Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

11 June 1998 [shall come into force on 4 July 1998];

24 October 2002 [shall come into force on 20 November 2002];

10 March 2005 [shall come into force on 7 April 2005];

2 February 2012 [shall come into force 13 February 2012];

29 October 2015 [shall come into force on 3 December 2015];

7 April 2022 [shall come into force on 1 May 2022].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The Supreme Council of the Republic of Latvia has adopted a law:

**On the Time of Coming into Force and the Procedures for the Application of the Part on Family Law of the Renewed Civil Law of 1937 of the Republic of Latvia**

[*29 October 2015*]

**Section 1.**It shall be determined that the part on family law, Sections 11–15 of the introduction of the renewed Civil Law of 1937 of the Republic of Latvia and this Law shall come into force on 1 September 1993.

Family legal relations, and also guardianship and trusteeship relations which have arisen before 1 September 1993 shall be adjudged in accordance with the laws which were in force until 31 August 1993 insofar as it has not been laid down otherwise in this Law.

**Section 2.**Entering into marriage in General Registry Offices according to the applications which have been submitted by 31 August 1993 may take place from 1 September 1993 only if it conforms to the provisions for entering into marriage provided for in the Civil Law in conformity with the procedures in regard to announcement.

If an application for entering into marriage until 31 August 1993 was submitted to a General Registry Office, but the persons who submitted such application wish to enter into marriage by a minister, they have the right to enter into marriage by a minister on the basis of such application. For this purpose the General Registry Office shall issue an application to the persons who have applied the registration of marriage with a relevant note for the submission thereof to a minister.

**Section 3.**Marriage which has been entered into by a minister shall cause legal consequences only if it has been entered into in accordance with the requirements provided for in the Civil Law and not earlier than on 1 September 1993.

**Section 4.**Cases regarding the declaration of the marriage as annulled which are in court proceedings until 31 August 1993 shall be adjudged, from 1 September 1993, in accordance with the grounds for the annulment of marriage provided for in the Civil Law. If the marriage is not to be declared as annulled in accordance with the provisions of the Civil Law, the claim shall be rejected.

A court may declare the marriage as annulled regardless of whether it has been entered into in a General Registry Office or by a minister of the relevant denomination.

**Section 5.**Applications for the divorce in accordance with Sections 39 and 40 of the Marriage and Family Code of Latvia which had been submitted to a General Registry Office by 31 August 1993 but have not yet been examined by this date shall cease to be in effect from 1 September 1993.

Divorce case which have not been examined in a court by 31 August 1993 shall be adjudged, from 1 September 1993, in accordance with the provisions of the Civil Law regarding the divorce.

**Section 6.**If the marriage has been dissolved in a court and the judgment has entered into effect by 31 August 1993, the spouses may submit such judgment for the registration of the divorce with a General Registry Office by 31 August 1994. After the abovementioned date such judgment on the divorce shall not provide grounds anymore for the registration of the divorce, except when one of the spouses has registered the divorce.

In registering the divorce with the General Registry Office, the divorce certificates shall not be issued from 1 September 1993. The evidence of the divorce shall be an extract or a statement from the entry in the divorce act or an extract or a statement from the Marriage Register with information on the divorce.

[*24 October 2002; 10 March 2005*]

**Section 7.**From 1 September 1993, the mutual maintenance obligation of the former spouses shall be adjudged in accordance with the provisions of the Civil Law regardless of when the marriage has been dissolved or declared as annulled.

**Section 8.**From 1 September 1993, the provisions of the Civil Law regarding the property relations of the spouses shall also apply to such spouses who have entered into marriage before 1 September 1993. In adjudging disputes regarding property, the law which was in force at the moment when the marital relations ended shall be applicable. The limitation period for such claims shall become effective in accordance with the provisions of the Civil Law.

**Section 9.**The contract for the property relations of spouses may also be entered into if the marriage has been entered into before 1 September 1993.

The marriage contracts entered into until 31 August 1993 which were not provided for by the law at the time shall be in effect if they conform to the provisions of the Civil Law. Such contracts may be registered in the Spousal Property Relations Register, allowing amendments to the content of such contracts.

The Spousal Property Relations Register shall be kept by the Enterprise Register of the Republic of Latvia.

The given name, surname, personal identity number, and also whether there is joint ownership or separation of the property of the spouses shall be entered in the Spousal Property Relations Register.

The Spousal Property Relations Register is a public register in which everyone can look into and receive extracts and statements from it.

The regulations regarding the Spousal Property Relations Register shall be issued by the Cabinet, determining the amount of information to be included in the register and the procedures for making entries, and also the procedures for issuing extracts and statements.

