

## **French Civil Code**

### **BOOK I. Of Persons.**

**Decreed 25th of March, 1803. Promulgated the 2d of April.**

#### **TITLE VIII.**

##### *Of Adoption and Friendly Guardianship.*

#### **CHAPTER I.**

##### *Of Adoption.*

##### **SECTION I.**

##### *Of Adoption and its Effects.*

343. Adoption is not permitted to persons of either sex, except to those above the age of fifty years, and who at the period of adoption shall have neither children nor legitimate descendants, and who shall be at the least fifteen years older than the individuals whom they propose to adopt.
344. No one can be adopted by more than one person, except by husband and wife. Except in the case in article 366, no married person can adopt without the consent of the other conjunct.
345. The faculty of adoption shall not be exercised except towards an individual, for whom, during minority, and for a period of at least six years, the party shall have supplied assistance, and employed uninterrupted care, or towards one who shall have saved the life of the party adopting, either in a fight, or in rescuing him from fire or water. It shall suffice, in this latter case, that the adopter have attained majority, be older than the adopted, without children, or lawful descendants, and if married, that his conjunct consent to the adoption.
346. Adoption shall not, in any case, take place before the majority of the adopted party. If the adopted having father and mother, or one of them, has not completed his twenty-fifth year, he shall be bound to produce the consent of his father and mother, or the survivor, to his adoption; and if he is more than twenty-five years of age, to require their counsel.
347. The adoption shall confer the name of the adopter on the adopted, in addition to the proper name of the latter.
348. The adopted shall continue in his own family, and shall there retain all his rights: nevertheless, marriage is prohibited,  
Between the adopter, the adopted, and his descendants;  
Between adopted children of the same individual;  
Between the adopted, and the children who may be born to the adopter;  
Between the adopted and the conjunct of the adopter, and reciprocally between the adopter and the conjunct of the adopted.
349. The natural obligation, which shall continue to exist between the adopted and his father and mother, to supply them with sustenance in cases determined by the law, shall be considered as common to the adopter and the adopted towards each other.
350. The adopted shall acquire no right of succession to the property of relations of the

adopter; but he shall enjoy the same rights with regard to succession to the adopter as are possessed by a child born in wedlock, even though there should be other children of this latter description, born subsequently to the adoption.

351. If the adopted child die without lawful descendants, presents made by the adopter, or acquisitions by inheritance to him, and which shall actually exist at the decease of the adopted, shall return to the adopter or to his descendants, on condition of contributing to debts, without prejudice to third persons. The surplus of the property of the adopted shall belong to his own relations; and these shall exclude always, for the same objects specified in the present article, all the heirs of the adopter other than his descendants.

352. If during the life of the adopter, and after the decease of the adopted, children or descendants left by the latter, shall themselves die without issue, the adopter shall succeed to donations made by him, as is directed in the preceding article; but this right shall be inherent in the person of the adopter and not transmissible to his heirs, even in the descending line.

## SECTION II.

### *Of the Forms of Adoption.*

353. The party who shall propose to adopt, with the one who shall be willing to be adopted, shall present themselves before the justice of the peace at the domicile of the adopter, there to pass an act of their mutual consent.

354. A copy of this act shall be transmitted, within ten days following, by the more diligent party, to the commissioner of government in the court of first instance, within whose jurisdiction the domicile of the adopter shall be found, in order to be submitted to the approbation of that court.

355. The court, being assembled in the chamber of council, and having received suitable testimonials, shall certify, 1st, whether all the conditions of the law are complied with; 2d, whether the party who proposes to adopt enjoys a good reputation.

356. After having heard the commissioner of government, and without any other form of proceeding, the court shall pronounce without giving its reasons, in these terms: "*There is ground,*" or "*There is no ground for adoption.*"

357. In the month succeeding the judgment of the court of first instance, this judgment shall, on the prosecution of the more diligent party, be submitted to the court of appeal, which shall deal with it in the same forms as the court of first instance, and shall pronounce without assigning reasons: "*The judgment is confirmed,*" or "*The judgment is reversed; in consequence there is ground,*" or "*There is no ground for adoption.*"

358. Every judgment of the courts of appeal, which shall establish an adoption, shall be pronounced at the hearing, and posted in such places and in such a number of copies as the court shall judge expedient.

359. Within three months after this judgment, the adoption shall be enrolled, on the requisition of one or other of the parties, on the register of the civil power of the place where the adopter shall be domiciled. This enrolment shall not take place but upon view of a copy, in form, of the judgment of the court of appeal; and the adoption shall remain without effect unless it be enrolled within this interval.

360. If the adopter happen to die after the act setting forth his inclination to form a contract of adoption has been received by the justice of peace and carried before the courts, and before these have finally pronounced, the procedure shall be continued and the adoption admitted if there be ground. The heirs of the adopter may, if they believe

the adoption inadmissible, remit to the commissioner of government all memorials and observations on this subject.

## CHAPTER II.

### *Of friendly Guardianship.*

361. Every individual aged above fifty years, and without children or legitimate descendants, who shall be willing, during the minority of an individual, to attach him to himself by a legal title, may become his friendly guardian, on obtaining the consent of the father and mother of the child, or of the survivor of them, or in their default, of a family council, or finally if the child have no known relatives, on obtaining the consent of the directors of the hospital into which he shall have been received, or of the municipality of the place of his residence.
362. A married person cannot become a friendly guardian without the consent of the other conjunct.
363. The justice of the peace at the domicil of the child shall draw up a statement of the petitions and consent relative to the friendly guardianship.
364. This guardianship shall not have place except for the benefit of children aged at least fifteen years.  
It shall carry with it, without prejudice to any private stipulations, the obligation of supporting the ward, of bringing him up, and of putting him in a situation to gain his livelihood.
365. If the ward possess any property, and has been formerly under guardianship, the administration of his property, as well as that of his person, shall pass to the friendly guardian, who nevertheless shall not be permitted to throw the expenses of education on the funds of the ward.
366. If the friendly guardian, after the lapse of five years since his guardianship, and in the prospect of his decease before the majority of his pupil confers on him adoption by testamentary act, such disposition shall be valid, provided the friendly guardian does not leave children.
367. In the case where a friendly guardian dies, either before the five years or after that time, without having adopted his ward, the latter shall be supplied with the means of subsistence of which the quantum and the kind, unless provided for by some anterior formal covenant, shall be regulated either amicably between the respective representatives of the guardian and his ward, or judicially in case of dispute.
368. If, at the majority of the ward, his friendly guardian be willing to adopt him, and the former consent thereto, proceedings shall be taken for the adoption according to the forms prescribed in the preceding chapter, and the effects thereof shall be, in all points, the same.
369. If, within three months following the majority of the ward, the requests made by him to his friendly guardian on the subject of adoption, remain ineffectual, and the ward shall not find himself in a condition to gain his livelihood, the friendly guardian may be sentenced to indemnify his ward for the incapacity in which the latter finds himself of providing for his own subsistence. This indemnity shall resolve itself into support proper to procure him a trade; the whole without prejudice to stipulations which may have been made in prospect of this case.
370. The friendly guardian who shall have had the management of any of his ward's property, shall be bound in every case to render an account thereof.