligations imposed on him (her);

2) abuses parental rights;

3) abuses an adopted child;

4) carried out physical or mental abuse against an adopted child;

5) encroaches on sexual integrity of an adopted child;

6) is found to be alcoholics, drug and (or) toxic addict;

7) violates the rights of an adopted child, established by the legislation of the Republic of Kazakhstan and international treaties in which the Republic of Kazakhstan participates.

2. The court shall have the right to cancel adoption of a child by the other reasons, proceeding from the interests of a child and in recognition of his (her) opinion.

#### **Article 107. Cancellation of adoption of a child**

1. Cancellation of adoption of a child shall be performed in a judicial proceeding.

2. The case on cancellation of adoption of a child shall be considered with compulsory participation of adoptive parents, body, carrying out the functions of trusteeship or guardianship, as well as a prosecutor.

3. Adoption shall be terminated from the date of enforcement of the court decision on cancellation of adoption of a child.

The court shall be obliged to submit the abbreviate from this decision to a registering body and bodies, carrying out the functions of trusteeship or guardianship, at the place of state registration of adoption within three days from the date of enforcement of the court decision on cancellation of adoption of a child.

#### **Article 108. Persons, possessing the right to ask for cancellation of adoption of a child**

Parents, adoptive parents, spouse of an adoptive parent, an adopted child, attained the age of fourteen years, a body, carrying out the functions of trusteeship or guardianship, as well as a prosecutor shall have the right to ask for cancellation of adoption of a child on behalf of a child.

#### **Article 109. Consequences of cancellation of adoption**

1. In cancellation of adoption of a child by the court, the mutual rights and obligations of an adopted child and adoptive parents, relatives of adoptive parents shall be forfeited, and the mutual rights and obligations of a child and his (her) parents (relatives) shall be restored, if it complies with the child's interests.

2. In cancellation of adoption, a child shall be given to his (her) parents under court decision. In the absence of parents, as well as if transfer of a child to his (her) parents contradicts his (her) interests, the child shall be placed under the custody of a body, carrying out the functions of trusteeship or guardianship.

3. Court shall also solve a question, if a child preserves his (her) first name, patronymic (in its existence) and last name, given to him (her) due to his (her) adoption, as well as if the date and place of birth restores, being changed during adoption.

Change of the first name, patronymic (in its existence) and last name of a child, attained the age of ten years shall be allowed only with his (her) agreement.

4. The court, based upon the child's interests shall be entitled to charge the former adoptive parent with allowance to maintain a child in the amount, established by Articles 139 and 141 of this Code.

#### **Article 110. Inadmissibility of cancellation of adoption upon attainment of age of majority by an adopted child**

Cancellation of adoption of a child shall not be allowed, if by the date of demand on cancellation of adoption, an adopted child is attained the age of majority, with the exception of cases, when such cancellation is mutually agreed by an adoptive parent and an adopted child, as well as parents of an adopted child, if they are alive, not deprived or restricted in the parental rights or not recognized incapable by the court.

### **Chapter 14. CONDUCT OF ACCREDITATION OF ADOPTION AGENCIES**

#### **Article 111. General provisions**

1. Adoption agencies (hereinafter referred to as agencies) shall be accredited, the founders of which are citizens of the state of the location of the agency, which carry out their activities in the specified area on the territory of their state not less than ten years at the time of applying for accreditation by establishing branches or representative offices.

2. Accreditation shall be conducted before accounting registration of a branch and (or) representative office of agency.

3. Personnel of a branch and (or) representative office of agency may not be the officers of an authorized body on protection of the children's rights of the Republic of Kazakhstan, local executive bodies, organizations for children-orphan, children left without a parental custody, including their spouses and close relatives.

4. Rules for accreditation of adoption agencies are determined by the authorized body in the field of protection of the children's rights in the Republic of Kazakhstan.

5. The total number of accredited agencies in the territory of the Republic of Kazakhstan should not exceed twenty.

**Footnote. Article 111 as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Article 112. Order of conducting accreditation of agencies**

1. The issue on accreditation of agency, including refusal in accreditation shall be considered by an authorized body in the scope of protection of the children's rights of the Republic of Kazakhstan.

2. An authorized representative of agency shall be obliged to submit the application to carry out the work on adoption of children in the territory of the Republic of Kazakhstan with the following documents, accompanied by:

1) notarized copies of constitutive documents;

2) copy of a document on location of an agency, issued by the competent body of the state, confirming his (her) powers to carry out activity in the relevant sphere;

3) letter of introduction of a competent body of the state, issued a document, confirming the powers of agency, or carrying out a control of activity of the agency, on possibility of carrying out the relevant activity in the territory of the Republic of Kazakhstan;

4) list of services, provided by the agency for candidates on adoptive parents;

5) obligations on carrying out the control of living and education conditions of adopted children and supplying the relevant reports and information in established manner;

6) obligations on carrying out the control of registration of an adopted child in a consular office of the Republic of Kazakhstan on arrival of adoptive parents to the state of their residence;

7) notarized letter of attorney, issued by the agency to an authorized representative;

8) the obligation of the competent authority of the state of the location of the agency to appoint a body or organization that will submit reports and information on living conditions and upbringing of the adopted children in the prescribed manner in the event of termination of the agency's activities on the territory of the state of the agency's location or on the territory of the Republic of Kazakhstan;

9) the obligation of the competent authority of the state of the location of the agency to inform the authorized body in the field of protection of children's rights of the Republic of Kazakhstan within twenty-four hours from the moment of establishing the fact of death, cruel treatment of the child, including physical or mental violence against the child, the sexual inviolability of the child;

10) the obligation of the competent authority of the state of the location of the agency to notify the authorized body in the field of protection of the children's rights of the Republic of Kazakhstan about changes in the constituent documents of the agency.

Documents, listed in subparagraphs 1) - 4) of this paragraph shall be valid within six months from the date of their issuance. If it is necessary, an authorized body in the scope of children's right shall have the right to additionally ask for originals of these documents.

All provided documents shall be legalized in the manner, prescribed by the Laws of the Republic of Kazakhstan and international treaties in which Republic of Kazakhstan participates.

3. Decision on accreditation of agency shall be made by an authorized body in the scope of protection of children's right of the Republic of Kazakhstan on agreement with the Ministry of Foreign Affairs of the Republic of Kazakhstan, the Ministry of Internal Affairs of the Republic of Kazakhstan, an authorized body in the scope of health care services, the Ministry of Justice of the Republic of Kazakhstan and an authorized body on social protection, presenting the relevant conclusions on possible accreditation within their competence.

4. Decision on accreditation of agency or refusal in accreditation shall be issued by an authorized body in the scope of children's right of the Republic of Kazakhstan within ten business days from the date of its adoption with the reasons in case of refusal in accreditation.

5. Application of an authorized representative on accreditation shall be considered within the terms, provided in the Laws of the Republic of Kazakhstan on order of considering references of individuals and legal entities.

6. In case of loss of decision on accreditation of agency, a representative may receive its copy in an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan within ten business days from the date of submission of the relevant application.

7. Agencies shall be accredited for the term of one year. Decision on accreditation shall be unalienable and shall not be subject to transferring to the other persons.

8. Grounds for refusal in accreditation of agency, extension of its activity and (or) early cessation of its activity shall be:

1) non-compliance of provided documents with requirements, established by the legislation of the Republic of Kazakhstan;

2) delivery of inaccurate information on its activity;

3) existence of negative information on activity of an agency or its branches and(or) representative offices, acquired from competent bodies of a foreign state, as well as state bodies of the Republic of Kazakhstan.

4) the untoward social and economic, political, ecological situations, carrying out of military actions within the state of location area of an agency;

5) violation of the legislation of the Republic of Kazakhstan by personnel of a branch and (or) representative office of an agency;

6) the violation of obligations on carrying out the control of living and education conditions of adopted children and on provision of the relevant reports and information in the established manner by an agency;

7) the violation of obligations on carrying out of the control of registration of an adopted child in a consular office of the Republic of Kazakhstan in the established manner;

8) termination of activity of an agency in the territory of its state;

9) exceeding the established number of accredited agencies on the territory of the Republic of Kazakhstan.

9. Agency, received the decision on refusal in accreditation of their activity shall have the right to re-refer to an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan upon expiry of six months.

Footnote. Article 112 as amended by the Laws of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

### **Article 113. Extension, suspension and (or) termination of activity of branches and (or) representative offices**

1. For extension of term on accreditation of agency, they shall be submitted by the application on extension of the term to an authorized body in the scope of protection of the children's rights of the Republic of Kazakhstan not later than thirty calendar days before expiration of the term of accreditation.

Application on extension of the term of accreditation of agency shall be considered by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan within ten business days from the date of application acceptance. The motivated decision on extension (or refusal in extension) of the term of accreditation of agency shall be accepted by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan and sent to a branch and (or) representation office of an agency within five business days from the date of decision-making.

2. Term of accreditation shall be automatically extended upon expiry of the term, provided in paragraph 1 of this Article, in case they met all the requirements, established by the legislation of the Republic of Kazakhstan within one year after the first accreditation of agency.

3. Validity of decision on accreditation of agency shall be suspended by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan in case of:

1) non-compliance with the standards of this Code;

2) existence of justified complaints on activity of a branch and (or) representative office of an agency to an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan and (or) other state bodies.

A branch and (or) representative office of an agency shall be notified by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan within five business days from the date of decision on suspension of their activity.

4. In elimination of violations within one month, entailed suspension of validity of decision on accreditation of agency, its validity shall be restored by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan.



5. The activity of branches and (or) representative offices of an agency shall be terminated in the following cases:

1) non-carrying out of activity on adoption of children in accordance with the constitutive documents of an agency;

2) the elimination of violations within one months, entailed suspension of validity of decision on accreditation of an agency;

3) the presentation of application on termination of activity by a branch and (or) representative office of an agency;

4) the expiration of validity of decision on accreditation of an agency and impossibility to extend the term of accreditation for a new term.

6. The issues of termination of activity of branches and (or) representative offices of agencies, shall be considered within ten business days from the date of detection (origin) of circumstances, mentioned in paragraph 5 of this Article.

The motivated decision on the termination of activity of a branch and (or) representative office of an agency shall be accepted and sent to it by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan within ten business days from the date of decision-making.

7. Decision on accreditation, suspension and termination of the activities of the branch and (or) representative office of the agency is distributed by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan by posting the decision on the official Internet resource of the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

**Footnote. Article 113 as amended by the Laws of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 114. Rights and obligations of a branch and (or) representative office of an agency**

1. A branch and (or) a representative office of an agency shall have the right to:

1) assist in adoption to the citizens of the state at the location of the agency;

2) receive information about an adopted child in established manner and volume;

3) appeal against actions and decisions of civil servants and state bodies in the manner, prescribed by the legislation of the Republic of Kazakhstan;

4) receive information on changes in legislation of the Republic of Kazakhstan, order of adoption and other information, concerning their direct activity.

2. In the permitted manner, a branch and (or) representative office of an agency shall be obliged to:

1) pass a record registration for the record registration of branches and (or) representative offices of legal persons, after receipt of accreditation in the manner, prescribed by the legislation of the Republic of Kazakhstan;

2) present the reference on record registration (reregistration) of a branch ( representative office) to an authorized body on protection of children's rights of the Republic of Kazakhstan.;

3) inform an authorized body on protection of children's rights of the Republic of Kazakhstan about start of its activity not later than five business days;

4) submit to the authorized body in the field of protection of the children's rights of the Republic of Kazakhstan the documents of candidates for adopters for selection of a child for adoption, which are valid for six months from the date of their issuance (except for the periods indicated in the documents of the candidates for adopters), and also to the court for adoption;

5) receive information of a child, on the basis of the application of candidate-adoptive parents: first name, age, sex, health condition;

6) organize an appointment and accommodation of candidate-adoptive parents and required assistance in the execution of adoption;

7) participate in court sessions in consideration of cases on adoption, receive the court decisions on adoption, as well as provide an assistance for adoptive parents in the execution of certificates of birth, adoption and a passport of a child for departure beyond the borders of the Republic of Kazakhstan;

8) carry out the other activity upon representation of the interests of candidate - adoptive parents, as well as of adoptive parents, not prohibited by the legislation of the Republic of Kazakhstan in the territory of the Republic of Kazakhstan.

3. Branches and (or) representative offices of agencies shall organize the presentation of reports of adoptive parents on conditions of life and nurturing of children in their families to an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan, prepared by a competent body of the state, in the territory of which an adopted child lives (hereinafter - reports).

4. The first three years after the enforcement of the court decision on adoption, the report shall be presented after every six months. In the following, the reports shall be presented annually.

5. The reports shall be presented on the official language of a relevant foreign state.

The presented reports shall be legalized in the permitted manner, unless otherwise provided by the legislation of the Republic of Kazakhstan, as well as shall be translated into Kazakh and Russian languages. By this, the translation or signature of a translator shall be identified in the foreign establishments of the Republic of Kazakhstan at place of residence of adoptive parents or by a notary in the territory of the Republic of Kazakhstan.

6. Accounting of reports and information on the registration of adopted children on a consular register shall be maintained in the manner, determined by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan.

Footnote. Article 114 as amended by the Laws of the Republic of Kazakhstan dated 24.12.2012 No. 60-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

#### **SECTION 4. CUSTODY OR GUARDIANSHIP, REPUBLICAN DATABANK, FOSTER AND GUEST FAMILIES**

Footnote. The title of Section 4 in the new wording of the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

#### **Chapter 15. DETECTION AND ARRANGEMENT OF CHILDREN-ORPHANS, CHILDREN LEFT WITHOUT A PARENTAL CUSTODY**

##### **Article 115. Protection of rights and interests of children-orphan, children left without a parental custody**

1. Protection of rights and interests of children-orphan, children left without a parental custody shall be entrusted to an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan and other state bodies within their competence, as well as to legal representatives of these children.

2. Activity arrangement on registration of children-orphan, children left without a parental custody, shall be entrusted to local executive bodies, proceeding from specific circumstances of forfeit of the parental custody, choice of the form of the children's arrangement, as well as the following control of conditions of maintenance, nurturing and education.

3. The mediatory and any other activity of individuals and legal entities on selection, arrangement, transfer of children-orphan, children left without a parental custody shall be prohibited, with the exception of state bodies within their competence.

The activity of bodies, carrying out the functions of trusteeship or guardianship, and other organizations, performing the obligations, assigned on them on detection and arrangement of children-orphans, children left without a parental custody, functions of protection of children's rights, as well as activity of bodies, provided by this Code shall not be a mediatory activity on adoption.

Individuals and legal entities, mentioned in this Article may not pursue the commercial purposes in their activity.

#### **Article 116. Forms of protection of the rights and interests of orphans, children left without parental care**

1. Protection of the rights and interests of orphans, children left without parental care, is carried out by transferring them for upbringing to the family (adoption, custody or guardianship, patronage, foster family), and in the absence of such opportunity - to the organization of all types for orphans, children left without parental care.

2. Ensuring protection of the rights and interests of orphans, children left without parental care, transferred for upbringing to the family (adoption, custody or guardianship, patronage) is the minimum social standard in the family and children area in accordance with the Law of the Republic of Kazakhstan "On minimum social standards and their guarantees".

**Footnote. Article 116 in the new wording of the Law of the Republic of Kazakhstan dated 19.05.2015 № 315-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 117. Detection and registration of children-orphans, children left without a parental custody**

1. Detection of children-orphans, children left without a parental custody shall be carried out by all individuals and legal entities that came to knowledge about the absence of parental custody.

2. Individuals and legal entities shall be obliged to immediately inform bodies, carrying out the functions of trusteeship and guardianship about children-orphans, children left without a parental custody, at their location.

3. Civil servants of healthcare organizations shall be obliged to notify a body, carrying out the functions of trusteeship or guardianship, related relevant administrative-territorial entity on abandonment of newly born child within three business days from the date of abandonment.

4. A local executive body shall be obliged to carry out investigation of the child's life conditions and provide protection of the child's rights and interests before solution of the issue on his (her) arrangement, in establishment of the fact of absence of a custody from the side of his (her) parents or relatives, within three days from the date of receipt of information.

5. Local executive body of districts, towns of regional significance, cities of republican significance, the capital at the location of orphans, children left without parental care, provides the child's placement (primary registration of the Republican databank) within a month from the date of receipt of information about them.

If it is not possible to transfer the child for upbringing to the family, after the expiration of a month, they send information about the child to the body that carries out the functions of guardianship or custody, the relevant administrative-territorial units for the regional registration of the Republican databank and assist subsequent placement of the child for upbringing in the family of citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan.

6. Local executive bodies of oblasts, cities of republican significance, the capital, if it is impossible to transfer orphans, children left without parental care, to the citizens of the Republic of Kazakhstan for adoption, guardianship or custody, foster families, foster care in the family after two months period from the date of receipt of information about the child, must report to the authorized body in the field of protection of children's rights of the Republic of Kazakhstan for the centralized registration of orphans, children, left without parental care, of the Republican databank.

The procedure for organizing the registration of orphans and children left without parental care and access to information about them is determined by the authorized body in the field of protection of the children's rights of the Republic of Kazakhstan.

**Footnote. Article 117 as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 118. Arrangement of children-orphans, children left without a parental custody**

1. In the interests of the child in placement of orphans, children left without parental care, transferred for upbringing in the family for adoption, custody or guardianship or under the contract for transfer of a child to the foster or guest family, foster care, and in the absence of such opportunities - to the organizations of all types (educational, medical and others) where his nationality, belonging to a particular religion and culture, native language, the ability to ensure continuity in education and training can be taken into account.

2. Before arrangement of children-orphans, children left without a parental custody in care of a family or in organizations, mentioned in paragraph 1 of this Article, the performance of obligations of a trustee or a guardian of children shall be temporary assigned on bodies, carrying out the functions of trusteeship or guardianship, at location of a child.

**Footnote. Article 118 as amended by the Laws of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Chapter 15-1. Republican databank**

**Footnote. Section 4 is supplemented by chapter 15-1 in accordance with the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced from 01.01.2017).**

### **Article 118-1. Requirements for formation and use of the Republican databank**

1. The republican databank is formed by bodies that perform functions of guardianship or custody, local executive bodies of districts, towns of regional significance, oblasts, cities of republican significance, the capital at the location of orphans, children left without parental care, and the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

2. Information contained in the Republican databank is the state electronic information resources.

### **Article 118-2. Formation of the Republican databank**

1. Procedure for formation and use of the Republican databank shall be determined by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

2. The bodies that carry out the functions of guardianship or custody, providing mandatory information about children left without parental care, for formation of the Republican databank, do not lose their rights to use such information.