[*11 June 1998; 24 October 2002*]

**Section 10.**The provisions of the Civil Law regarding the determination of filiation of children (Sections 146–161 of the Civil Law) shall also be applicable to the children who were born until 31 August 1993 if their birth is registered after this date.

The provisions regarding voluntary recognition of the paternity of a child or its determination in a court shall also apply to children whose birth was already registered before 1 September 1993.

[*10 March 2005*]

**Section 11.**Contesting of filiation of a child in relation to children who were born before 1 September 1993 shall, after 1 September 1993, take place in accordance with the provisions of the Civil Law if the time limit specified in Section 58.1 of the Marriage and Family Code of Latvia has not expired until this date.

[*10 March 2005*]

**Section 12.**Adoption files which are in the record-keeping of guardianship and trusteeship institutions and have not been decided on until 31 August 1993 shall be adjudged, from 1 September 1993, in accordance with the provisions of Section 162–171 of the Civil Law.

Upon request of an adoptee, a General Registry Office may amend the date of his or her birth and the place of his or her birth according to the initial entry in the Birth Register on the place of birth and the date of birth of the adoptee if adoption by which the place of birth and the date of birth have been changed for the adoptee has been confirmed until 31 August 1993.

[*29 October 2015*]

**Section 13.**Cases regarding the declaration of the adoption as annulled or its revocation which have not been examined by a court until 31 August 1993 shall be adjudged, from 1 September 1993, in accordance with the provisions of the Civil Law for the revocation of the adoption.

**Section 14.**Adoption of a person of legal age in itself shall not change the citizenship of such person.

**Section 15.**The relations arising from parental authority, guardianship, or trusteeship which have emerged until 31 August 1993 and continue after this date shall be adjudged, from 1 September 1993, in accordance with the provisions of the Civil Law.

The guardians and trustees already appointed for minors shall continue the fulfilment of the obligations of a guardian in accordance with the requirements of the Civil Law.

Cases regarding the recovery of maintenance for the child, amending the amount of maintenance, or release from the payment thereof, and also cases regarding the recovery of maintenance for the purpose of maintaining parents and grandparents shall be adjudged, from 1 September 1993, in accordance with the provisions of the Civil Law (Sections 179 and 188).

**Section 16.**Cases regarding the recognition of a person as lacking capacity to act or regarding restriction of the capacity to act of a person (Sections 15 and 16 of the Civil Code of Latvia) which have not been examined in a court by 31 August 1993 shall be adjudged, from 1 September 1993, in accordance with the provisions of the Civil Law.

**Section 17.**Cases regarding the recognition of a person as missing which are in court proceedings and have not been examined by 31 August 1993 shall be terminated, but cases regarding the declaration of a person as presumed dead shall be adjudged, from 1 September 1993, in accordance with the provisions of Sections 377 and 378 of the Civil Law.

**Section 18.**Until restoration of the courts of rural territories and Orphan’s and Custody Courts, the functions of the courts of rural territories and Orphan’s and Custody Courts provided for in the part on family law of the Civil Law shall be fulfilled by the local governments for the time being.

Until adoption of the law on civil status acts, the functions of General Registry Offices provided for in the part on family law of the Civil Law shall be fulfilled also by councils of rural territories and the councils of such towns where there is no General Registry Office.

**Section 19.**The following shall be repealed:

1) the Marriage and Family Code of Latvia;

2) Sections 9–22 of the Civil Code of Latvia;

3) Section 26 of the Law of the Republic of Latvia of 7 July 1992 On the Time and the Procedures for the Coming into Force of the Introduction, Parts on Inheritance Rights and Property Rights of the Renewed Civil Law of 1937 of the Republic of Latvia.

**Section 20.**The Council of Ministers of the Republic of Latvia shall be assigned to draft and, by 15 July 1993, submit the following draft laws for examination:

1) on civil status acts;

2) on courts of rural territories and Orphan’s and Custody Courts (guardianship and trusteeship);

3) on amendments to the Civil Law of the Republic of Latvia, the Latvian Code of Civil Procedure, and other laws.

**Section 21.**From 13 February 2012 until the day when amendments to the Civil Law, the Civil Procedure Law, and the Law on Orphan’s and Custody Courts regarding the restriction of the capacity to act of a person and the establishment of trusteeship due to a mental illness (hereinafter – amendments to the relevant laws) come into force, a court:

1) may establish temporary trusteeship in conformity with the provisions of Sections 22, 23, and 24 of this Law;

2) shall suspend the cases in court proceedings regarding the recognition of a person as lacking the capacity to act or establishment of trusteeship in conformity with the provisions of Section 25 of this Law;

3) shall suspend the cases in court proceedings or give a judgment on the recognition of a person capable to act and termination of trusteeship in conformity with the provisions of Section 26 of this Law.

