

LAW ON MARRIAGE AND FAMILY RELATIONS
(corrected text)

Part one

INTRODUCTORY PROVISIONS

Article 1

This law shall regulate marriage, relations between parents and children and among other relatives, adoption, fostering and the protection of the rights and benefits of young children and other persons who are not capable of taking care of themselves.

Article 2

A family is a living community of parents and children which, because of the benefit of children, experiences special social protection.

Article 3

- (1) Marriage is a legally regulated living community of a man and a woman.
- (2) The social importance of marriage is in planning a family.

Article 4

- (1) Parents shall have the right and obligation to ensure through direct care, by their work and social activities, the successful physical and mental development of their children.
- (2) In order to provide healthy growth, well-adjusted personal development and the capacity for independent life and work, parents shall have the right and obligation to care for the subsistence, personal development, rights and benefits of their young children. These rights and responsibilities shall compose parental rights.
- (3) Parental rights belong to the father and mother together.

Article 5

Rights and responsibilities of children to their parents and relatives and the rights and responsibilities of parents and relatives to children are the same irrespective of whether the children are born within matrimony or outwith it.

Article 5 a

- (1) In all activities and procedures affecting a child, parents, other persons, state authorities and bearers of public authority must act in the child's interest.
- (2) Parents act in the child's interest if they satisfy his material, emotional and psychosocial needs by a treatment that is accepted and approved by society, and which manifests their concern and responsibility for the child, taking account of his personality and desires.

Article 6

The state shall provide protection of young children whenever their healthy development is threatened or whenever this is required for another benefit of the child.

Article 7

Adoption, as a special form of protection of young children, shall create the same relations between adopter and adoptee as between parents and children.

Article 8

Fostering is a special form of social protection of children for whom care and upbringing are required by persons who are not their parents.

Article 9

(1) Guardianship is a special form of social protection of young persons whose parents do not take care of them, or legally mature persons who are not capable of looking after their rights and benefits themselves.

(2) Under the provisions of this law, protection shall also be provided to other persons who have not themselves the possibility of looking after their own rights and benefits.

Article 10

Conditions for care and assistance to families under this Act shall be provided by the state.

Article 10 a

(1) When deciding on matters of this Act which, according to this Act, fall under the jurisdiction of the court, district courts have jurisdiction over the subject matter in the first instance.

(2) On matters referred to in the preceding paragraph, the court shall decide in a civil procedure, unless stipulated by law that it shall give its ruling in a non-litigious procedure.

(3) Matters of this Act shall be subject to priority decision by the court.

Article 10 b

(1) Social work centres shall be competent to rule on administrative matters under this Act.

(2) The ministry responsible for family affairs shall decide on appeals against the decisions of social work centres.

(3) Administrative matters of this Act shall be subject to priority decision.

Article 11

In performing the tasks stipulated by this Act, social work centres shall cooperate with natural persons and with legal entities such as institutions and concessionaries in the fields of social care, education and health care, with local communities, companies, societies, institutions, judicial and other state authorities, police, other professional services, and humanitarian or other non-governmental organisations.

Article 12

(1) A durable living community of a man and a woman who have not concluded marriage, shall have the same legal consequences for them under this Act as if they had concluded marriage, provided there is no reason by which marriage between them would be invalid; in other fields, such a community shall have a legal consequence if the law so determines.

(2) If a decision on rights or responsibilities is dependent on the question of the existence of a living community under the previous paragraph, a decision on this question shall be made in a proceeding for establishing these rights or responsibilities. A decision on this question shall have legal effect only in the matter in which this question was resolved.

Part two

MARRIAGE

1. General provisions

Article 13

Marriage shall be founded on the free decision to conclude a marital bond, on a feeling of attachment on both sides, mutual respect, understanding, trust and mutual assistance.

Article 14

The spouses are equal in a marriage.

Article 15

The state shall, through systems of upbringing and education, health and social security, enable people to be prepared for well-adjusted family life, and shall help them in their inter-relations and in exercising their parental rights.

2. Conditions for concluding and the validity of marriage

Article 16

In order to conclude a marriage, it is necessary for two persons of different sex to state before a competent body, in a manner determined by law, their agreement to conclude the marriage.

Article 17

(1) A marriage shall not be valid without the free consent of the future spouses; there is no free consent if the consent has been forced or given in error.

(2) Consent is forced if the spouse consented to conclude marriage out of fear caused by real threat.

(3) Consent is given in error in relation to the person of a spouse, if the spouse thought she or he was concluding marriage with the real person but concluded marriage with someone else, or concluded marriage with a specific person but not the person they pretended to be.

(4) Consent is given in error about the essential properties of a spouse if, from the conclusion of marriage, the other partner were to refuse to recognise it, and to make joint life unbearable.

Article 18

Marriage may not be concluded by persons below the age of eighteen.

Article 19

Marriage may not be concluded by persons who are seriously mentally disturbed or legally incompetent.

Article 20

Nobody may conclude a new marriage until their previously concluded marriage is terminated or annulled.

Article 21

Marriage may not be concluded between persons who are directly related, not brother and sister, half-brother and half-sister, uncle and niece, aunt and nephew, and also not the children of brothers or sisters, half-brothers or sisters. This does not apply to relations which are created by adoption, except between adopter and adoptee.

Article 22

Marriage may not be concluded between a guardian and his or her ward so long as the guardianship shall last.