Provision of information on children left without parental care does not exempt the bodies performing functions of guardianship or custody from the responsibility to arrange or organize the placement of such children for the upbringing in the families of the citizens of the Republic of Kazakhstan permanently residing in the territory of the Republic of Kazakhstan.

3. A person who wishes to take up orphans, children left without parental care, for upbringing in his family, provides information about himself to the bodies that carry out the functions of guardianship or custody, local executive bodies of districts, towns of regional significance, oblasts, cities of republican significance, the capital at the location of orphans, children left without parental care, or to the Republican databank for subsequent registration.

A person who wishes to take up orphans, children left without parental care, for upbringing in his family, has the right to do this on the territory of any oblast, city of republican significance, the capital, regardless of their place of residence.

### **Article 118-3. Access to confidential information about orphans, children left without parental care**

1. Access for persons, wishing to take up children for upbringing in their families, to confidential information on orphans, children left without parental care, is carried out if they are registered in the Republican databank and undertake obligations on non-disclosure of information of the Republican databank.

2. Confidential information about orphans, children left without parental care, may be used by the body that carries out the functions of guardianship or custody, local executive bodies of districts, towns of regional significance, cities of republican significance, the

capital at the location of orphans, children, left without parental care, and the authorized body in the field of protection of children's rights of the Republic of Kazakhstan to create derivative information about orphans, children left without parental care.

The use of derivative information about orphans, children left without parental care, is not allowed for commercial purposes.

Information on sex, age, state of health, characteristics of the nature, the reasons for the absence of parental care, the presence of brothers and sisters, adult relatives, as well as the possible forms of placement for upbringing in families and photos of the children is related to the derivative information on orphans, children left without parental care, contained in the Republican databank.

**Article 118-4. Cessation of registration of information about orphans, children left without parental care, and persons wishing to take up children for upbringing in their families, in the Republican databank**

1. Grounds for cessation of registration of information about a child left without parental care in the Republican databank are:

placement of a child left without parental care for upbringing in a family;

return of a child left without parental care to his parents or parent;

achievement by the child, left without parental care, of majority or obtaining by such child of full legal capacity before reaching the age of majority;

death of a child left without parental care;

recognition of a child in judicial order as missing, and declaring him dead.

2. Grounds for cessation of registration of information about a person wishing to take up a child for upbringing in his family, in the Republican databank are:

taking up a child by the person for upbringing in his family;

a statement in writing of a person wishing to take up a child for upbringing in his family, about cessation of registration of information about him in the Republican databank;

change in circumstances that gave the person the opportunity to take up a child for upbringing in his family;

death of a person wishing to take up a child for upbringing in his family.

**Article 118-5. Responsibility for violation of procedure and deadlines for submitting data to the Republican databank and disclosing information about orphans, children left without parental care**

Persons guilty of violating the procedure and deadlines for submitting data to the Republican databank and disclosing information about orphans, children left without parental care are liable in accordance with the laws of the Republic of Kazakhstan.

**Chapter 16. ORDER OF ESTABLISHMENT OF TRUSTEESHIP OR GUARDIANSHIP**

**Article 119. Persons, over whom the trusteeship or guardianship shall be established**

1. Trusteeship or guardianship shall be established over children-orphans, children left without a parental custody, for the purpose of their maintenance, nurturing and education, as well as for their protection of property and personal non-property rights and interests.

2. The trusteeship or guardianship shall be also established for protection of property and personal non-property rights and interests of incapable and partially capable adult persons

3. The trusteeship or guardianship of blood brothers and sisters, raised in a one family by different persons shall not be allowed, with the exception of cases, when such circumstances are in the interests of children.

**Article 120. State functions on trusteeship or guardianship**

1. The state shall exercise its functions of trusteeship or guardianship in relation to minors and incapable or partially capable adult persons through local executive bodies.

2. The coordination of activity and cooperation procedures of state bodies and organizations of trusteeship or guardianship over minor shall be carried out by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan.

3. The state functions of trusteeship or guardianship shall be exercised in the manner, prescribed by the Government of the Republic of Kazakhstan.

**Footnote. Article 120 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 121. Establishment of trusteeship or guardianship**

1. Trusteeship or guardianship shall be established by bodies, carrying out the functions of trusteeship or guardianship, at place of residence of a person, being in need of trusteeship or guardianship, or at location of a property, subject to trusteeship. In particular cases, the trusteeship or guardianship may be established at place of the residence of a trustee or a guardian.

2. The court shall be obliged to notify a body, carrying out the functions of trusteeship or guardianship about enforcement of decision on recognition of a person as incapable or



partially capable, within three business days, at place of residence of this person for establishment a trusteeship or guardianship over him (her).

3. The trusteeship or guardianship shall be established within one month from the date, when the relevant bodies came to knowledge on necessity of establishment of trusteeship or guardianship over a person or trusteeship of a property.

4. Appointment of a trustee or guardian may be appealed by the interested persons in a judicial proceeding.

## **Article 122. Trustees or guardians**

1. Trustees of guardians may be only the persons of majority age with the exception of:

1) persons, recognized incapable or partially capable by the court;

2) persons, deprived or restricted of parental rights by the court;

3) a trustee or a guardian, suspended from obligations for improper execution of duties assigned to him (her) by the Law of the Republic of Kazakhstan;

4) former adoptive parents, if their adoption is cancelled due to their fault;

5) persons who may not exercise the obligations of a trustee or a guardian due to their health condition;

6) persons who do not have a permanent place of residence;

7) persons who have an outstanding or unexpunged previous conviction for commission of an intentional crime at the time of establishment of guardianship (custody), as well as persons specified in subparagraph 12) of this paragraph;"

8) stateless persons;

9) males who are not in the registered marriage, except for cases of actual upbringing of a child for at least three years in connection with the death of the mother or deprivation of her parental rights;

10) persons who, at the time of establishment of guardianship or custody, do not have income that provides the fostering with a minimum living wage established by the legislation of the Republic of Kazakhstan;

11) persons who are registered at the narcological or psycho-neurological dispensaries;

12) persons who have or have been convicted, subject or subjected to criminal prosecution (with the exception of persons whose criminal prosecution was terminated on the basis of subparagraphs 1) and 2) of part one of Article 35 of the Criminal Procedure Code of the Republic of Kazakhstan) for criminal offenses: murder, deliberate harm to health, against health of the population and morality, sexual inviolability, for extremist or terrorist crimes, human trafficking.

2. A trustee or a guardian may be appointed only with his (her) agreement. If it is not inconsistent with the interests of a ward, a spouse, parents, relatives and other persons close to a ward shall have the priority right on appointment as a trustee or a guardian.

It is acceptable to appoint the only one trustee or guardian for several persons, if there are no contradictions between interests of wards.

3. In appointment of trusteeship or guardianship over minors, whose parents are capable and not deprived of parental rights, but may not exercise their nurturing, the trustees or guardians shall be appointed in recognition of the wish of the parents.

The moral and other qualities of a trustee or a guardian, his (her) capacity to perform the duties of a trustee or a guardian, the relations between a trustee or a guardian and a child, the relations of family members of a trustee or a guardian to a child, as well as if it is possible, a wish of a child himself (herself) shall be considered in appointment of a trustee or a guardian to a child.

If a person, appointed as a trustee or a guardian over a minor is married, the obligatory agreement of his (her) spouse shall be required.

4. Trustees or guardians of persons, being in need of trusteeship or guardianship and being in the relevant educational organizations, healthcare organizations, organizations of social protection of population shall be the administrations of these organizations.

The temporary placement of a child in this organization by a trustee or a guardian shall not terminate the rights and obligations of a trustee or guardian in respect of this child.

5. Trustees or guardians shall speak in defence of the rights and interests of their wards in respect of any persons, including in the court without the special confirmation of powers.

**Footnote. Article 122 as amended by the Laws of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Chapter 17. LEGAL STATUS OF TRUSTEES OR GUARDIANS AND WARDS**

### **Article 123. Rights of persons, being under the trusteeship or guardianship**

Beside the rights, provided by Articles 60-62 and 67 of this Code, the persons, being under the trusteeship or guardianship, also shall have the right to:

- 1) respect of their human dignity;
- 2) care from the side of a trustee or guardian;
- 3) joint residence with him (her), with the exception of cases, provided by paragraph 4 of Article 126 of this Code;
- 4) alimony, payable to them and other social insurance benefits;
- 5) preservation of the right to property of a dwelling place and right to use a dwelling place;
- 6) protection from the abuse on the side of a trustee or a guardian;
- 7) nurturing in the family of a trustee or a guardian;
- 8) securing of conditions for maintenance, nurturing, education and balanced growth;
- 9) receive a dwelling place in case of its absence in accordance with the housing legislation of the Republic of Kazakhstan.

**Article 124. Rights of children-orphans, children left without a parental custody and being in educational, healthcare and other organizations**

1. Beside the rights provided by Articles 60-62 and 67 of this Code, children-orphans, children left without a parental custody, being in educational, healthcare and other organizations, also shall have the right to:

- 1) maintenance, nurturing, education, balanced growth, respect of their human dignity, securing of their interests;
- 2) alimony, payable to them and other social insurance benefits;
- 3) preservation of the right to property of a dwelling place and right to its use, and in the absence of a dwelling place, they shall have the right for its receipt in accordance with the housing legislation of the Republic of Kazakhstan;
- 4) assistance of employment, carrying out by local executive bodies.

2. Protection of rights of graduates of these organizations shall be assigned to bodies, carrying out the functions of trusteeship or guardianship.

**Article 125. Performance of obligations by trustees or guardians**

1. Trustees shall be representatives of their wards by authority of the Law and shall make all reasonable transactions in their name and in their interests.

2. Guardians shall give their agreement on consummation of those transactions, which persons, being under the guardianship shall not have the right to consummate independently, shall provide assistance to wards in exercising of their rights and in performance of obligations, as well as protect them from the abuses on the side of third parties.

A trustee or a guardian shall not be obliged to maintain wards at his (her) expense. Maintenance of a ward shall be carried out at the expense of obtainable job wages, alimony and other social insurance benefits of a ward, as well as at the expense of property, belonged to him (her).

In the absence of sufficient funds for the care of a ward, bodies, carrying out the functions of trusteeship or guardianship shall set an allowance for his (her) maintenance.

The order of setting of a welfare payment to trustees or guardians and its amount for maintenance of a child-orphan (children-orphans) and a child (children) left without a parental custody shall be determined by the Government of the Republic of Kazakhstan.

3. Trustees or guardians shall be obliged to take charge on the maintenance of their wards, on provision of their care and medical treatment, protection of their rights and interests. The mentioned obligations shall not be assigned on guardians of adult persons, being recognized partially capable by the court, and minors, recognized entirely capable.

4. If the grounds in which a person was recognized incapable or partially capable revolted, a trustee or a guardian shall be obliged to petition the court on recognition of a ward as capable.

#### **Article 126. Rights and obligations of a trustee or a guardian of a child**

1. A trustee or a guardian of a child shall be obliged to nurture a child under trusteeship or guardianship, to take care of his (her) health condition, physical, mental, moral and intellectual development.

The mentioned obligations shall not be assigned on guardians of adult persons, restricted in capacity by the court.

A trustee or a guardian shall have the right to independently determine the methods of nurturing of a child, being under trusteeship or guardianship, in recognition of the child's opinion and recommendations of a body, carrying out the functions of trusteeship or guardianship, as well as in compliance of requirements, provided by Article 72 of this Code.

A trustee or a guardian shall have the right to choose an educational organization and the modes of study of a child and shall be obliged to provide a receipt of compulsory secondary-level education, in recognition of child's opinion.

2. A trustee or a guardian shall have the right to demand return of a child, being under trusteeship or guardianship by a court action, from any persons, holding a child at his own place without legal basis, including the close relatives of a child.

3. A trustee or a guardian shall not have the right to prevent communication between a child and his (her) parents and other close relatives, with the exception of cases, when such communication is inconsistent with the interests of a child.

4. Trustees or guardians of minors shall be obliged to live in the same household with their wards, with the exception of cases, when the wards are in care or under treatment in an educational or healthcare organization. The separate residence of a guardian and a ward, attained sixteen years of age shall be allowed, upon authorization of a body, carrying out the functions of trusteeship or guardianship, upon condition that it will not affect adversely on the nurturing and protection of rights and interests of the ward.

Trustees or guardians shall be obliged to notify the bodies, carrying out the functions of trusteeship or guardianship about relocation.

5. A trustee shall be obliged to file reports on conditions of the ward's life and work on his (her) nurturing, as well as on estate administration to a body, carrying out the functions of trusteeship or guardianship not less than once every six months.

#### **Article 127. Guardianship under capable citizens**

1. Upon request of adult capable person that may not exercise and protect his (her) rights and perform obligations due to health condition, the guardianship may be established over him (her).

2. A guardian of an adult capable person may be appointed by a body, carrying out the functions of trusteeship or guardianship, only with the agreement of this person.

3. Disposition of property belonging to an adult capable ward shall be carried out by a guardian on the grounds of contract of agency or trust administration of property, concluded with the ward.

Consummation of domestic and other transactions, oriented for the care of a ward and the satisfaction of his (her) domestic needs shall be carried out by a guardian with the agreement of the ward.

4. The guardianship over an adult capable person may be terminated after demand of this person.

A guardian of a person, being under the guardianship shall be released from performance of obligations assigned to him (her) in cases, provided by Article 129 of this Code.

#### **Article 128. Disposition of property of a ward**

1. Incomes of a ward, including the incomes, accrued to the ward from his (her) estate administration, with the exception of the incomes, of which the ward shall have the right to use independently may be expended by a guardian or a trustee wholly in interests of the ward and upon a prior permission of a body, carrying out the functions of trusteeship or guardianship.

Without a prior permission of a body, carrying out the functions of trusteeship or guardianship, a trustee or a guardian shall have the right to incur expenses within minimum of subsistence at the expense of sums, accrued to the ward in capacity of his (her) income, required for maintenance of the ward.

Directors of organizations for children-orphans and children left without a parental custody shall not have the right to withdraw the funds from accounts of foster-children, received from alimony, benefits and other social insurance benefits.

2. A trustee shall not have the right to make a transaction without a prior permission of a body, carrying out the functions of trusteeship or guardianship, and a guardian shall not have the right to give agreement on consummation of transactions in the name of the ward on alienation, including the property exchange and enfeoffment of a ward, or make a contract of guarantee, letting of the property (lease) to uncompensated use or in a gage, the transactions, entailing the expropriation of the ward's rights of succession under the Law and under the will, the division of his (her) property or apportionment of participatory share from it, as well as any other transactions, entailing reduction of the ward's property. A body, carrying out the functions of trusteeship or guardianship shall determine whereby a trustee shall disburse the funds, received by a trustee in result of mentioned transactions.

The order of the ward's estate administration shall be determined by the legislation of the Republic of Kazakhstan.

3. A trustee or a guardian, their spouses and close relatives shall not have the right to make transactions with a ward, with the exception of transfer of property to the ward as a gift or for uncompensated use, as well as represent the ward during making transactions or case prosecution between a ward and a spouse of a trustee or a guardian and their close relatives.

Debts of a ward to a trustee or a guardian, his spouse or relatives, occurred before appointment of this person as a trustee or a guardian, shall be paid upon authorization of a body, carrying out the functions of trusteeship or guardianship.

## **Article 129. Dismissal and removal of trustees or guardians from performance of their obligations**

1. A body, carrying out the functions of trusteeship or guardianship shall release a trustee or a guardian from performance of his (her) obligations, in case of return of a minor ward to his (her) parents or his (her) adoptive parents.

In the placement of a ward to the relevant educational, healthcare, medical and social and other specific organizations, a body, carrying out the functions of trusteeship or

guardianship shall release the previously appointed trustee or guardian from performance of his (her) obligations, if this is not inconsistent with the interests of the ward.

2. In existence of justifiable reasons (illness, change of property status, misunderstanding between a ward and others) a trustee or a guardian shall be released from performance of his (her) obligations upon his (her) request or at the instigation of a body, carrying out the functions of trusteeship or guardianship.

3. Improper execution of obligations by a trustee or a guardian shall be prohibited, including use of the trusteeship or guardianship for lucrative purposes or abandonment of a ward without care and necessary aid.

In cases, provided by the first part of this paragraph, a body, carrying out the functions of trusteeship or guardianship shall be obliged to dismiss a trustee or a guardian from performance of these obligations and use reasonable efforts.

### **Article 130. Termination of trusteeship or guardianship**

1. The trusteeship or guardianship over adult persons shall be terminated in cases of rendering of decision by the court on recognition of a ward as capable or cancellation of his (her) legal capacity upon application of a trustee or a guardian, or a body, carrying out the functions of trusteeship or guardianship.

2. The trusteeship over a minor ward shall be terminated upon attainment of the age of fourteen years by him (her), and a person, performing the obligations of a trustee shall become a guardian of the minor without a supplementary decision.

3. The guardianship over minors shall be terminated, upon attainment of the age of eighteen years by a ward, as well as in his (her) entering into marriage (matrimony) without a special permission.

### **Article 131. Appeal of actions of trustees or guardians**

Actions of trustees or guardians may be appealed in a body, carrying out the functions of trusteeship or guardianship, or in the court at the place of residence of a ward, in the interests of the latter.

### **Article 132. Appeal of decisions of bodies, carrying out the functions of trusteeship or guardianship**

Decisions of bodies, carrying out the functions of trusteeship or guardianship may be appealed by all questions by interested persons in a judicial proceeding.

## **Chapter 17-1. Foster family**

Footnote. Section 4 is supplemented by chapter 17-1 in accordance with Law of the Republic of Kazakhstan № 501-V dated 09.04.2016 (shall be enforced from 01.01.2017).

## **Article 132-1. Foster family**

1. Grounds for the transfer of orphans, children left without parental care, to a foster family are an agreement on the transfer of orphans, children left without parental care, to a foster family concluded between foster parents, the body that exercises the functions of guardianship or custody, and the organization of education at the location of orphans, children left without parental care.

A foster family can take up for upbringing at least four and not more than ten orphans, children left without parental care, with the exception of brothers and sisters.