Until the day of coming into force of the relevant amendments to the laws, the provisions of the Civil Law, the Civil Procedure Law, and the Law on Orphan’s and Custody Courts regarding recognition of a person as lacking the capacity to act and establishment of trusteeship, and also regarding recognition of a person as capable to act and terminating trusteeship shall be applicable insofar as they are not in contradiction with that laid down in Sections 22–26 of this Law.

[*2 February 2012*]

**Section 22.**A court may take the decision on the establishment of temporary trusteeship for a person and his or her property if the person is lacking mental capacity due to a mental illness or mental deficiency, he or she does not understand the meaning of his or her actions, is not able to exercise his or her rights and fulfil his or her obligations independently and if it is done in the interests of the person and is the only way of protecting the rights of the person.

An application to a court for the establishment of temporary trusteeship may be submitted by the person himself or herself, his or her children, his or her brother of true blood, his or her sister of true blood, parents, spouse, or a prosecutor. If temporary trusteeship is not established in the cases in court proceedings by 12 February 2012, the relevant request may be submitted by a participant to the case.

An application to a court for the establishment of temporary trusteeship shall be submitted according to the jurisdiction specified in Section 264 of the Civil Procedure Law.

The extent of trusteeship to be established shall be indicated in the application.

The submitter of the application for the establishment of temporary trusteeship is exempted from payment of court expenditures.

[*2 February 2012*]

**Section 23.**A court shall examine an application for the establishment of temporary trusteeship in a closed hearing in accordance with the procedures laid down in Section 266 of the Civil Procedure Law without determining a forensic expert-examination.

A court shall establish temporary trusteeship to the extent as to ensure the management of matters corresponding to the interests of the person and to protect the person from the consequences of such actions which he or she is unable to understand and manage.

The decision on the establishment of temporary trusteeship shall enter into effect without delay and shall be in effect until the day when another ruling in this matter or the final ruling in the case enters into effect.

The decision on the establishment of temporary trusteeship shall be sent to an Orphan’s and Custody Court for enforcement.

An ancillary complaint may be submitted regarding the decision of the court for the establishment of temporary trusteeship. Submission of an ancillary complaint shall not stay the enforcement of the decision.

[*2 February 2012*]

**Section 24.**A temporary trustee shall act in the interests of the person under trusteeship to the extent stipulated by the court.

[*2 February 2012*]

**Section 25.**In cases regarding the recognition of a person as lacking the capacity to act and establishment of trusteeship which are in court proceedings, temporary trusteeship shall be established in accordance with the procedures laid down in Sections 22 and 23 of this Law.

A court shall suspend court proceedings in cases regarding the recognition of a person as lacking the capacity to act and establishment of trusteeship until the day when amendments to the relevant laws come into force. Suspension of court proceedings shall not be a hindrance for the submission of an application for the establishment of temporary trusteeship. In such case the court shall restore court proceedings for the period of the examination of the application.

After coming into force of amendments to the relevant laws, the court shall restore court proceedings upon its own initiative, upon request of a participant to the case or a temporary trustee. When restoring court proceedings, the court shall explain to the applicant his or her right to amend the subject-matter and justification of the application in conformity with amendments to the relevant laws.

[*2 February 2012*]

**Section 26.**An application for the recognition of a person as capable to act and termination of trusteeship may be submitted by a prosecutor, an Orphan’s and Custody Court, and also the person himself or herself.

A court shall suspend court proceedings in the case regarding the recognition of a person as capable to act and termination of trusteeship until the day when amendments to the relevant laws come into force, except for the case referred to in Paragraph three of this Section.

If the court establishes based on evidence that the person understands the meaning of his or her actions, is able to exercise his or her rights, to perform his or her obligations, and to ensure the protection of his or her interests independently, the court shall give a judgment on the recognition of the person as capable to act and shall terminate trusteeship. The court shall send the judgment for enforcement in accordance with the procedures laid down in Section 270, Paragraphs three and four of the Civil Procedure Law.

After coming into force of amendments to the relevant laws, the court shall restore court proceedings in cases regarding the recognition of a person as capable to act and termination of trusteeship upon its own initiative, upon an application of a participant to the case or a temporary trustee. When restoring court proceedings, the court shall explain to the applicant his or her right to amend the subject-matter and justification of the application in conformity with amendments to the relevant laws.

[*2 February 2012*]

**Section 27.**In divorce cases which have not been examined in a court on the merits by 30 April 2022, the provisions of Sections 72, 74, and 76 of the Civil Law which came into force on 1 May 2022 shall be applied.

[*7 April 2022*]

Chairperson of the Supreme Council of the Republic of Latvia A. Gorbunovs

Secretary of the Supreme Council of the Republic of Latvia I. Daudišs

Rīga, 25 May 1993