2. Regulations on foster families are approved by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

## **Article 132-2. Agreement on transfer of orphans, children left without parental care, to a foster family**

1. An agreement on transfer of orphans, children left without parental care, to a foster family must provide for the conditions of maintenance, upbringing and education of orphans, children left without parental care, the rights and duties of foster parents, the responsibilities of the body exercising the functions of guardianship or custody, and the education organization in which the orphans, children left without parental care were placed, in relation to foster parents, as well as the grounds and consequences of termination of such an agreement.

Orphans, children left without parental care are transferred to foster parents for the period specified in the said agreement.

For each orphan, a child left without parental care, transferred to a foster family, a separate agreement is drawn up.

In the event that the term of the contract for transfer of orphans, children left without parental care to the foster family expires, the extension of the stay in the family is made on the basis of a new agreement.

2. Procedure and amount of remuneration of labor and cash payments to foster parents shall be determined by the legislation of the Republic of Kazakhstan.

3. Early termination of the agreement on transfer of orphans, children left without parental care, to the foster parents is possible:

1) at the initiative of foster parents, if there are valid reasons (illness, change in family or financial situation, lack of understanding with the child, conflict relations between children and others);

2) at the initiative of the body exercising the functions of guardianship or custody, or the education organization in which the orphans, children left without parental care were



placed, in the event of unfavorable conditions for the maintenance, upbringing and education of orphans, children left without parental care;

3) in cases of the return of the child to the parents, transfer to the relatives or adoption of the child.

### **Article 132-3. Foster parents**

1. Foster parents in relation to the orphans, children left without parental care, have the same rights and duties as guardians and custodians. They are subject to the requirements provided for by paragraph 1 of Article 122 of this Code.

2. Foster parents should have a dwelling on the basis of the right of ownership or on the basis of the right to use the dwelling to create favorable conditions for the maintenance, upbringing and education of orphans, children left without parental care, in the amount of not less than fifteen square meters per person.

3. At least once every six months, foster parents must submit reports to the education organizations where the orphans, children left without parental care were placed, on the state of health of orphans, children left without parental care, and work on their upbringing to the bodies exercising the functions of guardianship or custody, a report on expenditure of funds allocated for the maintenance of orphans, children left without parental care, as well as on the management of their property.

### **Article 132-4. Orphans, children left without parental care, who are transferred to a foster family**

1. Pre-selection of orphans, children left without parental care, for the transfer of them under a contract for transfer to foster parents is carried out by persons wishing to take up orphans, children left without parental care, for upbringing in their families in agreement with the education organization in which orphans and children left without parental care are placed, and the body exercising the functions of guardianship or custody.

Separation of brothers and sisters is not allowed, except when it meets the interests of children and children do not know about their relationship, did not live and were not brought up together.

2. Transfer of orphans, children left without parental care, to the foster parents is carried out taking into account their opinion. Orphans, children left without parental care, who have reached the age of ten, can be transferred only with their consent.

3. When transferring orphans, children left without parental care, the moral and other personal qualities of foster parents, their ability to fulfill the duties of foster parents, the relationship between the adoptive parents and orphans, children left without parental care are taken into account.

4. Orphans, children left without parental care, transferred to foster parents, retain the right to alimony due to them, pension payments of parents from the unified accumulative

pension fund and voluntary accumulative pension funds, allowances and other social payments, as well as the right of ownership to housing or the right to use the housing. In the absence of housing, the orphans, children left without parental care, transferred to foster parents, are entitled to receive housing in accordance with the housing legislation of the Republic of Kazakhstan.

Safety of funds and other property belonging to orphans, children left without parental care, is assigned to foster parents for the duration of the agreement on transfer of orphans, children left without parental care, to foster parents.

Orphans, children left without parental care, transferred to foster parents, also have the rights provided for by Articles 60, 61, 62 and 67 of this Code.

#### **Article 132-5. Financing of maintenance of orphans, children left without parental care , transferred to foster parents**

Financing of maintenance of orphans, children left without parental care, transferred to foster parents, is carried out in the manner and amount established by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

### **Chapter 18. FOSTER CARE**

#### **Article 133. Foster care**

1. The trusteeship or guardianship in the form of foster care shall be established over minor children-orphans, children left without a parental custody, including children located in educational, healthcare and other organizations.

2. The ground for origin of foster care shall be the agreement on transfer of a child into foster care, concluded between a person, willing to take care of a child, and a body, carrying out the functions of trusteeship or guardianship.

3. Regulation on foster care is approved by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

**Footnote. Article 133 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 134. Agreement on transfer of a child into foster care**

1. Agreement on transfer of a child into foster care shall provide the conditions of maintenance, nurturing and education of a child, the rights and obligations of foster parents, the obligations of a body, carrying out the functions of trusteeship or guardianship, in respect of foster parents, as well as the grounds and consequences of termination of this agreement.

A child shall be transferred into foster care to a foster parent for the term, provided by mentioned agreement.

An individual agreement shall be drafted for each child transferred into foster care.

In case of expiration of agreement on transfer of a child into foster care, the extension of his (her) stay in a family shall be performed on the grounds of new agreement.

2. The order and amount of payments for labour and money payments to foster parents shall be determined by the legislation of the Republic of Kazakhstan.

3. The early dissolution of agreement on transfer of a child into foster care shall be possibly as follows:

1) at the instigation of foster parents, in existence of justifiable reasons (disease, change of family status or material condition, absence of mutual understanding with a child, conflicts between children and others);

2) at the instigation of a body, carrying out the functions of trusteeship or guardianship upon incurrence of unfavourable conditions for maintenance, nurturing and education of a child;

3) in case of the child's return to parents, the transfer to relatives or adoption of a child.

#### **Article 135. Foster parents**

1. Foster parents shall have the same rights and obligations as trustees or guardians in respect of a child, taken in care. The claims, provided by Article 122 of this Code shall be laid to them.

2. Selection of foster parents shall be performed by bodies, carrying out the functions of trusteeship or guardianship, in accordance with rules on requirements to foster parents, approved by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan.

#### **Article 136. A child over whom the foster care shall be established**

1. Preselecting of a child for his (her) transfer into foster care under agreement on transfer into foster care shall be carried out by persons, willing to adopt a child in a family, in concurrence with a body, carrying out the functions of trusteeship or guardianship, and the administration of organizations in which a child is maintained.

Separation of brothers and sisters shall not be allowed, with the exception of cases, when it is in the interests of children and when they do not know about their kinship, didn't live together and were not nurtured jointly.

2. Transfer of a child into foster care shall be carried out in recognition of his (her) opinion. A child, attended the age of ten years may be transferred only with his (her) agreement.

3. A child, transferred into foster care shall preserve the right to his (her) alimony, pension payments of parents from a unified retirement savings plan and voluntary retirement savings plans, benefits and other social insurance benefits, as well as the right to property of a dwelling place or the right to use a dwelling place. In the absence of a dwelling place, a child, transferred into foster care shall have the right on a grant of a dwelling place in accordance with the housing legislation of the Republic of Kazakhstan.

Preservation of monetary funds and other property, belonging to a foster child shall be assigned on a foster parent for the period of validity of agreement on a transfer of a child into foster care.

A child, transferred into foster care shall have the rights, provided by Articles 60-62 and 67 of this Code.

Footnote. Article 136 as amended by the Law of the Republic of Kazakhstan dated 21.06.2013 No. 106-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 137. Maintenance of a child, transferred into foster care**

1. The monetary funds shall be paid on a monthly basis for the maintenance of every child , transferred into foster care in order and amount, established by the Government of the Republic of Kazakhstan.

2. A body, carrying out the functions of trusteeship or guardianship shall be obliged to provide assistance to foster parents, contribute creation of normal conditions for child living and nurturing, as well as obliged to carry out control of compliance with the obligations, assigned on foster parents on maintenance, nurturing and education of a child.

#### **Chapter 18-1. Guest family**

Footnote. Раздел 4 is supplemented by chapter 18-1 in accordance with the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

#### **Article 137-1. Guest family**

1. Grounds for transfer of a child to a guest family is the agreement on transfer of a child to a guest family, concluded between the persons wishing to take up a child to the guest family, and the organization where the child is placed, and the body that exercises the functions of guardianship or custody at the place of residence of the child.

A guest family may take up several orphans, children left without parental care.

2. Regulation on a guest family is approved by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

### **Article 137-2. Agreement on transfer of a child to a guest family**

1. An agreement on transfer of a child to a guest family should provide for the conditions of the child's maintenance and upbringing, the rights and duties of the persons who take up the child in the guest family, the responsibilities of the body that exercises the functions of guardianship or custody, the organization in which the child is placed, and the grounds and consequences of termination of such an agreement.

A child is transferred to the guest family for the period stipulated by the said agreement.

For each child, transferred to a guest family, a separate contract is drawn up.

2. In the case of guest upbringing, a cash payment for the maintenance of the child and remuneration of labor of the person who takes up the child to the guest family is not made.

3. Early termination of the agreement on transfer of a child to the guest family is possible:

1) at the initiative of persons who took up the child to a guest family, if there are valid reasons (illness, change in family or financial situation, lack of understanding with the child, conflict relations between children and others);

2) at the initiative of the body exercising the functions of guardianship or custody, the education organization in which the child is placed, in the event of unfavorable conditions for the maintenance and upbringing of the child;

3) in cases of transfer of a child for guardianship or custody to the foster family, patronage or adoption of the child.

### **Article 137-3. Person who took up a child to a guest family**

1. Transfer of a child to the person who takes up a child to the guest family is carried out upon condition of his registration in the Republican databank.

2. A person who has taken up a child to a guest family is not his legal representative and does not have the right:

1) to carry out the child's export outside the territory of the Republic of Kazakhstan;

2) to leave the child under the supervision of third parties (individual and (or) legal entities), except for cases when the child is placed in a medical organization for medical assistance or delivery to the internal affairs bodies;

3) to violate other conditions of the agreement on transfer of the child to the guest family.

3. A person who has taken up a child to a guest family is obliged to:

1) bear responsibility for the life and health of the child during his / her temporary stay in the family;

2) after expiration of the contract on transfer to the guest family, immediately return the child to the organization where the child is placed;

3) within twenty-four hours to inform the bodies exercising the functions of guardianship or custody or the organization in which the child is placed about the occurrence of a situation that threatens the life and / or health of the child, his illness, injury to him, placing him in a medical organization or to the internal affairs bodies;

4) comply with other requirements of the Regulation on a guest family.

#### **Article 137-4. A child transferred to a guest family**

1. Preliminary selection of a child for transferring under the contract to the guest family is carried out by the person wishing to take up a child to the guest family, in agreement with the education organization in which the child is placed and the body exercising the functions of guardianship or custody.

Separation of brothers and sisters is not allowed, except when it meets the interests of children and children do not know about their relationship, did not live and were not brought up together.

2. Transfer of a child to the person wishing to take up a child to the guest family is carried out taking into account his opinion. A child who has reached the age of ten can be transferred only with his consent.

### **SECTION 5. ALIMENTARY RELATIONSHIPS OF FAMILY MEMBERS**

#### **Chapter 19. ALIMENTARY OBLIGATIONS OF PARENTS AND CHILDREN**

#### **Article 138. Obligations of parents on maintenance of minors**

1. Parents shall be obliged to maintain their minors. Order and form of provision of maintenance of minors shall be established independently by parents.

Parents shall have the right to conclude an agreement on maintenance of their minors as well as adult children, studying at the system of general secondary, technical and vocational, post-secondary education, at the system of higher education on an intramural basis (agreement of alimony payment).

2. In case, if parents don't provide the funds in their own free will on maintenance of their minors, as well as adult children studying at the system of general secondary, technical and vocational, post-secondary education, at the system of higher education on an intramural basis at the age to twenty one year, these funds shall be recovered from him (her) in a judicial proceeding.

3. In the absence of parents' agreement on alimony payment, in case of non-provision of maintenance to minors and in the non-presentation of the suit to the court, a body, carrying out the functions of trusteeship or guardianship shall have the right to bring the suit on alimony recovery on minors against their parents.

#### **Article 139. Amount of alimony, recovered on maintenance of minors in a judicial proceeding**

1. In the absence of agreement on alimony payment, the alimony for minors shall be recovered by the court from their parents on a monthly basis in amount: for one child - one fourth, for two children - one third, for three and more children - a half of salary and (or) other income of parents.

2. Amount of these shares may be decreased or increased by the court in recognition of financial and family condition of parties and other noteworthy circumstances.

#### **Article 140. Types of wages and (or) other income, from which maintenance deduction is made for minor children**

The list of types of wages and (or) other income that parents receive and from which maintenance deduction is made, is approved by the Ministry of Justice of the Republic of Kazakhstan.

**Footnote. Article 140 in the new wording of the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 141. Alimony recovery for children in a lump sum of money**

1. In the absence of parents' agreement on alimony payment for minors and in cases, when the alimony recovery in a shared proportion to the salary and (or) other income of a parent is impossible, difficult or significantly violates the interests of one of parties, the court shall have the right to determine the amount of alimony, recovered on a monthly basis in a lump sum of money or both in shares and in a lump sum of money, at the same time.

Such cases include the alimony recovery from parents, having irregular, varying earnings and (or) other income, or if a parent receives a salary and (or) other income specifically in full or in part.

2. Recovery of maintenance on a child, studying at the system of general secondary, technical and vocational, post-secondary education, at the system of higher education on an intramural basis at the age to twenty one year, in the absence of agreement on alimony payment shall be performed in a judicial proceeding in a lump sum of money.

3. Amount of a lump sum of money shall be determined by the court proceeding from monthly calculation index in the volume of the highest possible preservation of the former level of his (her) support, in recognition of the financial condition and family status of parties and other noteworthy circumstances.

4. If each of parents keeps children, the amount of alimony from one of parents in favour of the other less self-sufficient parent, shall be determined in a lump sum of money, recovered on a monthly basis and determined by the court in accordance with paragraph 3 of this Article.

#### **Article 142. Recovery and use of alimony for children left without a parental custody**

Alimony shall be recovered for children left without a parental custody, in accordance with Articles 138-141 of this Code and shall be paid to a trustee or a guardian of children or their foster parents.

The sums of alimony payments for children, transferred under the trusteeship or guardianship, foster care, shall be put on deposit accounts of these children, opened in the second-tier banks.

#### **Article 143. Right for receipt of alimony by disabled adult children**

1. Ablebodied parents shall be obliged to maintain their disabled adult children, being in need of care.

2. In the absence of agreement on alimony payment, the amount of alimony for disabled adult children shall be determined by the court in a multiple ratio to the monthly calculation index, acting at the moment of alimony payment, based on the financial condition and family status and other noteworthy interests of parties.

#### **Article 144. Participation of parents in additional expenses on maintenance of children**

1. In the absence of agreement on alimony payment and in existence of exceptional circumstances (serious illness, injuries of minors or disabled adult children, being in need of care, necessity of payment for their external care and other circumstances) each of parents may be involved by the court to participate in incurring additional expenses, induced by these circumstances.

2. If the order of parents' participation in incurring additional expenses and amount of these expenses is not determined by mutual agreement, they shall be determined by the court,



based on financial condition and family status of parents, other children and noteworthy interests of parties in a multiple ratio to the monthly calculation index, at the moment of alimony payments which shall be subject to be paid every month.

3. The court shall have the right to compel parents to take participation both in the factual incurred additional expenses, and in additional expenses which shall be performed on maintenance of children in the future.

#### **Article 145. Obligations of adult children on the parents' maintenance**

1. The ablebodied adult children shall be obliged to maintain their disabled parents, being in need of care and take care of them.

2. In the absence of agreement on alimony payment, the alimony for disabled parents, being in need of care shall be recovered from ablebodied adult children in a judicial proceeding.

3. The amount of alimony, recovered from each of children shall be determined by the court based on financial condition and family status of parents and children and other noteworthy interests of parties in a multiple ratio to the monthly calculation index at the moment of alimony payment.

4. During determination of amount of alimony, the court shall have the right to consider all the ablebodied adult children of this parent, independently from whether the request was submitted to all children, to one child or some of them.

5. Children may be released from the obligations on maintenance of their disabled parents , being in need of care, if the court establishes that the parents, previously evaded from the performance of their parental obligations in respect of these children.

Children shall be released from alimony payment to parents, deprived of parental rights.

6. The obligations of adopted children, attained the age of majority on maintenance of adoptive parents shall be determined in the same manner as the obligations of children in respect of their parents.

#### **Article 146. Participation of adult children in additional expenses for the parents**

1. In the absence of care of adult children for disabled parents and in existence of exceptional circumstances (serious illness, parent's injury, necessity of payment for their external care, placement in a medical and social agency and others), adult children may be involved by the court to participate in incurring additional expenses, induced by these circumstances.

2. The order of incurring additional payments by each of adult children and amount of these expenses shall be determined by the court in recognition of financial conditions and

family status of parents, children and other noteworthy interests of parties in compliance with requirements, established by paragraphs 3, 4 and 5 of Article 145 of this Code.

3. The order of incurring additional payments and amount of these expenses may be determined by the agreement of parties, and in case of absence of such agreement, the dispute shall be solved in a judicial proceeding.

## **Chapter 20. ALIMENTARY OBLIGATIONS OF SPOUSES AND FORMER SPOUSES**

### **Article 147. Marriage and family obligations on mutual maintenance**

1. Spouses shall be obliged to provide financial support to each other.

2. In case of a refusal from such support and absence of the agreement on alimony payment between spouses, the following persons shall have the right to claim alimony payment from other spouse, having necessary funds, in a judicial proceeding:

1) a disabled spouse, being in need;

2) a wife across pregnancy and within three years from the date of common child's birth;

3) a spouse, being in need, taking care of a common disabled child until his (her) attainment of the age of eighteen years, as well as in case when a common disabled child receives the I-II disability group upon the attainment of the age of eighteen years.

### **Article 148. Right of a former spouse to receive alimony after dissolution of marriage (matrimony)**

1. The following persons shall have the right to claim alimony payments from a former spouse, having necessary funds, in a judicial proceeding:

1) a former wife across pregnancy and until attainment of the age of three years by their common child;

2) a former spouse, taking care of common disabled child until his (her) attainment of the age of eighteen years, as well as in case of determination of the I-II disability group to common disabled child upon his (her) attainment of the age of eighteen years.

3) disabled former spouse, being in need, who became disabled before the dissolution of marriage (matrimony).

2. The amount of alimony and order of its provision to a former spouse after dissolution of marriage (matrimony) may be determined by the agreement between former spouses, or by the court.

## **Article 149. Amount of alimony, recovered on spouses and former spouses in a judicial proceeding**

In the absence of agreement on alimony payment between spouses (former spouses), the amount of alimony, recovered on a spouse (former spouse) in a judicial proceeding shall be determined by the court, based on financial condition and family status of spouses (former spouses) and other noteworthy interests of parties in a multiple ratio to the monthly calculation index, acting as from the date of alimony payment.

## **Article 150. Release of spouse from the obligation on maintenance of other spouse or restriction of this obligation by the term**

1. The court may release a spouse from the obligation to maintain the other disabled spouse, being in need of care or restrict this obligation by a specified term both during the marriage (matrimony) and after its dissolution in the following cases:

1) if the incapacity of the spouse in need of assistance has resulted from the abuse of alcoholic beverages, narcotic drugs, psychotropic substances, their analogues or as a result of committing an intentional criminal offense;

2) a short duration (up to five years) of marriage (matrimony);

3) a disgraceful behavior in family of a spouse, requiring alimony payment.

2. The obligation to maintain a former spouse shall be terminated by the court decision in the following cases:

1) new marriage (matrimony) of a spouse, having the right on maintenance provided by Article 148 of this Code.

2) disruption of circumstances, provided by Article 148 of this Code.

**Footnote. Article 150 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).**

## **Chapter 21. ALIMENTARY OBLIGATIONS OF OTHER FAMILY MEMBERS**

### **Article 151. Obligations of ablebodied brothers and sisters on maintenance of their blood minor brothers and sisters**

Minor brothers and sisters, being in need of care shall have the right to receive alimony from their ablebodied adult blood brothers and sisters in a judicial proceeding, having necessary funds for this, if it is found impossible to receive maintenance from their parents.

### **Article 152. Obligations of a grandfather and a grandmother on maintenance of grandchildren**

Minor grandchildren, being in need of care shall have the right to receive alimony from a grandfather and a grandmother in a judicial proceeding, having necessary funds for this, if it

is found impossible to receive maintenance from their ablebodied parents, ablebodied adult blood brothers and sisters.

**Article 153. Obligations of grandchildren on maintenance of a grandfather and a grandmother**

Disabled grandfather and grandmother, being in need of care shall have the right to seek the receipt of alimony in a judicial proceeding from their ablebodied adult grandchildren, having necessary funds for this, if it is found impossible to receive maintenance from their adult ablebodied children or a spouse (former spouse).

**Article 154. Obligations of foster children to maintain the persons, nurtured them in fact**

1. Disabled persons, being in need of care, nurtured and maintained minor children in fact shall have the right to seek the receipt of maintenance from their ablebodied foster children, attained the age of majority in a judicial proceeding, if they may not receive the maintenance from their adult ablebodied children or grandchildren, or from spouses (former spouses).

2. Court shall have the right to release foster children from the obligation to maintain the persons, nurtured them in fact, if the latter maintained and nurtured them for less than five years, as well as if they maintained and nurtured their foster children unduly.

3. Obligations provided by paragraph 1 of this Article shall not be assigned on the persons under trusteeship or guardianship or foster care.

**Article 155. Obligations of stepsons and stepdaughters on maintenance of a stepfather and a stepmother**

1. Disable stepfather or stepmother, being in need of care that nurtured and maintained their stepsons or stepdaughters shall have the right to seek the receipt of maintenance from ablebodied adult stepsons or stepdaughters, having necessary funds for this, if they may not receive maintenance from their adult ablebodied children or grandchildren or from spouses (former spouses).

2. Court shall have the right to release stepsons and stepdaughters from the obligations to maintain a stepfather or a stepmother, if the latter nurtured and maintained them for less than five years, as well as if they performed their obligations on nurturing and maintenance of stepsons and stepdaughters unduly.

**Article 156. Amount of alimony, recovered on other family members in a judicial proceeding**

1. Amount and order of alimony payment for persons, mentioned in Articles 151-155 of this Code may be determined by the agreement of parties.

2. In the absence of agreement between parties, the amount of alimony, recovered in a judicial proceeding shall be established by the court, based on financial condition and family

status of a payer and a recipient of alimony and other noteworthy interests of parties in the each specific case, in a multiple ratio to the monthly calculation index, acting as from the date of alimony payment.

3. If several persons shall be concurrently obliged to maintain a family member, requiring for alimony, the court shall determine the amount of participation of each of them in performance of obligation on alimony payment, depending on their financial condition and family status. During determination of amount of alimony payments, the court shall have the right to consider all the persons, obliged to pay alimony, independently of whether the suit is brought to one or all these persons, or some of them.

## **Chapter 22. AGREEMENT ON ALIMONY PAYMENT**

### **Article 157. Conclusion of agreement on alimony payment**

Agreement on alimony payment (amount, condition and order of alimony payment) shall be concluded between a person, obliged to pay alimony, and their recipient, and if a person, obliged to pay alimony and (or) a recipient of alimony is disabled, the alimony payment agreement shall be concluded between legal representatives of these persons.

### **Article 158. Form of agreement on alimony payment**

Agreement on alimony payment shall be concluded in a written form and shall be subject to be notarized.

Non-conformity of the form of agreement on alimony payment, established by the Law shall entail the consequences, provided by regulations of the Civil Code of the Republic of Kazakhstan.

### **Article 159. Procedure for conclusion, execution, modification, dissolution and invalidation of agreement on alimony payment**

1. Regulations of the Civil Code of the Republic of Kazakhstan, regulating conclusion, execution, modification, dissolution and invalidation of the civil transactions shall be applied to conclusion, execution, modification, dissolution and invalidation of agreement on alimony payment.

2. The unilateral refusal from execution of agreement on alimony payment or the unilateral alteration of its conditions shall be prohibited.

3. In case of essential change of financial condition or family status of parties and in case of failure to reach the agreement on modification or dissolution of agreement on alimony payment, an interested party shall have the right to file a claim in the court for modification or dissolution of this agreement. During deciding the issue on modification or dissolution of agreement on alimony payment, the court shall have the right to consider any noteworthy interest of parties.

### **Article 160. Invalidation of agreement on alimony payment, violating the interests of alimony recipient**

If conditions of provision of maintenance for a minor or adult incapable family member, provided by agreement on alimony payment, essentially violate their interests, particularly in case of non-conformity of requirements of paragraph 2 of Article 161 of this Code, such agreement may be recognized invalid in a judicial proceeding upon request of a legal representative of a minor or adult incapable family member, as well as upon request of authority body, carrying out the functions of trusteeship or guardianship, or a prosecutor.

#### **Article 161. Amount of alimony, paid under agreement on alimony payment**

1. Amount of alimony, paid under agreement on alimony payment shall be determined by parties of this agreement.

2. Amount of alimony, established under agreement on alimony payment for minors may not be lower than the amount of alimony, which they could receive at the alimony recovering in a judicial proceeding.

#### **Article 162. Methods and procedure for alimony payment under agreement on alimony payment**

1. Methods and procedure for alimony payment under agreement on alimony payment shall be determined by this agreement.

2. Alimony may be paid in participatory shares to earning and (or) other income of a person, obliged to pay the alimony in a lump sum of money, paid on a periodic basis; in a lump sum of money, paid non-recurrently; through the granting of property, as well as other methods relative to which the agreement is reached.

The agreement on alimony payment may provide a combination of different methods of alimony payments.

### **Chapter 23. PROCEDURE FOR PAYMENT AND RECOVERY OF ALIMONY IN A JUDICIAL PROCEEDING**

#### **Article 163. Alimony recovery under court decision**

In the absence of agreement on alimony payment, the family members, mentioned in Articles 143-155 of this Code shall have the right to go to the court with request on alimony recovery.

#### **Article 164. Terms to apply for alimony application**

1. A person, having the right to receive alimony shall have the right to go to the court with the application on alimony recovery irrespective of the term, expired from the moment of creation of a right on alimony, if the alimony was not previously paid under agreement on alimony payment.

2. Alimony shall be adjudged from the date of reference to the court.

Alimony for the previous period may be recovered within three years from the date of reference to the court, if the court establishes that the measures to receive the funds for

maintenance were taken before going to the court, but alimony was not received as a consequence of evasion from its payment by a person, obliged to pay it.

#### **Article 165. Obligation of a civil servant of organization to deduct alimony**

At the place of work of a person, obliged to pay alimony, a civil servant of organization shall be obliged to deduct the alimony every month from his (her) job wages or other income in favour of a person, receiving the alimony, and pay or transfer them at the expense of a person, obliged to pay the alimony not later than three days from the date of paying job wages or other income, on the basis of the agreement on notarized alimony payment or on the basis of administrative case.

Responsibility for detention of alimony payment, deducted from a payer, but not transferred to a recipient in proper time shall be assigned on a civil servant of organization.

#### **Article 166. Alimony deduction on the basis of agreement on alimony payment**

Alimony deduction on the basis of the notarized agreement on alimony payment shall be performed in case, if the common deduction amount on the basis of such agreement and administrative cases doesn't exceed fifty percentages of job wages and other income of a person, obliged to pay the alimony.

#### **Article 167. Obligation to inform on a change of place of work or place of residence of a person, obliged to pay the alimony**

1. A civil servant of organization that performed the alimony deduction on the basis of the court decision or the notarized agreement on alimony payment shall be obliged to notify an officer of justice at the place of enforcement on alimony recovery and a person, receiving the alimony on discharge of a person, obliged to pay alimony within three days period, as well as about new place of his (her) employment or place of residence, if it is known to him (her).

2. A person, obliged to pay the alimony shall notify an officer of justice and take acknowledgement on notification, as well as a person, receiving the alimony on change of place of work and place of residence within the period, specified by an officer of justice, and in paying the alimony to minors - shall notify on existence of additional earnings or other income

#### **Article 168. Levy of execution on property of a person, obliged to pay the alimony**

1. The alimony recovery in amount, established by the agreement on alimony payment or the court decision as well as the alimony debt recovery shall be performed from the earnings or other income of a person, obliged to pay the alimony; at insufficiency of earnings or other income, the alimony shall be deducted from the monetary funds in bank accounts and other financial institutions, carrying out specific types of banking activity of a person, obliged to pay the alimony. At insufficiency of these earnings the alimony recovery shall be levied upon any property of a person, obliged to pay the alimony on which the execution may be levied in accordance of the Law.

2. Levy of execution upon monetary funds on accounts of a person, obliged to pay the alimony, and upon his (her) other property shall be performed in the manner, provided by the legislation of the Republic of Kazakhstan.

#### **Article 169. Determination of alimony debt amount**

1. Alimony recovery for the previous period shall be performed within three years period, preceding submission of an administrative case, or notarized agreement on alimony payment for recovery on the basis of the agreement on alimony payment or on the basis of administrative cases.

If it is found impossible to recover alimony payments from job wages or other incomes within three months in succession, the recovery shall be levied upon the property of a debtor, with the exception of property upon which the execution may not be levied, in accordance with the legislation of the Republic of Kazakhstan.

2. In cases when the alimony deduction was not performed due to detection of a person, obliged to pay alimony on the basis of the administrative case or the notarized agreement, the alimony recover shall be performed for the whole period independent from the term, established by paragraph 1 of this Article, and the attainment of the age of majority by a person, on maintenance of whom the alimony was adjudged.

3. The amount of maintenance debt paid for minor children in accordance with Article 139 of this Code is determined by the bailiff based on the wages and other income of the person obliged to pay alimony for the period during which the recovery of alimony was not made. In cases where a person who is obliged to pay alimony did not work during this period or if documents confirming his earnings and other income are not provided, the maintenance debts are determined on the basis of the average monthly wage in the Republic of Kazakhstan at the time of collection of the debt.

For persons, serving a sentence in places of deprivation of freedom, if a debtor didn't work during this period, the alimony debt shall be determined in amount of one monthly calculation index.

4. In case of disagreement with determination of alimony debt by an officer of justice, the either party may appeal the actions of the officer of justice in the manner, provided by the legislation of the Republic of Kazakhstan.

5. Amounts of monthly child's benefit, established by the legislation of the Republic of Kazakhstan on the state benefit payments for families, having children, paid during detection of his (her) parents evading from the alimony payment shall be recovered from these parents with the charge of ten percent from the paid amounts to the budget.

**Footnote. Article 169 as amended by the Law of the Republic of Kazakhstan dated 15.01.2014 № 164-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 170. Release from alimony debt payment**



1. During payment of alimony under agreement of parties, the release from alimony debt or decrease of this debt shall be possible by the mutual agreement of parties, with the exception of cases of alimony payment for minors.

2. The court shall have the right to release a person, obliged to pay alimony wholly or partially from the alimony debt payment, upon his (her) claim, if he (she) establishes that alimony non-payment had the place due to illness of this person or other justifiable reasons and his (her) financial condition and family status preclude his (her) ability to discharge the formed alimony debt.

#### **Article 171. Delayed alimony payment**

1. In creation of the debt due to the fault of a person, obliged to pay the alimony under agreement on alimony payment and (or) a person, obliged to pay the alimony by the court decision, the guilty person shall pay a penalty in amount of one tenth percent from the sum of unpaid alimony for each day of delay to alimony recipient.

2. An alimony recipient shall have right to recover all the losses, caused by delay in performances of alimentary obligations in the part, not covered by the penalty from a person, guilty in delayed alimony payment.

#### **Article 172. Inadmissibility of offset and reverse recovery of alimony**

1. Alimony may not be offset by other counter requirements.

2. Paid alimony sums may not be demanded back, with the exception of cases:

1) provided by the Civil Procedure Code of the Republic of Kazakhstan;

2) recognition of the agreement on alimony payment invalid due to its conclusion under the influence of deceit, threats or violence from the side of alimony recipient.

3. If the actions, listed in subparagraph 2) of paragraph 2 of this Article are performed by a representative of a minor or adult incapable alimony recipient, the reverse alimony recovery shall not be performed, and sums of paid alimony shall be recovered from the guilty representative at the suit of a person, obliged to pay alimony.

#### **Article 173. Alimony indexation**

Alimony indexation, recovered by the court decision in a lump sum of money shall be performed by the administration of organization at the place of alimony deduction proportionally to the rate of monthly calculation index.

**Article 174. Alimony payment in case of temporary departure or departure for a permanent place of residence beyond the borders of the Republic of Kazakhstan of a person, obliged to pay the alimony**

1. In case of temporary departure or departure for a permanent place of residence beyond the borders of the Republic of Kazakhstan of a person, obliged to pay the alimony, the person shall have the right to conclude the agreement on alimony payment with family members to whom he (she) is obliged to provide maintenance in accordance with Articles 157-162 of this Code.

2. In case of failure to reach the agreement, an interested person shall have the right to go to the court with request on determination of alimony amount in a lump sum or on immediate alimony compensation or on granting particular property on account of alimony, or on alimony payment by other means.

3. In the absence of documents, confirming the alimony payment, a debtor shall not be allowed to leave for a permanent place of residence beyond the borders of the Republic of Kazakhstan.

### **Article 175. Change of the previously established alimony amount by court and release from alimony payment**

1. If in the absence of agreement on alimony payment after establishment of alimony amount in a judicial proceeding, the financial condition and family status of one of parties was changed, the court shall have the right to change the established alimony amount or release a person, obliged to pay alimony from its payment, upon request of either party.

In change of alimony or release from its payment, the court shall have the right to consider any noteworthy interest of parties.

2. The court has the right to refuse to collect alimony for an adult capable person if it has been established that it committed an intentional criminal offense in respect of a person obliged to pay alimony, or in the case of an unworthy behavior of an adult capable person in the family.

**Footnote. Article 175 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).**

### **Article 176. Termination of obligation on alimony payment**

1. Obligations on alimony payment, established by the agreement on alimony payment shall be terminated with the expiration of validity of this agreement or on the grounds, provided by this agreement, as well as in case of death of one of parties.

2. Alimony payment, recovered in a judicial proceeding shall be terminated:

1) upon attainment of the age of majority by a child or in case of acquisition of full capacity by minors before their attainment of the age of majority or the age, mentioned in the agreement on alimony payment;

2) during adoption of a child, on maintenance of whom the alimony was recovered;

3) when the court recognizes the rehabilitation of earning capacity or termination of need of a alimony recipient;

4) in case of re-marriage of disabled former spouse, being in need of care- an alimony recipient;

5) due to death of a person, receiving the alimony, or a person, obliged to pay alimony.

## **SPECIAL PART**

### **SECTION 6. ACTS OF CIVIL STATUS**

#### **Chapter 24. GENERAL PROVISIONS**

##### **Article 177. Acts of civil status, being subject to state registration**

Birth, death, conclusion of marriage (matrimony), marriage (matrimony) dissolution, adoption, establishment of paternity (maternity), change of the first name, patronymic and last name shall be subject to compulsory state registration in registering bodies within the terms, established by this Code.

The state civil registration by other state and non-state organizations shall be prohibited and shall not be recognized.

##### **Article 178. Issue of primary and repeated certificates on state civil registration**

1. After the state civil registration, the persons in respect of whom the act register was committed shall be issued by certificate on the state civil registration of a standard form , affixed with signature of the chief officer and official stamp of a registering body issued the document.

Repeated certificate on civil registration shall be issued in case of loss and unsuitability of primary certificate for the usage on the basis of archival act register.

2. Reissued certificates on children birth shall not be issued to parents in respect of whom they deprived of parental rights, until their restoration.

Repeated marriage certificates shall not be issued to spouses that dissolved their marriage (matrimony) and spouses, whose marriage (matrimony) is recognized invalid.

3. Certificates on the state civil registration shall be filled in Kazakh or Russian languages.

Information about citizens (parents, spouses, adoptive parents) shall be filled according to documents, certifying their identity.

4. Certificates of the state civil registration may be issued by the notarized power of attorney in cases, provided by the legislation of the Republic of Kazakhstan.

## **Article 179. Bodies, performing the state civil registration**

1. The state civil registration shall be performed by the registering bodies.

2. In the areas where there are none, the akim of the village, settlement, rural district shall accept documents for registration of acts of civil status of citizens residing in their territory and transfer them to the registering authority of a district or town of regional significance for state registration of acts of civil status and entering the data to the State database on individuals within the time limits stipulated by this Code, as well as the issuance and delivery of certificates of registration of acts of civil status.

3. Procedure for management of civil registration of people of aul (rural area), rural settlement, aul (rural) district shall be determined by territorial bodies of justice in concurrence with local executive bodies of district and city of oblast subordination.

4. Civil servants of registering bodies shall not have the right to perform the civil registration in respect of themselves, their spouses and close relatives. In such cases the civil registration shall be performed by the other civil servants of a registering body or in the other registering body.

Footnote. Article 179 as amended by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Article 180. Rules and procedure for state civil registration**

1. Rules of state civil registration, as well as procedure for mutual report of those, entering into marriage (matrimony) on their health condition and family status, explanation of their rights and obligations as future spouses and parents shall be established in accordance with this Code.

2. Procedure for organization of state civil registration, introduction of amendments, restoration, cancellation of registers of acts of civil status shall be determined by bodies of justice.

## **Article 181. Register books. Procedures and terms of their keeping**

1. The forms of the act books of state registration of acts of civil status and the forms of certificates issued on the basis of entries in these books are approved by the justice bodies of the Republic of Kazakhstan.

2. The act books are compiled in two copies of one hundred identical records, signed by the head and sealed by the stamp of the registering authority, which compiled it, bounded and numbered in strict sequence. The identity of the records is provided by the officials of the registering authority.

The first copies of register books shall be kept at the place of primary civil registration in the archive of a registering body of a district (city), the second copy shall

be kept in the archive of a registering body of oblast, city of republican significance, capital.

3. Keeping of the first and second copies of register books in one premise (building) shall be prohibited.

4. Keeping of electronic versions of act registers throughout the republic shall be performed at the central server of the State database on individuals in an authorized body, prescribed by the legislation of the Republic of Kazakhstan.

5. Register books at the place of the primary registration shall be kept within seventy five years, and then shall be submitted to the relevant Public Record Office.

6. Register books from the second copies shall be subject to be destructed upon expiry of established term.

Footnote. Article 181 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

#### **Article 182. State duty**

1. The state duty shall be collected for the state civil registration in accordance with the tax legislation of the Republic of Kazakhstan.

2. Registration of birth, death, establishment of paternity, adoption by citizens of the Republic of Kazakhstan, as well as issuance of repeated certificates owing to mistakes made during the civil registration shall be executed without collecting the state duty, in accordance with the tax legislation of the Republic of Kazakhstan.

#### **Article 183. Procedure for amendments, additions and corrections of registers for acts of civil status**

1. Introduction of changes, additions and corrections in the acts of civil status in the presence of the primary record of registration, as well as sufficient grounds and in the absence of a dispute between the interested persons, is made by the registering authority. In the presence of a dispute between interested parties, the issues of making changes, additions and corrections to the acts of civil status are resolved in the mediation or judicial procedure .

2. Applications on introduction of amendments, additions and corrections in available registers for acts of civil status shall be submitted to a registering body at the place of a permanent residence of the applicant.

3. Citizens of the Republic of Kazakhstan permanently residing abroad, as well as foreign persons and stateless persons, registered the acts of civil status in registering bodies of the Republic of Kazakhstan shall submit the applications through the foreign establishments of the Republic of Kazakhstan to a registering body at the place of keeping of the primary record.

4. Introduction of amendments, additions and corrections in available registers for acts of civil status shall be performed by a registering body at the place of register's location. Refusal on introduction of amendments, additions and corrections in a register for acts of civil status may be appealed in a judicial proceeding.

**Footnote. Article 183 as amended by the Law of the Republic of Kazakhstan dated 17.11.2014 № 254-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 184. Restoration of registers for acts of civil status**

1. Applications on restoration of lost registers for acts of civil status shall be submitted to a registering body at the place of a permanent residence of an applicant, and citizens of the Republic of Kazakhstan permanently residing abroad, as well as foreign persons and stateless persons, registered the acts of civil status in registering bodies of the Republic of Kazakhstan through the foreign establishments of the Republic of Kazakhstan shall submit to a registering body at the place of state registration (loss) of the primary record.

2. Restoration of registers for acts of civil status shall be performed in existence of the documents, confirming that the relevant register occurred previously, or on the basis of the court decision on restoration of register act, specifying the place and time of the state registration.

3. The restoration of registers for acts of civil status on birth in respect of persons that returned to their historical national homeland, shall be performed in existence of the reasonable grounds and only in availability of the documentary confirmation of this fact ( statement or notice of absence (loss) of register act) or confirmation of internal affairs bodies about legal entrance of these persons to the Republic of Kazakhstan and their request for conferment of the nationality of the Republic of Kazakhstan.

The state registration of restored birth statement of oralmans shall be performed at the place of their residence.

4. The loss of registers for acts of civil status shall be confirmed by oblast (municipal ) archival repository of register for acts of civil status at the place where the lost register located.

5. If it is impossible to restore the lost register by a registering body, the fact of the civil state registration shall be established in a judicial proceeding by the rules, established by the Civil Procedure Code of the Republic of Kazakhstan.

6. The state registration of restoration of register for acts of civil status shall be performed by a registering body at the place where the lost record located.

#### **Article 185. Cancellation of the registers for acts of civil status**

1. Register for acts of civil status may be cancelled:

1) on the basis of court decision;

2) upon application of interested persons;

3) at the instigation of a registering body, detected the primary, restored or repeated record, which is subject to cancellation.

2. The applications on cancellation of register for acts of civil status shall be submitted to the court or a registering body at the place of permanent residence of an applicant, and the citizens of the Republic of Kazakhstan permanently residing abroad, the foreign persons and stateless persons, registered the acts of civil status in registering bodies of the Republic of Kazakhstan and permanently residing abroad, through the foreign establishments of the Republic of Kazakhstan to registering bodies at the place of keeping the act register which shall be subject to cancellation.

3. The cancellation of register for acts of civil status shall be performed at the place of register's location, which shall be subject to cancellation.

#### **Article 186. Obligation to comply with procedure for the state civil registration by individuals**

1. Individuals shall be obliged to comply with procedure for the state civil registration , established by this Code.

2. The obligation of the state civil registration in registering bodies shall be assigned on citizens within the terms, established by the legislation of the Republic of Kazakhstan.

3. During the civil registration, the hiding of circumstances, preventing marriage ( matrimony), or presentation of false statements shall be prohibited.

4. Registration of conclusion of marriage (matrimony), dissolution of marriage (matrimony ) on the basis of joint application of spouses, establishment of paternity on the basis of joint application of the child's parents, change of last name, first name, patronymic through a representative shall not be allowed.

#### **Chapter 24. STATE REGISTRATION OF BIRTH OF A CHILD**

##### **Article 187. Basis for registration of birth of a child**

1. Basis for registration of birth of a child shall be a medical birth certificate or a copy of court decision on establishment of the fact of birth.

In case of childbearing out of a healthcare organization, including at home, the medical birth certificate shall be executed in accordance with the documents certifying identity of a mother by an employee of a healthcare organization, to which she addressed her request after childbearing, or by an individual, who delivered a baby and engaged in private medical practice

.

In the absence of documents certifying identity of parents, at the moment of the state civil registration for a valid reason, information on parents shall be completed according to marriage (matrimony) certificate or register act on conclusion of marriage (matrimony) in this registering body. Register on parents shall be performed in accordance with Articles 50, 51 and 63 of this Code in the civil register, first name, patronymic (in existence of it), last name, nationality of parents.

In case of birth of a child by a surrogate mother, the basis for registration shall be medical birth certificate.

2. The medical birth certificate of a child shall contain all necessary information about the mother of a child (last name, first name, patronymic (in existence of it), as well as date of birth and gender of a child, date of issuance of the document). The certificate shall be certified by a signature of a civil servant and by a seal of a healthcare organization.

3. The state registration of birth of a child of minor parents, as well as a child, born by a surrogate mother shall be performed according to the standard order.

4. In the absence of bases for the state registration of birth of a child, mentioned in paragraph 1 of this Article, the state registration of birth of a child shall be performed on the basis of court decision on establishment of the fact of childbirth by this woman.

#### **Article 188. Place of the state registration of birth of a child**

1. The state registration of birth of a child shall be performed by a registering body at the place of childbirth or at the place of parents' residence or one of them.

Reception of documents for state registration of the birth of a child is carried out by the registering authority, as well as by the State Corporation "Government for citizens" or through the web portal of "electronic government". Residence of the parents is determined in accordance with their legal address.

The place of parent's residence shall be determined in accordance with their legal address.

2. If parents are not married together, the birth of common child may be registered at the place of residence of a person recognizing himself as the father of a child. The application of establishment of paternity shall be submitted at the same time with the application on the registration of birth of a child.

3. In the act register on birth, the birth place of a child shall be stated as the place of factual birth of a child in accordance with the name of administrative-territorial entity of the Republic of Kazakhstan, accepted as from the date of the state registration of birth.

4. State registration of the birth of a child born outside the Republic of Kazakhstan shall be carried out in foreign institutions of the Republic of Kazakhstan or in the registering authority at the place of residence of the parents or one of them within the terms



established by this Code, regardless of registration in foreign registering authorities. In the case of registration of the birth of a child at the place of residence of the parents or one of them, the place of birth of the child shall be the locality.

5. The state registration of birth of a child, born in expeditions and in remote localities where there are no registering bodies, as well as during the mother's stay in a marine craft, river ship, aircraft or in a train, shall be performed in a registering body at the place of parents' residence or one of them, on their return to the place of residence.

In these cases, the administrative-territorial entity where the state registration of the child's birth is performed shall be stated as the place of birth of a child.

Footnote. Article 188 as amended by the Law of the Republic of Kazakhstan dated 08.01.2013 No. 64-V (shall be enforced from 01.01.2013); dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

#### **Article 189. Terms for submission of application on birth of a child**

An application on the birth of a child must be submitted by his parents or other interested persons to the registering authorities not later than three working days from the date of his birth, and in case of the birth of a dead child, the application must be submitted by the responsible official of the medical organization not later than one working day from the moment of delivery.

The state registration of the birth of a child on an application submitted after three working days is made on the basis of a conclusion drawn up by the registering authority in the form established by the Ministry of Justice of the Republic of Kazakhstan.

In the case of the birth of a child outside the Republic of Kazakhstan, the application on the birth of a child must be submitted by parents or other interested persons to a foreign institution of the Republic of Kazakhstan not later than two months from the date of its birth.

Footnote. Article 189 as amended by the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

#### **Article 190. Application on state registration of birth of a child**

1. The application on the state registration of birth of a child shall be submitted in written form by parents or one of them and in case of their death, disease or impossibility to submit the application by other reasons shall be submitted by an interested persons or administration of a healthcare organization, where the mother stayed during the childbirth. The application shall be accompanied with copies of the documents, certifying identity of parents, as well as marriage (matrimony) certificates.

In case of registration of birth of a child with the violation of established term, the explanatory report of parents, certificate on the absence of a birth statement at the place of birth of a child and at the place of parents' residence, certificate of child's health shall be additionally adjoined.

If the state registration of birth of a child isn't applied by parents, but by other persons, these persons shall submit the document, certifying identity of an applicant, as well as the document, confirming his (her) competence for the registration of birth of a child.

During the state registration of two or more children, the application shall be submitted separately in respect of each of them.

2. When applying to the State Corporation "Government for citizens" or through the " e-government" web portal, the application on the state registration of the birth of a child is submitted in accordance with the standard of public service.

Footnote. Article 190 is in the wording of the Law of the Republic of Kazakhstan dated 08.01.2013 No. 64-V (shall be enforced from 01.01.2013); as amended by the Law of the Republic of Kazakhstan dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016).

### **Article 191. State registration of birth of a child, born after father's death or dissolution of marriage (matrimony) or its recognition as invalid**

The state registration of birth of a child, conceived during the marriage (matrimony) and born after father's death or dissolution of marriage (matrimony) or its recognition as invalid, shall be performed on common basis, if from the date of father's death or dissolution of marriage (matrimony) or its recognition as invalid two hundred and eighty days passed.

### **Article 192. Procedure for introduction of information on parents in birth statement**

1. A father and mother married together shall be registered as the parents of a child in the register of births upon application of either of them. The basis for such register shall be a marriage (matrimony) certificate.

2. Married persons that gave a written agreement for application of assisted reproductive methods and technologies, in case of birth of a child in the result of application of these, methods shall be registered as the parents of this child in the birth statement.

In case of birth of a child, spouses shall be registered as his (her) parents in a register of births, according to the surrogacy contract.

3. In the registration of birth of a child, in case if marriage (matrimony) between parents is dissolved, recognized invalid by court or if a spouse died, but from the date of dissolution of marriage (matrimony), its recognition as invalid or death of husband less than two hundred and eighty days passed, information on the mother shall be introduced on the basis of documents, mentioned in Article 187 of this Code, information of the father of a child shall be introduced on the basis of marriage (matrimony) certificate, certificate on dissolution of marriage (matrimony), certificate of death of the father.

If a child was born upon expiry of two hundred and eighty days from the date of dissolution of marriage (matrimony), recognition as invalid, a former spouse may be registered as the father of a child only on the basis of act register on establishment of paternity.

In case of written recognition by a person that is not the spouse of a woman giving a birth, and at the written agreement of her husband, this person shall be registered as the father of this child during registration of establishment of paternity and registration of birth.

4. In case, if parents of a child are not married together, information on mother shall be introduced on the basis of documents, mentioned in Article 187 of this Code.

Information of father in this case shall be introduced:

1) on the basis of act register on establishment of paternity in case, if paternity is established and registered at the same time with the state registration of birth of a child;

2) upon application of a sole mother, if paternity is not established.

In register of births, the last name of the father of a child shall be registered according to the last name of the mother, and the first name and patronymic of the child's father shall be registered by her order. The introduced information shall not be an obstacle for decision of issue on establishment of paternity.

At will of a mother, information on a child's father may not be introduced into the birth statement;

3) upon application of a person, recognized himself as the father of a child, in existence of agreement of a mother of a child.

Information of a mother shall be introduced on the basis of documents, mentioned in Article 187 of this Code, information of a father shall be introduced by the order of this person.

In the following, in case of disagreement of a mother of a child with the introduced information about a father of a child in the birth statement, the corrections shall be performed in established manner.

### **Article 193. Procedure for registration of nationality of child's parents**

If during the registration of birth, an applicant expresses a wish to specify the nationality of parents, the nationality of parents-citizens of the Republic of Kazakhstan shall be stated in birth statement, in accordance with nationality, specified in documents, certifying identity of the citizens of the Republic of Kazakhstan.

Information on nationality of a parent, being a foreigner shall be stated in accordance with his (her) foreign passport.

In the absence of information about nationality in foreign passport of a foreign person, the latter may be determined in accordance with the document, issued by a competent body of a foreign state, of which he (she) is a citizen.

Footnote. Article 193 as amended by the Law of the Republic of Kazakhstan dated 29.01.2013 No. 74-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 194. Procedure for giving the last name, first name, patronymic to a child during the state registration of his (her) birth**

1. During the state registration of birth, the last name of a child shall be determined by the last name of parents. In different last names of parents, the last name of a father or mother shall be given to this child, under their agreement. At the wish of parents, the last name of a child shall be performed from the name of a father or grandfather of a child, in recognition of national traditions. Disagreements, arising between parents in respect of the last name of a child shall be resolved in a judicial proceeding.

2. At the wish of citizens, the affixes that alien to Kazakh language shall be excluded from the usage in writing of last names and patronymics of persons of Kazakh origin: -ov, -yev, -ova, -yeva, -in, -n, -iny, -na, -ovna, -yevna, -ovich, -yevich, and instead of them: -uly, -kyzy shall be used in patronymics as a solid word.

It shall not be allowed to write the last names of an individual with addition of words "tegy", "urpagy", "nemeresy", "shoberesy", "kelyny" and others.

3. It shall be allowed to write the first names of persons of Kazakh nationality in order, when the first name of a father replaces the last name, which compulsory shall be in the first place, then the first name, but patronymic shall not be written.

4. Writing of the last names, first names and patronymics by persons of other nationalities may be performed in accordance with their national features, at their wish.

#### **Article 195. State registration of birth of a child, born beyond the borders of the Republic of Kazakhstan**

The state registration of birth of a child, born beyond the borders of the Republic of Kazakhstan shall be performed in the foreign establishments of the Republic of Kazakhstan, located in the territory of receiving country, or pluralistically in the foreign establishments of the Republic of Kazakhstan in the other country.

#### **Article 196. Procedure for state registration of birth of a found, neglected (abandoned) child**

1. Birth of a found, neglected (abandoned) child shall be registered upon the application of law enforcement bodies, a body, carrying out the functions of trusteeship or guardianship, administration of an education or healthcare organization, where a child is placed, not later than seven days of detection, denial or abandonment.

The application shall be accompanied with a protocol or act, made by the law enforcement body or a body, carrying out the functions of trusteeship or guardianship, specifying time, place and circumstances at which a child was found; a document, issued by a healthcare organization, confirming the age and gender of a found child, and other personal information about a child.

2. In case of surrender of a child in a healthcare organization, the administration of this organization shall take measures on execution of written application of the mother in the form, established by the legislation of the Republic of Kazakhstan.

3. In case of abandonment of a child by unknown mother, the administration of a healthcare organization shall draw up a protocol in the presence of two witnesses. During the state registration of birth, the protocols shall be accompanied to the application of an civil servant of a healthcare organization on registration of neglected (abandoned) child.

### **Article 197. State registration of a child, born dead or died during the first week of life**

1. The state registration of a child, born dead, and a child died during the first week of life shall be performed in a registering body not later than five days from the date of childbearing or death of a child.

2. Birth of dead child shall be registered on the basis of medical certificate on perinatal death, issued by a healthcare organization or a physician in private practice.

The birth certificate of a child, born dead shall not be issued. The document, confirming the fact of the state registration of still-born child shall be issued upon request of parents.

3. In case of death of a child during the first week of life, the state registration of his (her) birth shall be performed on the basis of medical birth certificate, and the state registration of his (her) death - on the basis of certificate of perinatal death.

On the basis of birth and death statements, only certificate of death shall be issued. The document, confirming the fact of state registration of birth of a child shall be issued upon request of parents.

In the following, repeated certificates of death shall be issued as well.

4. Obligation on notification of registering bodies on still-born child or on birth and death of a child during the first week of life shall be assigned on:

1) administrator of a healthcare organization in which a childbearing was performed or in which a child died;

2) administrator of a healthcare organization, a doctor of which established the fact of still-born child, death of a child during the first week of life;

3) physician in private practice in case of childbearing out of a healthcare organization

### **Article 198. State registration of birth of a child, attained the age of one or more years**

1. In existence of the document on birth of a standard form, issued by a healthcare organization or a physician in private practice, the state registration of birth of a child, attained the age of one or more years shall be performed upon written application of parents or other interested persons.

Upon attainment of the age of majority by a child, the state registration of birth shall be performed upon his (her) written application.

The application shall be accompanied with a medical birth certificate, notice on the absence of act register on birth of a registering body of the relevant administrative-territorial entity, certificates of health, documents, certifying identity, marriage (matrimony) of parents, document, certifying identity of an applicant.

2. The state registration of the birth of a child who has reached the age of one year or more is made by the registering authority of the district, town on the basis of the decision of the registering authority of the oblast administration, city of republican significance, the capital.

**Footnote. Article 198 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

### **Article 199. State registration of birth of foreign persons' children**

The state registration of birth of foreign persons' children, permanently or temporary residing in the territory of the Republic of Kazakhstan shall be performed in diplomatic representations or consular institutions of relevant foreign states, located in the territory of the Republic of Kazakhstan or pluralistically in the foreign establishments, if there are no such in the Republic of Kazakhstan.

The state registration of birth of foreign persons' children shall be performed at their wish in registering bodies at the place of their permanent or temporary residence without introduction of this information to the Government database on individuals and without assignment of personal identification number to a child.

### **Article 200. State registration of birth of a child in ceremonial surroundings**

At the wish of parents, a registering body shall conduct the state registration of birth of a child in ceremonial surroundings in own premises or in especially intended state marriage palaces.

### **Article 201. Information, introduced into register of births**

The following data shall be introduced into register of births:

- 1) date of state registration of birth of a child;
- 2) personal identification number assigned to a child;
- 3) number of birth statement of a child;
- 4) last name, first name, and optional patronymic, gender, date, birth place of a child;
- 5) number of born children (one, twins or more children);
- 6) note of live birth or birth of a dead child;
- 7) information of a document, confirming the fact of birth of a child;
- 8) legal address of a child;
- 9) last names, first names, patronymics (in existence of them), dates of births, age, permanent residence, legal address, citizenship, income source or place of work, education of parents and their nationality, if it is indicated in documents, certifying the identity;
- 10) information of document on the basis of which information of a father is introduced;
- 11) information about an applicant;
- 12) serial number of the issued birth certificate.

#### **Article 202. Issuance of certificate on state registration of birth of a child**

On the basis of act register on the state registration of birth of a child, the birth certificate of standard form shall be issued.

Birth certificate shall be issued to parents of newly-born child, other authorized persons or representatives of organizations in which a child is located.

In case of birth of two or more children, the birth certificate shall be issued to each of a child.

#### **Article 203. Birth certificate**

Birth certificate shall contain the following information:

- 1) last name, first name, patronymic (in existence of it), date and place of birth of a child;
- 2) date of making and number of act register;
- 3) personal identification number;
- 4) last names, first names, patronymics (in existence of them), nationality of parents, if it is specified in documents, certifying the identity;
- 5) citizenship of parents;
- 6) place of state registration (name of a registering body);
- 7) date of issuance of birth certificate.

## **Chapter 26. STATE REGISTRATION OF ESTABLISHMENT OF PATERNITY**

### **Article 204. Basis for state registration of establishment of paternity**

1. State registration of establishment of paternity shall be performed in registering bodies on the basis of:

- 1) joint application of parents of a child for establishment of paternity;
- 2) application of the father of a child in case of the mother's death, declaration of the mother as decedent; recognition of mother as incapable due to disease of mental or dementia; deprivation or restriction of parental rights of a mother; impossibility to establish a place of residence of mother of a child;
- 3) court decision on establishment of paternity, as well as establishment of the fact of acknowledgement of paternity and fact of paternity.

2. Establishment of paternity upon application of a person, recognized incapable in a judicial proceeding due to the disease of mental or dementia, as well as upon the application of a trustee of this incapable person shall be prohibited.

### **Article 205. Place of state registration of establishment of paternity**

State registration of establishment of paternity shall be performed by registering bodies at birth place of a child, at place of residence of a father or mother of a child or at place of rendering of court decision on establishment of paternity or establishment of the fact of acknowledgement of paternity and fact of paternity.



In case of mother's death or recognition of her incapacity, impossibility to establish a place of mother's location or in case of deprivation of her parental rights, the place of registration of establishment of paternity shall be the place of child's location.

#### **Article 206. State registration of establishment of paternity on the basis of joint application of parents of a child**

1. Joint application of parents on establishment of paternity shall be submitted to a registering body at birth place of a child or place of residence of one of them. In case when submission of joint application is complicated, the separate applications may be submitted by a father or mother of a child to a registering body.

2. In case if one of parents may not come in person to a registering body for the state registration of establishment of paternity for a valid reason, his (her) signature on the application shall be notarized.

3. In case, when submission of parent's application of establishment of paternity after birth of a child may be impossible or difficult, the advance submission of joint or separate application to a registering body at the place of residence in respect of unborn child during the pregnancy of a mother, confirmed by medical certificate shall be allowed. Register on parents of a child shall be made after birth of a child.

Such application may be withdrawn by parents of a child at any time before performance of the state registration of paternity.

4. Jointly with the application of parents on establishment of paternity, the documents, certifying the identity of parents and birth certificate of a child shall be presented, in case of submission of such application before the birth of a child-a medical certificate, certifying the pregnancy of a mother, issued by a healthcare organization or a physician in private practice.

If the state registration of establishment of paternity is performed at the same time with the state registration of birth, the birth certificate of a child shall not be required.

5. Establishment of paternity shall be performed by a registering body in the presence of both parents on the day of submission of the application, with the exception of cases, provided in paragraphs 2 and 3 of this Article.

#### **Article 207. Giving a last name, patronymic to a child in a joint application of parents on establishment of paternity**

1. In a joint application of parents on establishment of paternity, the last name of a child shall be established by the agreement of parents, and in the absence of agreement - in a judicial proceeding. Selected last name of a child shall be stated in the application on establishment of paternity.

2. The patronymic of a child may be changed by the name of a father, as well as in respect of adult child if there are no objections from his (her) side.

In case when the patronymic of a child, earlier stated in his (her) birth statement (as ordered by mother) is at variance with the name of a person, recognized as the father of a child, a registering body shall not have the right to deny the state registration of establishment of paternity.

3. If parents of a child entered into marriage (matrimony) after his (her) birth, the introduction of information about father to birth statement of a child without state registration of establishment of paternity shall be prohibited.

#### **Article 208. State registration of establishment of paternity upon the application of a person, recognizing himself as the father of a child**

1. State registration of establishment of paternity upon written application of a person, recognizing himself as the father of a child shall be performed in the manner, established by this Code.

2. The application of a person, recognizing himself as the father of a child shall be accompanied with the documents, certifying his identity and confirming the circumstances of mother's absence: certificate of death of the mother; court decision on recognition of mother as incapable due to the mental disease or dementia, on her declaration as decedent, deprivation or restriction of mother's parental rights; certificate of impossibility to establish the place of residence of the mother.

#### **Article 209. Giving a last name, patronymic to a child during state registration of establishment of paternity upon application of a person, recognizing himself as the father of a child**

1. The last name of a child shall be determined upon application of a person, recognizing himself as the father of a child with the agreement of a body, carrying out the functions of trusteeship or guardianship.

2. Patronymic of a child shall be changed by the name of the father, as well as in respect of adult child, if there are no objections from his (her) side.

#### **Article 210. State registration of establishment of paternity on the basis of court decision on establishment of paternity, the fact of acknowledgement of paternity and fact of paternity**

1. State registration of establishment of paternity shall be performed upon application of the mother, father or trustee or guardian of a child on the basis of court decision on establishment of paternity, as well as establishment of the fact of paternity and the fact of acknowledgement of paternity.

2. The application shall be accompanied by a copy of enforced court decision, the documents, certifying the identity of an applicant, and birth certificate of a child.

3. The court that rendered decision on establishment of paternity, as well as on establishment of the fact of paternity and the fact of acknowledgement of paternity shall be obliged to send a copy of this decision to a registering body at place of rendering of court decision within three days from the date of its enforcement.

#### **Article 211. Giving a last name, patronymic to a child during state registration of establishment of paternity by the court decision**

1. During state registration of establishment of paternity by the court decision, information about a father shall be stated in accordance with the court decision.

Place of permanent residence of a father, place of work may be registered according to oral information, provided by an applicant, if this information is not stated in the court decision.

In the absence of information about father's nationality in the court decision, the column on nationality in the statement on establishment of paternity shall be filled in accordance of the document, certifying his identity.

2. The last name shall be given to a child in accordance with the court decision, and in the absence of such register - by the order of an applicant. In case of dispute on this issue, the last name shall be registered under the court decision.

#### **Article 212. Simultaneous state registration of birth of a child and establishment of paternity**

In simultaneous state registration of birth of a child and establishment of paternity, the statements of birth and on establishment of paternity shall be made in a mandatory manner. The last name of a child shall be stated by the last name of the mother, the patronymic and information of the father shall be stated upon application of the father or by joint application of both of parents in the birth statement.

#### **Article 213. Procedure for state registration of establishment of paternity in respect of an adult**

The state registration of establishment of paternity in respect of persons, attained the age of majority shall be allowed only with their written agreement, and if a person is recognized incapable - with the agreement of a trustee or a body, carrying out the functions of trusteeship or guardianship.

The agreement of an adult person shall be expressed in a separate application or in his (her) signature under the joint application of parents. In submission of the application at the same time, an adult or his (her) trustee shall specify about wish to receive the father's last name or preserve the last name of the mother.

#### **Article 214. Application on establishment of paternity**

The application on establishment of paternity shall be submitted in written form by parents or by one of them, and in case of their death, disease or impossibility to make

application by other reasons - by authorized representatives in the manner, established by the legislation of the Republic of Kazakhstan.

If the application on the state registration of establishment of paternity isn't submitted by the parents, but by other person, it shall present the document, certifying identity of an applicant.

#### **Article 215. Procedure for introduction of changes during state registration of establishment of paternity**

1. During the state registration of establishment of paternity, the relevant changes shall be introduced into birth statement on the basis of act register on establishment of paternity.

The last name, patronymic of a child, as well as information about a father shall be introduced in accordance with Articles 207, 209 and 211 of this Code.

2. After introduction of relevant changes into birth statement, an applicant (applicants) shall be issued by new birth certificate of a child.

#### **Article 216. Recognition of paternity, established beyond the borders of the Republic of Kazakhstan**

Paternity, registered by foreign establishments of the Republic of Kazakhstan in respect of a child shall be recognized, if at least one of parents has the citizenship of the Republic of Kazakhstan.

#### **Article 217. Information, introduced into register of establishment of paternity**

The following facts shall be introduced into the statement on establishment of paternity:

- 1) date of the state registration of birth of a child;
- 2) number of the birth statement of a child;
- 3) last name, first name, patronymic (in existence of it) of a child before and after establishment of paternity;
- 4) date and place of birth of a child;
- 5) last names, first names, patronymics (in existence of them), date of birth, permanent place of residence, legal address, citizenship, income source or place of work of parents and nationality, if it is stated in the documents, certifying identity;
- 6) information about a document, on the basis of which the state registration of establishment of paternity is performed;

- 7) information about an applicant;
- 8) serial number of the issued certificate.

#### **Article 218. Issue of certificate on state registration of establishment of paternity**

On the basis of act register on the state registration of establishment of paternity, a registering body shall issue the certificate on establishment of paternity.

The certificate on establishment of paternity shall be issued at the place of state registration to one of parents or at their wish may be issued to each of them.

#### **Article 219. Certificate on establishment of paternity**

The certificate on establishment of paternity shall contain the following information:

- 1) last name, first name, patronymic (in its existence) of the father of a child;
- 2) last name, first name, patronymic (in its existence), date of birth of a child;
- 3) last name, first name, patronymic (in its existence) of the mother of a child;
- 4) date of drawing up and number of act register;
- 5) place of the state registration, name of a registering body;
- 6) date of issue of certificate on establishment of paternity.

### **Chapter 27. STATE REGISTRATION OF CONCLUSION OF MARRIAGE (MATRIMONY)**

#### **Article 220. Reasons for state registration of conclusion of marriage (matrimony)**

The state registration of conclusion of marriage (matrimony) shall be performed by registering bodies, on the basis of joint written application on entering into marriage (matrimony) in the form, established by the Ministry of Justice of the Republic of Kazakhstan.

#### **Article 221. Place of state registration of conclusion of marriage (matrimony)**

The state registration of marriage (matrimony) conclusion shall be performed in any registering body in the territory of the Republic of Kazakhstan at the wish of persons, entering into marriage (matrimony).

#### **Article 222. Term for filing of application on entering into marriage (matrimony) and term of state registration of conclusion of marriage (matrimony)**

1. Application on entering into marriage (matrimony) shall be submitted to a registering body one month before the state registration of marriage (matrimony).

2. The state registration of marriage (matrimony) shall be performed by a registering body upon expiry of one month from the date of submitting the joint application on entering into marriage (matrimony).

Running of the term shall begin on the next day after submission of application and shall be expired on the relevant date of next month. If this date falls on a legal holiday, the next business day shall be considered as the date of the end of period.

Time of the state registration of conclusion of marriage (matrimony) shall be appointed by a registering body in concurrence with persons, willing to enter into marriage (matrimony). Time of the state registration shall be appointed to the intent that it doesn't coincide with the time of state registration of death and dissolution of marriage (matrimony) in the same premises.

3. If the presence in the registering authority when applying for the marriage of both persons marrying is impossible or extremely difficult (remoteness of residence from each other, a serious illness, a disability associated with difficulties in movement, the passage of military service and others), the application for marriage, filled in the prescribed form and signed by both persons entering into marriage, may be submitted by one of them.

The signature of a missing person may be testified by the head of a registering body and sealed by registering body at the place of location of a citizen, by the notary officer or other civil servant that shall be empowered to make notarial actions in accordance with the legislative acts of the Republic of Kazakhstan, as well as in the following order:

1) military servants - by command officer of the relevant military unit;

2) citizens of the Republic of Kazakhstan, being on a marine craft during sailing or inland waterways crafts, flying the National flag of the Republic of Kazakhstan, - by commander of these marine crafts;

3) persons, being on expeditions, - by the heads of these expeditions;

4) persons, being in stationary healthcare organizations, - by the senior physicians of these organizations;

5) persons held in institutions that carry out punishment in the form of arrest and imprisonment - by the heads of the relevant institutions;

6) persons with disabilities who have difficulty in movement, - by chairman of medical advisory commission.

**Footnote. Article 222 as amended by the Laws of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); dated 18.04.2017 № 58-VI (shall be**

enforced upon expiry of ten calendar days after the day its first official publication).

### **Article 223. Reduction and extension of terms of state registration of conclusion of marriage (matrimony)**

1. According to joint application of persons, entering into marriage (matrimony), in existence of justifiable reasons (pregnancy, birth of a child, direct danger to life of one of parties and other special circumstances), confirmed by the relevant documents (certificate, issued by a medical-qualification commission on pregnancy, certificate of health, certificates, confirmed the other special circumstances), the head of a registering body at the place of state registration of conclusion of marriage (matrimony) shall allow conclusion of marriage (matrimony) before expiry of one month or increase this term, for no more than a month.

The time on which the term may be reduced shall be determined in each particular case, depending on specific circumstances.

2. In certain cases, increase of waiting period of state registration of conclusion of marriage (matrimony) may be prolonged upon an initiative of a registering body only in existence of circumstances, impeding the state registration of conclusion of marriage (matrimony). A civil servant shall be obliged to suspend the register and require the presentation of relevant documentary proofs from an applicant before commitment of register on conclusion of marriage (matrimony) within required period, which may not exceed one month.

A registering body shall make an inspection upon request of interested persons or its own motion. Persons submitted the application on entering into marriage (matrimony) shall be notified about delay of state registration of conclusion of marriage (matrimony). In existence of legal bars for conclusion of marriage (matrimony), a registering body shall refuse in its state registration.

If information about such bars isn't confirmed, the state registration of marriage (matrimony) shall be performed on a common basis. Inspection of named circumstances shall be completed within a period of one month.

Permission on reduction or increase of the month's period shall be issued in the form of resolution on the application on entering into marriage (matrimony) by the head of a registering body, and in his (her) absence - by a person, performing his (her) obligations.

If persons, willing to enter into marriage (matrimony) may not come to a registering body on the certain day by justifiable reasons, the term of the state registration of conclusion of marriage (matrimony) shall be postponed upon their request.

### **Article 224. Application on entering into marriage (matrimony)**

1. Application on entering into marriage (matrimony) shall be composed in written form. If there is no standard form of application, all the provided information shall be contained in the text of application in the optional form.

For all the issued, contained in the form of application, the full and exact answers shall be given.

2. In submitting the application on entering into marriage (matrimony) it is necessary to present:

1) a citizen of the Republic of Kazakhstan permanently residing in the Republic of Kazakhstan or temporary staying abroad shall present certificate of identity or passport; a citizen of the Republic of Kazakhstan permanently residing abroad, - passport of the citizen of the Republic of Kazakhstan with a mark of a consular institution in foreign countries on registration as a citizen of the Republic of Kazakhstan permanently residing abroad; a foreign person permanently residing in the Republic of Kazakhstan shall present the registration certificate of a foreign person in the Republic of Kazakhstan. A foreign person temporary staying in the Republic of Kazakhstan shall present the document, issued by a law enforcement body of the Republic of Kazakhstan, permitting the part-time residence in the Republic of Kazakhstan; a stateless person permanently residing in the Republic of Kazakhstan shall present certificate of identity of a stateless person with a mark of law enforcement bodies of the Republic of Kazakhstan on registration at the place of residence. A stateless person temporary staying in the Republic of Kazakhstan shall present the document, certifying his (her) identity, issued by competent bodies of country of his (her) residence and registered in the manner, established by law enforcement bodies of the Republic of Kazakhstan.

In addition with presentation of documents, certifying the identity, a foreign person, stateless person permanently residing in the territory of other state shall present the notarized translation of its text into Kazakh or Russian languages.

Accuracy of translation of the texts of documents, certifying the identity of a foreign person, stateless person may be notarized in a diplomatic representation or consular institution or in the foreign service of a state of which a foreign person is a citizen, or a state of permanent residence of a stateless person;

2) documents, certifying the necessity to reduce established marriage age, specified in Article 10 of this Code;

3) information about previous marriages (matrimonies);

4) information about children;

5) receipt on actual knowledge about health status and financial condition of each other, as well as on absence of impediments of entering into marriage (matrimony).

**Footnote. Article 224 as amended by the Law of the Republic of Kazakhstan dated 29.01.2013 No. 74-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 225. Procedure for registration of the last name of spouses during state registration of conclusion of marriage (matrimony)**



1. During state registration of conclusion of marriage (matrimony), a last name, chosen as the common last name shall be specified in the statement on conclusion of marriage (matrimonial) to a spouse that expressed desire to change premarital last name to the last name of other spouse.

2. In drawing up of act register on conclusion of marriage (matrimony), the last names of spouses willing to retain their last names shall not be changed.

3. If a spouse that expressed desire to add the last name of other spouse to his (her) premarital last name, the attached last name shall be written after premarital last name and shall be separated by a hyphen in the statement on conclusion of marriage (matrimony).

4. The last name chosen by spouses shall be specified in joint written application on entering into marriage (matrimony).

#### **Article 226. Procedure for state registration of conclusion of marriage (matrimony)**

1. The state registration of conclusion of marriage (matrimony) shall be performed by registering bodies, in the manner, established by this Code.

2. In case if persons (or one of persons), entering into marriage (matrimony) may not come to a registering body as a consequence of serious disease or other justifiable reason, the state registration of conclusion of marriage (matrimony) shall be performed at home, in a healthcare or other organization in the presence of persons, entering into marriage (matrimony).

3. A civil servant of a registering body shall:

1) announce submitted applications on a wish to enter into marriage (matrimony);

2) explain the rights and obligations of future spouses to persons, entering into marriage (matrimony);

3) ascertain the agreement on entering into marriage (matrimony) and decision on choosing last name by spouses;

4) ascertain the absence of impediments to conclusion of marriage (matrimony);

5) issue a marriage (matrimony) conclusion certificate of a standard form on behalf of the state.

4. In the absence of impediments to conclusion of marriage (matrimony), the register of marriage (matrimony), signed by persons, entering into marriage (matrimony), and affixed by

signature of the head and common seal of a registering body shall be introduced into the civil register.

5. A registering body shall refuse in the state registration of conclusion of marriage (matrimony), if it has the evidences confirming existence of circumstances, impeding conclusion of marriage (matrimony).

6. Refusal of a registering body in the state registration of conclusion of marriage (matrimony) may be appealed in a judicial proceeding.

#### **Article 227. State registration of conclusion of marriage (matrimony) in ceremonial surroundings**

At the wish of persons, entering into marriage (matrimony) the state registration of conclusion of marriage (matrimony) shall be performed in ceremonial surroundings in the special prepared indoor premises of registering bodies or in the special intended state marriage palaces.

#### **Article 228. State registration of conclusion of marriage (matrimony) of citizens of the Republic of Kazakhstan with foreign persons or stateless persons**

1. State registration of conclusion of marriage (matrimony) of citizens of the Republic of Kazakhstan with foreign persons or stateless persons shall be performed in registering bodies of the Republic of Kazakhstan on common basis in accordance with the legislation of the Republic of Kazakhstan or in a diplomatic representation, consular institution of a foreign state, of which a person willing to enter into marriage (matrimony) is a citizen.

2. Simultaneously with submission of the application on entering into marriage (matrimony), a foreign person shall present a marriage (matrimony) license with a foreign person from a competent body of the state of which he (she) is a citizen, if such license is required in accordance with the legislation of a foreign state.

In the absence of such license, in receiving of the application a registering body shall explain to persons, entering into marriage (matrimony) and primarily to a citizen of the Republic of Kazakhstan that their marriage (matrimony) may be recognized invalid in the country a citizen of which is a person with whom a citizen of the Republic of Kazakhstan enters into marriage (matrimony).

If despite such explanations the applicants insist on the state registration of conclusion of marriage (matrimony), this marriage (matrimony) shall be registered.

The state registration of conclusion of marriage (matrimony) of citizens of the Republic of Kazakhstan with oralmans shall be performed on common basis in accordance with the legislation of the Republic of Kazakhstan.

3. Conditions of conclusion of marriage (matrimony) by a stateless person in the territory of the Republic of Kazakhstan shall be determined by the legislation of the Republic

of Kazakhstan, if a person has a permanent place of residence in the territory of the Republic of Kazakhstan.

**Article 229. State registration of conclusion of marriage (matrimony) in foreign establishments of the Republic of Kazakhstan, diplomatic representations and foreign establishments of foreign states**

1. Marriage (matrimony) between citizens of the Republic of Kazakhstan, residing beyond the borders of the Republic of Kazakhstan shall be concluded in foreign establishments of the Republic of Kazakhstan.

2. Marriage (matrimony) between foreign persons, concluded in the territory of the Republic of Kazakhstan in diplomatic representations or consular institutions of foreign states shall be recognized valid if it is not inconsistent with the legislation of the Republic of Kazakhstan.

**Article 230. Recognition of marriage (matrimony), concluded beyond the borders of the Republic of Kazakhstan**

1. Marriage (matrimony) between citizens of the Republic of Kazakhstan and between citizens of the Republic of Kazakhstan and foreign persons or stateless persons, concluded beyond the borders of the Republic of Kazakhstan shall be recognized valid in the Republic of Kazakhstan, in compliance of legislation of the state in the territory of which it is concluded , with the exception of cases, provided by Articles 10 and 11 of this Code.

2. Marriage (matrimony) between foreign persons, concluded beyond the borders of the Republic of Kazakhstan in compliance with legislation of a state in the territory of which it is concluded shall be recognized valid in the Republic of Kazakhstan,, if it is not inconsistent with the legislation of the Republic of Kazakhstan.

**Article 231. Invalidation of marriage (matrimony), concluded in the Republic of Kazakhstan or beyond the borders of the Republic of Kazakhstan**

Invalidation of marriage (matrimony), concluded in the Republic of Kazakhstan or beyond the borders of the Republic of Kazakhstan shall be determined by the legislation of the Republic of Kazakhstan which was in force as from the date of conclusion of marriage (matrimony ).

**Article 232. Procedure for issue of certificates of marriageability**

1. Certificate of marriageability shall be issued to citizens, permanently residing or previously resided in the territory of the Republic of Kazakhstan for the state registration of conclusion of marriage (matrimony) beyond the borders of the Republic of Kazakhstan in form, established by the Ministry of Justice of the Republic of Kazakhstan.

2. Certificate of marriageability shall be issued by a registering body of oblast, city of republican significance, capital on the basis of inspections on archives of registering bodies on the day of application.

Inspection of existence of act register on state registration of conclusion of marriage ( matrimony) shall be performed from the age of sixteen years, if a person permanently lived in one administrative-territorial entity before departure from the Republic of Kazakhstan, in other case the certificate shall be issued from the date of residence in this territory.

3. In order to receive the certificate, an applicant shall present the following documents:

1) document, certifying identity;

2) certificate on dissolution of marriage (matrimony) or certificate of death of a spouse , if an applicant was married.

### **Article 233. State registration of marriage with a person in custody or serving a sentence in places of deprivation of liberty**

1. State registration of marriage with a person in custody or serving a sentence in places of deprivation of liberty shall be performed by registering authorities in the presence of persons entering into marriage, in a room determined by the administration of the relevant institution, at the place of detention or serving the punishment of the person in compliance with the conditions of entering into marriage, provided for by this Code.

2. State registration of marriage with a person in custody is made by the registering authority after notification of the person or the body in whose proceedings the case is.

**Footnote. Article 233 in the new wording of the Law of the Republic of Kazakhstan dated 18.04.2017 № 58-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

### **Article 234. Content of statement on conclusion of marriage (matrimony)**

1. Statement on conclusion of marriage (matrimony) shall include the following information:

1) last name (before and after conclusion of marriage (matrimony), first name, patronymic (in its existence), date and place of birth, age, citizenship, nationality if stated in the document, certifying identity, income source or place of work, place of residence and legal address, education, family status of each of each of persons, entering into marriage (matrimony );

2) information about common children;

3) reference details of the documents certifying identity of persons, entering into marriage (matrimony);

4) date of composition and number of the statement;

5) number of issued certificate on conclusion of marriage (matrimony).

2. In case of dissolution or recognition of marriage (matrimony) as invalid, the necessary information shall be introduced into the statement on conclusion of marriage (matrimony). Introduction of such information shall be performed on the basis of court decision of dissolution or recognition of marriage (matrimony) as invalid or the register on dissolution of marriage (matrimony) in registering bodies upon joint application of spouses.

**Article 235. Suspension of register on marriage conclusion of (matrimony) upon application of an interested person**

In case of receipt of application from interested person about existence of impediments for the state registration of conclusion of marriage (matrimony) before commitment of register on conclusion of marriage (matrimony), the head of a registering body shall be obliged to suspend register and require the presentation of relevant documentary proofs in the required time from an applicant. Term of register's suspension may not exceed one month.

**Article 236. Delivery of certificate on conclusion of marriage (matrimony) to spouses**

Certificate on conclusion of marriage (matrimony) shall be delivered to spouses on a day of the state registration of marriage (matrimony) at the place of its conclusion.

If it is necessary, the certificate on conclusion of marriage (matrimony) may be delivered to each of persons, entering into marriage (matrimony).

**Article 237. Certificate on conclusion of marriage (matrimony)**

Certificate on conclusion of marriage (matrimony) shall contain the following information :

1) last name (before conclusion of marriage (matrimony)), first name, patronymic (in its existence), date and place of birth, citizenship, nationality, if it is stated in the document, certifying identity of each of persons, entering into marriage (matrimony);

2) date of conclusion of marriage (matrimony);

3) date of composition and number of statement;

4) information about choice of spouses' last name;

5) place of state registration of conclusion of marriage (matrimony) - name of a registering body;

6) date of issue of certificate on conclusion of marriage (matrimony);

7) serial number of issued certificate on conclusion of marriage (matrimony).

## **Chapter 28. STATE REGISTRATION OF DISSOLUTION OF MARRIAGE (MATRIMONY)**

### **Article 238. Grounds for state registration of dissolution of marriage (dissolution)**

1. Grounds for the state registration of dissolution of marriage (matrimony) shall be the joint application of spouses on dissolution of marriage (matrimony), application of one of spouses, having the right for dissolution of marriage (matrimony) in prescribed manner, as well as the enforced court decision on dissolution of marriage (matrimony).

2. State registration of dissolution of marriage (matrimony) in registering bodies shall be performed on the basis of joint agreement for dissolution of marriage (matrimony) of spouses that don't have common minors, and on the basis of absence of property and other complaints to one another.

3. If spouses have minors, the state registration of dissolution of marriage (matrimony) shall be performed on the basis of court decision on dissolution of marriage (matrimony).

4. Irrespective of existence of the spouses' common minors, marriage (matrimony) shall be dissolved in registering bodies upon the application of one of spouses on the basis of:

1) enforced court decision on recognition of a spouse as missing;

2) enforced court decision on recognition of a spouse incapable or partially capable;

3) decret on conviction against a spouse for commission of a crime to deprivation of freedom for the period of not less than three years.

### **Article 239. Place of state registration of dissolution of marriage (matrimony)**

1. State registration of dissolution of marriage (matrimony) shall be performed in a registering body at the place of residence of spouses or one of them on the basis of joint application of the spouses.

2. In case of state registration of dissolution of marriage (matrimony) the application shall be submitted to a registering body at the place of residence of a spouse, submitted this application, on the basis of paragraph 4 of Article 238.

3. During state registration of dissolution of marriage (matrimony) on the basis of court decision of dissolution of marriage (matrimony), the state registration shall be performed by a registering body at the place of rendering of court decision on dissolution of marriage (matrimony).

4. State registration of dissolution of marriage (matrimony) of a citizen of the Republic of Kazakhstan shall be performed in a registering body at the place of residence of a citizen on the basis of enforced court decision of dissolution of marriage (matrimony) of foreign state

**Article 240. Terms of state registration of dissolution of marriage (matrimony) by joint application of spouses on dissolution of marriage (matrimony)**

State registration of dissolution of marriage (matrimony) shall be performed in the presence of persons dissolving marriage (matrimony) by a registering body upon expiry of one month from the date of submission of joint application on dissolution of marriage (matrimony).

Running of the term shall start on the next day after submission of application and shall be expired on the relevant date of next month. If this date falls on a legal holiday, the next business day shall be considered as the date of the end of term.

Monthly period may not be reduced.

If spouses may not come to a registering body for the state registration of dissolution of marriage (matrimony) on a certain day, they may repeatedly file an application for dissolution of marriage (matrimony) to a registering body which shall repeatedly fix the monthly period for the state registration of dissolution of marriage (matrimony).

**Article 241. Application on state registration of dissolution of marriage (matrimony)**

1. Form of application on dissolution of marriage (matrimony) shall be approved by the Ministry of Justice of the Republic of Kazakhstan by the mutual agreement of spouses that don't have common minors, on the state registration of dissolution of marriage (matrimony) on the basis of court decision on dissolution of marriage (matrimony), on the state registration of dissolution of marriage (matrimony) on the basis of: enforced court decision on recognition of a spouse as missing; enforced court decision on recognition of a spouse as incapable; decret on conviction against a spouse for commission of a crime to deprivation of freedom for the period of no less than three years.

2. Application on dissolution of marriage (matrimony) shall be accompanied with the marriage (matrimony) certificate on the grounds, provided by paragraphs 2 and 4 of Article 238 of this Code.

If spouses don't have this certificate and statement on conclusion of marriage (matrimony) was not preserved in a registering body, it is required to restore act register on marriage (matrimony).

An applicant shall present the following documents:

- 1) documents, certifying identity of persons, dissolving marriage (matrimony);
- 2) reasons for the state registration of dissolution of marriage (matrimony), provided by paragraph 4 of Article 238 of this Code;
- 3) conclusion of a body, carrying out the functions of trusteeship or guardianship on appointment of a trustee of the property of incapable or missing spouse;

4) document on payment of state duty.

3. Former spouses (each of them) or a trustee of incapable spouse may empower other persons to make the application on the state registration of dissolution of marriage (matrimony) on the basis of notarized power of attorney.

4. In case if one of spouses may not come to a registering body for the state registration of dissolution of marriage (matrimony) they shall be issued by the power of attorney for representation of his (her) interests in accordance with the Civil Code.

**Article 242. State registration of dissolution of marriage (matrimony) with a person, recognized as missing, incapable or convicted to the lengthy term of deprivation of freedom**

In case of state registration of dissolution of marriage (matrimony) with a person, recognized as missing, incapable or convicted for commission of a crime to the lengthy term of deprivation of freedom for the period of no less than three years, a registering body shall be obliged to notify a spouse, being in a prison or a trustee of incapable spouse or a trustee of the property of a spouse, recognized as missing within a week from the date of submission of the application, with settlement of a forty five days term from the date of receipt of a notice, during which they shall have the right to notify in written on existence of the disputes upon application on dissolution of marriage (matrimony).

**Article 243. Preservation or change of last name by spouses after dissolution of marriage (matrimony)**

A spouse that changed his (her) last name upon marriage (matrimony) to another shall specify about preservation of common last name or its change to premarital last name during the state registration of dissolution of marriage (matrimony) in the application on dissolution of marriage (matrimony).

**Article 244. State registration of dissolution of marriage (matrimony) with foreign persons or stateless persons**

1. Dissolution of marriage (matrimony) between citizens of the Republic of Kazakhstan and foreign persons or stateless persons, as well as marriage (matrimony) between foreign persons in the territory of the Republic of Kazakhstan shall be performed in accordance with the legislation of the Republic of Kazakhstan.

2. A citizen of the Republic of Kazakhstan, residing beyond the borders of the Republic of Kazakhstan shall have the right to dissolve marriage (matrimony) with a spouse, residing beyond the borders of the Republic of Kazakhstan independently from his (her) citizenship in a court of the Republic of Kazakhstan. In case if it is allowed to dissolve a marriage (matrimony) in registering bodies in accordance with the legislation of the Republic of Kazakhstan, the marriage (matrimony) may be dissolved in foreign establishments of the Republic of Kazakhstan.

3. Dissolution of marriage (matrimony) between citizens of the Republic of Kazakhstan and foreign persons or stateless persons, committed beyond the borders of the Republic of



Kazakhstan shall be recognized valid in the Republic of Kazakhstan in compliance of the legislation of a relevant foreign state.

4. Dissolution of marriage (matrimony) between foreign persons, committed beyond the borders of the Republic of Kazakhstan shall be recognized valid in the Republic of Kazakhstan in compliance of the legislation of a relevant foreign state.

#### **Article 245. Content of statement on dissolution of marriage (matrimony)**

The following information shall be introduced into the statement on dissolution of marriage (matrimony):

1) last name (before and after dissolution of marriage (matrimony)), first name, patronymic (in its existence), date and place of birth, age, citizenship, nationality if it is stated in the document, certifying identity, place of residence and legal address, education, income source or place of work, information of number of marriages (matrimonies) of each of former spouses;

2) date of creation, number of statement on dissolution of marriage (matrimony) and name of a registering body in which the state registration of conclusion of marriage (matrimony) is performed;

3) document, being the reason for dissolution of marriage (matrimony);

4) date of termination of marriage (matrimony);

5) reference details of documents, certifying identity of persons dissolved marriage (matrimony);

6) information of payment of a state duty;

7) information on an applicant;

8) serial number of certificate on dissolution of marriage (matrimony).

#### **Article 246. Issue of certificate on dissolution of marriage (matrimony)**

Certificate of a standard form on dissolution of marriage (matrimony) shall be issued to each of spouses at the place of state registration of dissolution of marriage (matrimony) by a registering body upon their application independently from the time of the state registration of dissolution of marriage (matrimony) on the basis of statement on dissolution of marriage (matrimony).

#### **Article 247. Certificate on dissolution of marriage (matrimony)**

Certificate on dissolution of marriage (matrimony) shall contain the following information:

- 1) first name, patronymic (in its existence), last name (before and after dissolution of marriage (matrimony), date and place of birth, citizenship, nationality if it is stated in the document, certifying identity of each of former spouses;
- 2) information about the document, being the reason for the state registration of dissolution of marriage (matrimony);
- 3) date of termination of marriage (matrimony);
- 4) date of creation and number of statement on dissolution of marriage (matrimony);
- 5) first name, patronymic (in its existence), last name of a person that is issued by the certificate on dissolution of marriage (matrimony);
- 6) date of issue and name of a registering body, issued the document;
- 7) serial number of the certificate on dissolution of marriage (matrimony).

In case if marriage (matrimony) is dissolved in a judicial proceeding, the date of the enforcement of court decision on dissolution of marriage (matrimony) shall be stated in the certificate on dissolution of marriage (matrimony).

## **Chapter 29. STATE REGISTRATION OF ADOPTION OF A CHILD**

### **Article 248. Basis for a state registration of adoption of a child**

Adoption of a child shall be registered in a registering body on the basis of enforced court decision on adoption and the application of legal representatives of a child.

Adoption may be performed only after a birth statement of a child or restoration of the lost birth statement of a child.

Information of a child and adoptive parents shall be introduced into the statement on adoption in accordance with information, mentioned in the court decision.

### **Article 249. Place of state registration of adoption of a child**

State registration of adoption of a child shall be performed in a registering body at the place of rendering of court decision on adoption, birth or location of a child.

### **Article 250. Application on state registration of adoption of a child**

1. State registration of adoption of a child shall be performed upon written application of an adoptive parent upon presentation of documents, certifying identity, and duplicates of enforced court decision on adoption.

The form of application on the state registration of adoption of a child shall be established by the Ministry of Justice of the Republic of Kazakhstan.

Adoptive parents shall have the right to empower in a written notarized form other persons on submission of the application on state registration of adoption.

2. In case if adoptive parents or an authorized person don't make an application on the state registration of adoption of a child within one month from the date of enforcement of the court decision on adoption, a registering body shall independently perform the register on state registration of adoption of a child on the basis of received decision from the court, copy of decision or abbreviate from the court decision on adoption.

#### **Article 251. State registration of adoption of a child by foreign persons**

1. State registration of adoption, including the cancellation of adoption of a child, being a citizen of the Republic of Kazakhstan by foreign persons in the territory of the Republic of Kazakhstan, shall be performed in accordance with the legislation of the Republic of Kazakhstan in compliance with requirements of this Code.

2. Control of children, transferred for adoption by foreign persons shall be carried out by foreign establishments of the Republic of Kazakhstan and an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan.

#### **Article 252. Content of a statement on adoption of a child**

The following information shall be introduced into the statement on adoption of a child:

1) first name, patronymic (in its existence), last name before and after state registration of adoption of a child;

2) date, place of birth and citizenship of a child;

3) first name, patronymic (in its existence), last name, citizenship, nationality of parents in its existence in birth statement or birth certificate;

4) date of composition and number of statement on adoption, name of a registering body that performed the state registration of birth of a child;

5) date of composition of the act on adoption;

6) names, patronymics (in their existence), last names, citizenship, nationality if it is stated in the documents, certifying identity, income source or place of work, place of permanent residence of adoptive parents;

7) if adoptive parents are registered as parents of a child;

8) information on the document, being the basis for the state registration of adoption;

9) serial number of certificate on adoption.

#### **Article 253. Issue of certificate on adoption and new child's birth certificate**

Certificate on adoption shall be issued by a registering body at the place of the state registration to adoptive parents. In case of change of the date and place of birth, last name, first name, patronymic of an adopted child, as well as records in registers of birth of an adoptive parent in capacity of the parent of an adopted child, the new child's birth certificate shall be issued.

In case of adoption of two or more children, the certificate on adoption shall be issued for each of children.

#### **Article 254. Certificate on adoption**

The certificate on adoption shall contain the following information:

1) first name, patronymic (in its existence), last name, place of birth of an adopted child;

2) basis for the state registration of adoption;

3) names, patronymics (in their existence), last names of adoptive parents;

4) name, patronymic (in its existence), last name of a child, given after the state registration of adoption;

5) date, place of the state registration, name of a registering body;

6) date of issue of certificate on adoption;

7) serial number of certificate on adoption.

#### **Article 255. Annulment of statement on adoption**

1. Statement on adoption shall be annulled on the basis of enforced court decision on cancellation of adoption or on recognition of adoption as invalid.

2. Application on annulment of adoption shall be submitted by parents of a child, if adoption was cancelled upon their application, or by authority body, carrying out the functions of trusteeship or guardianship, if cancellation of adoption followed upon its request.

#### **Article 256. Protection of adoption secrecy of a child by registering bodies**

1. Employees of registering bodies shall not have the right to notify any information on adoption and deliver the documents, from the content of which it is obvious that adoptive parents are not the natural parents of an adopted child.

2. Information on adopted child shall be presented exceptionally upon the request of state bodies within their competence, established by the Laws of the Republic of Kazakhstan.

#### **Chapter 30. STATE REGISTRATION OF CHANGE OF FIRST NAME, PATRONYMIC, LAST NAME**

##### **Article 257. Basis for state registration of change of first name, patronymic, last name**

State registration of change of first name, patronymic, last name shall be performed by registering bodies upon personal application of a person, attained the age of sixteen years and willing to change the first name and (or) patronymic, last name.

Change of first name, patronymic, last name shall be performed by the following justifiable reasons:

- 1) dissonance of first name, patronymic, last name;
- 2) difficulty of pronunciation of first name, patronymic, last name;
- 3) wish of a spouse to have a common last name with the other spouse, if during the state registration of marriage (matrimony) they preserved premarital last names;
- 4) wish to have premarital last name if it is not declared upon dissolution of marriage (matrimony);
- 5) wish to have a common last name with children from the previous marriage( matrimony);
- 6) wish to have a premarital last name in case of death of a spouse;
- 7) wish to have a common last name with children in case of death of a spouse, and if an applicant had premarital last name;

8) wish to have first name and (or) last name that are consistent with the chosen nationality of one of parents (when parents have different nationalities) by an applicant;

9) wish to have first name, factually well-established in life that is different from the first name in documents;

10) wish to have premarital last name if the last name of a spouse was taken upon entering into marriage (matrimony);

11) wish to have last name by the name of a father or grandfather as national tradition demands;

12) wish to have last name and patronymic by the last name and first name of a person, factually nurtured an applicant;

13) wish to have first name, patronymic, last name that are consistent with the chosen gender in case of transsexual surgery.

#### **Article 258. Place of state registration of change of first name, patronymic, last name**

The application on change of first name, patronymic, last name shall be submitted to a registering body at the place of residence of an applicant.

In case of fulfillment of application on change of first name, patronymic, last name, the state registration shall be performed at the place of residence of a citizen.

#### **Article 259. Application on change of first name, patronymic, last name**

The application on change of first name, patronymic, last name shall contain the following information:

- 1) first name, patronymic (in its existence), last name of an applicant;
- 2) chosen first name, patronymic, last name;
- 3) reasons for change of first name, patronymic, last name.

#### **Article 260. Terms for consideration of application on state registration of change of first name, patronymic, last name**

Consideration of application on change of first name, patronymic, last name shall be performed in a registering body in the manner, established by the legislation of the Republic of Kazakhstan on the order of consideration of applications by individuals and legal entities.

#### **Article 261. List of documents accompanied to application on change of first name, patronymic, last name**

The application on change of first name, patronymic, last name shall be accompanied with the following documents, confirmed the reasons owing to which an applicant requires to change first name, patronymic, last name:

- 1) birth certificate of an applicant;
- 2) certificate on conclusion of marriage (matrimony) if an applicant is married;
- 3) birth certificate of a child if an applicant has minors;
- 4) certificate on adoption or certificate on establishment of paternity, if such were registered by registering bodies;
- 5) certificate on dissolution of marriage (matrimony), if an applicant requires for possession of premarital last name due to dissolution of marriage (matrimony);
- 6) two photos of an applicant.

In case of necessity, the additional documents, confirming the reasons owing to which an applicant requires to change the first name, patronymic, last name shall be reclaimed.

#### **Article 262. Refusal in state registration of change of first name, patronymic, last name**

Refusal of a registering body to change first name, patronymic, last name may be appealed in a judicial proceeding.

#### **Article 263. Content of statement on change of first name, patronymic, last name**

The following information shall be introduced into the statement on change of first name, patronymic, last name:

- 1) first name, patronymic (in its existence), last name of a person before and after the state registration;
- 2) date, place of birth;
- 3) citizenship, nationality, if it is stated in the documents, certifying identity;
- 4) place of registration, date of composition and number of birth statement;
- 5) basis for statement on change of first name, patronymic, last name;

- 6) reference details of the documents, certifying identity;
- 7) information on payment of state duty;
- 8) date of issue and name of a registering body, issued the document;
- 9) serial number of the certificate on change of first name, patronymic, last name.

**Article 264. Information, being subject to be changed due to change of first name, patronymic, family name**

In connection with change of first name, patronymic, last name on the ground of the statement on this, the changes shall be introduced only into the birth statement of a person, in respect of whom it is made. Introduction of changes shall not be performed into other statements.

Certificate on change of first name, patronymic, last name of established standard form shall be presented in confirmation of performed change of first name, patronymic, last name.

**Article 265. Issue of certificate on change of first name, patronymic, last name**

After committing the state registration of change of first name, patronymic, last name, a citizen shall be issued by the certificate on change of first name, patronymic, last name.

The certificate on change of first name, patronymic, last name shall be issued at the place of the state registration only to a person in respect of whom the change is performed.

**Article 266. Certificate on change of first name, patronymic, last name**

Certificate on a change of first name, patronymic, last name shall contain the following information:

- 1) first name, patronymic (in its existence), last name before and after the state registration on change of first name, patronymic, last name;
- 2) date and place of birth;
- 3) date of composition and number of statement on change of first name, patronymic, last name;
- 4) name of a registering body, performed the state registration of change of first name, patronymic, last name;
- 5) date of issue of certificate on change of first name, patronymic, last name;



6) serial number of certificate on change of first name, patronymic, last name.

## **Article 267. List of state bodies, notified of the change of first, patronymic, surname of a citizen**

In the event of a change in the name, patronymic and surname of a citizen, a notification about this is sent to the internal affairs bodies, the National Security Committee, the prosecutor's office, local military authorities, the anti-corruption service, the state revenue body at the place of permanent residence of the citizen, as well as the registering authority at the place of state registration of the birth within a week period.

Footnote. Article 267 in the new wording of the Law of the Republic of Kazakhstan dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Chapter 31. STATE REGISTRATION OF DEATH**

### **Article 268. Basis for state registration of death**

Basis for state registration of death shall be:

1) a document of established form on death, issued by a healthcare organization;

2) enforced court decision on establishment of the facts of death or declaration of a person as decedent.

### **Article 269. Place of state registration of death**

The state registration of death shall be performed in the registering bodies at the place of residence of a decedent or at the place of his (her) death.

### **Article 270. Application for registration of death**

1. The application on death shall be submitted in writing or verbally by persons, residing jointly with a decedent, and in case of absence of such persons - by neighbours, employees of housing management, local executive bodies, administration of an organization where a decedent was maintained or where a person died, or by law enforcement bodies, detected a dead body.

2. The application on state registration of death of persons whose bodies are unidentified and unclaimed shall be submitted in written form by a civil servant of an organization of medical examination at the place of location of a decedent.

3. The following information on a decedent shall be stated in the application on death by an applicant: first name, patronymic (in its existence), last name, year of birth, the last place of residence of a decedent and his (her) family status, year, month and day of death, reason of death, as well as first name, patronymic (in its existence), last name and place of residence of a person, made the application on death.

4. During registration of death, the documents, certifying identity, military card of a decedent shall be subject to surrender to a registering body.

Footnote. Paragraph 270 as amended by the Law of the Republic of Kazakhstan dated 29.01.2013 No. 74-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 271. State registration of death of persons whose bodies are unidentified and unclaimed**

State registration of death of persons whose bodies are unidentified and unclaimed shall be performed by registering bodies at the place of location of dead body or at the place of drawing a conclusion of a medical examination.

At the state registration of death of persons whose bodies are unidentified, information which is necessary for the state registration contained in a medical certificate of death shall be introduced into the death statement.

If thereafter a decedent is identified, missing information about him (her) shall be introduced into the death statement, on the basis of medical certificate of death and written request of an applicant without composition of conclusion.

Certificate of death in the form, established by the Ministry of Justice of the Republic of Kazakhstan shall be issued to the relevant service of local executive bodies on the state registration of persons, whose bodies are unidentified and unclaimed.

#### **Article 272. Content of death statement**

The following information shall be introduced into the death statement:

- 1) first name, patronymic (in its existence), last name, date and place of birth, last place of residence, gender, citizenship, nationality if it is stated in the document, certifying identity, date and place of death of a decedent;
- 2) cause of death on the basis of the document, confirming the fact of death;
- 3) document, confirming the fact of death;
- 4) first name, patronymic (in its existence), last name, place of residence of an applicant or name and legal address of a body, an organization which made the death statement;
- 5) serial number of certificate of death.

#### **Article 273. Issue of certificate of death**

Certificate of death shall be issued to close relatives of a decedent, being the part of circle of his (her) heirs, or to citizens in care of whom was a decedent, as well as to

representatives of administration of state organizations in which a decedent lived or endured the punishment, after commitment of the state death statement.

Certificate of death shall be issued to other relatives by notification of a notary officer that has the inheritance case.

Certificate of death of persons whose bodies are unidentified and unclaimed shall be issued only after introduction of all necessary information to death statement.

#### **Article 274. Certificate of death**

Certificate of death shall contain the following information:

- 1) first name, patronymic (in its existence), last name, date and place of birth, age of a decedent, date and place of death;
- 2) date of composition and number of death statement;
- 3) date of issue and name of a registering body, issued the document;
- 4) serial number of certificate of death.

### **SECTION 7. APPLICATION OF REGULATIONS OF MARRIAGE AND FAMILY LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN**

#### **Chapter 32. APPLICATION OF REGULATIONS OF MARRIAGE AND FAMILY LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN TO FOREIGN PERSONS AND STATELESS PERSONS**

#### **Article 275. Personal non-property and property rights and obligations of spouses**

Personal non-property and property rights and obligations of spouses shall be determined by the legislation of a state in the territory of which they have joint place of residence, and in the absence of joint place of residence - by the legislation of a state, in the territory of which they had the last joint place of residence. Personal non-property and property rights and obligations of spouses that had no joint the place of residence before shall be determined in the territory of the Republic of Kazakhstan by the legislation of the Republic of Kazakhstan.

#### **Article 276. Establishment and contestation of paternity (maternity)**

1. Establishment and contestation of paternity (maternity) shall be determined by the legislation of a state of which a child is a citizen by birth.

2. In the territory of the Republic of Kazakhstan, the procedure for establishment and contestation of paternity (maternity) shall be determined by the legislation of the Republic of Kazakhstan. In cases if the legislation of the Republic of Kazakhstan permits establishment of paternity (maternity) in registering bodies, parents of a child, residing beyond the borders of the Republic of Kazakhstan, at least one of whom is a citizen of the Republic of Kazakhstan

shall have the right to apply with the application on establishment of paternity (maternity) to foreign establishments of the Republic of Kazakhstan.

#### **Article 277. Rights and obligations of parents and children**

Rights and obligations of parents and children, including parental obligation to maintain children shall be determined by the legislation of a state in the territory of which they have joint abiding place. In the absence of joint abiding place of parents and children, the rights and obligations of the parents and children shall be determined by the legislation of a state of which a child is a citizen. The legislation of a state in the territory of which a child lives, may be applied upon request of a plaintiff to the alimentary obligations and other relations between parents and children.

#### **Article 278. Alimentary obligations of children, attained the age of majority, as well as other family members**

Alimentary obligations in behalf of parents, as well as alimentary obligations of other family members shall be determined by the legislation of a state in the territory of which they have joint abiding place. In the absence of joint abiding place such obligations shall be determined by the legislation of a state of which a person is a citizen, holding the rights to receive the alimony.

#### **Article 279. State registration of acts of civil status of citizens of the Republic of Kazakhstan residing beyond the borders of the Republic of Kazakhstan**

1. State registration of acts of civil status in respect of citizens of the Republic of Kazakhstan, permanently or temporarily residing outside the Republic of Kazakhstan, is carried out by foreign institutions of the Republic of Kazakhstan, and the records made by them are transferred to the registering authority of the capital administration of the Republic of Kazakhstan.

2. During the state registration of acts of civil status in foreign establishments of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan shall be applied if interested persons are the citizens of the Republic of Kazakhstan.

**Footnote. Article 279 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 280. Recognition of the documents of foreign states, confirming commitment of acts of civil status**

Documents, issued by competent bodies of foreign states, confirming commitment of acts of civil status beyond the borders of the Republic of Kazakhstan, in accordance with the Law of the relevant states in respect of citizens of the Republic of Kazakhstan, foreign persons and stateless persons shall be recognized valid in the Republic of Kazakhstan, if they are not inconsistent with the legislation of the Republic of Kazakhstan, and in existence of a consular certification or a special stamp (apostille).

Competent bodies of the Republic of Kazakhstan shall be obliged to provide cooperation for refugees and forced migrants to receive marriage (matrimony) certificates, birth certificates and other documents of civil status at the place of previous residence.

### **Chapter 33. CONCLUDING AND TRANSITIONAL PROVISIONS**

#### **Article 281. Responsibility for violation of marriage and family legislation of the Republic of Kazakhstan**

Violation of marriage and family legislation of the Republic of Kazakhstan shall entail responsibility, established by the Laws of the Republic of Kazakhstan.

#### **Article 282. Order of application of this Code**

1. This Code applies to legal relationships that arose after its enactment.

2. Adoption agencies that have received accreditation in the territory of the Republic of Kazakhstan before the day of putting into effect the provisions of subparagraphs 8), 9) and 10) of paragraph 2 of Article 112 of this Code are obliged, within one year from the date of introduction of the provisions of these sub-paragraphs, to submit corresponding obligations to the authorized body for protection of children's rights of the Republic of Kazakhstan.

3. Upon expiration of the period specified in paragraph 2 of this article, adoption agencies that have not submitted obligations in accordance with the requirements of the subparagraphs 8), 9) and 10) of paragraph 2 of Article 112 of this Code shall cease their activity on the territory of the Republic of Kazakhstan.

**Footnote. Article 282 in the new wording of the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 283. Order of enforcement of this Code**

1. This Code enters into force upon expiry of ten calendar days from its first official publication.

2. Declare to be no longer in force the Law of the Republic of Kazakhstan dated 17 December, 1998 "On marriage and family" (Bulletin of the Parliament of the Republic of Kazakhstan, 1998, No. 23, Article 430; 2001, No. 24, Article 338; 2004, No. 23, Article 142; 2006, No. 1, Article 5; 2007, No. 3, Article 20; No. 9, Article 67; No. 20, Article 152; 2011, No. 6, Article 49).

The President	
of the Republic of Kazakhstan	N. Nazarbayev