Article 23

Social work centre may if there are well founded reasons for this allow the concluding of marriage between the children of siblings, between the children of half-siblings, between a guardian and ward, and (by) person who is not yet 18 years of age.

Article 24

Prior to a social work centre allowing a young person to conclude marriage under article 23 of this Act, it must interview them, the person with whom they intend to conclude marriage, and the (young person's) parents or guardians.

3. Form of concluding marriage

Article 25

Persons who intend to conclude marriage shall report to the registrar who keeps the register of marriages in the settlement in which they wish to marry.

Article 26

(1) In the declaration, the persons who intend to conclude marriage shall declare that they are concluding marriage freely and that they fulfil the conditions for a valid marriage.

(2) They shall append to the declaration an extract from the register of births and a notification of citizenship if such data cannot be ascertained from official records.

(3) If the marriage has been permitted under article 23 of this Act, they shall append to the declaration the decision of the social work centre.

(4) Any person who has been previously married must submit evidence that the previous marriage has terminated or has been annulled.

Article 27

(1) The registrar shall draw the attention of the persons who intend to conclude marriage to the conditions for a valid marriage and ascertain whether these conditions are met.

(2) If it is ascertained that the conditions for a valid marriage under this Act are not met, the municipal administrative body which keeps the register of marriages shall refuse by written decision to conclude the marriage.

Article 28

(1) A marriage shall be concluded before an authorised person of the municipal assembly in the presence of the registrar.

(2) A marriage shall take place in a public ceremony, in specially defined premises.

(3) Marriages may also take place in other places if this is requested by the future marital couple, stating a significant reason for this.

Article 28 a

(1) The means for conducting the procedure of concluding a marriage referred to in the preceding article shall be provided in the budget of the Republic of Slovenia.

(2) The minister responsible for family affairs shall, in agreement with the minister responsible for administration, determine the conditions that must be met by the authorised person referred to in the first paragraph of the preceding article, the minimum standards for official premises and their equipment, the manner and procedure of public and solemn conclusion of marriage, the amount and method of payment of the authorised person and the registrar, and other issues concerning the conclusion of marriage.

Article 29

(1) In order to conclude a marriage, the presence of the prospective marital couple, two witnesses, authorised personnel of the municipal assembly and the registrar, is required.

(2) Any person with business competence may be witness to a marriage.

Article 30

In specific cases, the municipal administrative body responsible for keeping the register of marriages for the settlement in which the marriage is concluded, may permit marriage by proxy. In concluding the marriage, only one of the future partners may be represented by a proxy. The proxy must have authority issued in the form of a public document; and it must be precisely stated in it the person with whom the person giving authority intends to conclude marriage. The marriage by proxy must be concluded within three months from the issuing of the authority.

Article 31

(1) An authorised person of the municipal assembly shall ascertain on the basis of documents and the statements of witnesses and the prospective couple that they are the persons who registered the intention to conclude marriage.

(2) The authorised person of the municipal assembly shall then read the provisions of article 14 and the provisions of articles 44 to 50 of this Act, on the rights and obligations of a marital couple, and shall then ask each of the prospective couple individually whether they wish to conclude marriage with the other.

(3) If both prospective partners reply in the affirmative, the authorised person of the municipal assembly shall declare that marriage between them is concluded.

4. Invalidity of a marriage

Article 32

A marriage which is concluded in conflict with the provisions of articles 16, 17, 18, 19, 20 and 21 of this Act shall be invalid.

Article 33

A marriage shall be validly concluded if only minor violations of form have occurred in concluding the marriage.

Article 34

A marriage that has taken place without the presence of the two betrothed or one of the betrothed and a proxy (article 30), shall be invalid.

Article 35

A marriage which has been concluded without the intention of the marital pair to live together shall not be valid.

Article 36

(1) The right to appeal for the annulment of a marriage concluded in conflict with the provisions of articles 16, 19, 20, 21, 34 and 35 of this Act shall appertain to the marital couple and anyone who has a direct legal interest in the annulment of the marriage.

(2) In cases in which a marriage has been concluded in conflict with the provisions of articles 16, 19, 20 and 21 of this Act, the public prosecutor may also file an appeal for the annulment of the marriage.

(3) On the ending of severe mental disability or incompetence, an appeal for the annulment of a marriage concluded during the duration of the severe mental disability or incompetence of either of the couple, may only be lodged by one or other of the partners.

(4) An appeal for the annulment of a marriage for the reasons mentioned in the first paragraph of this article, may also be lodged after the termination of the marriage.

(5) The right to appeal for annulment of a marriage in cases under the first, second and third paragraphs of this article shall not be restricted by time.

Article 37

A new marriage concluded during the time when a previous marriage of either of the partners remains valid shall not be annulled if the previous marriage has been terminated or if the previous marriage is annulled.

Article 38

A marriage concluded between relatives, between whom marriage is allowed also with the permission of a social work centre, shall remain valid if the court before which the proceedings for annulment of the marriage are being heard finds that circumstances exist because of which permission could be given for concluding a marriage.

Article 39

(1) The annulment of a marriage which was forced or concluded in error may be demanded only by the partner who was forced or who consented to the marriage in error.

(2) The annulment of a marriage may not be demanded if a year has passed since the day on which the force or the error was recognised, and the couple have lived together for this time.

Article 40

On the appeal of parents or guardians, a court, having considered all the circumstances, may annul the marriage of a person under the age of eighteen which has been concluded without the permission of a social work centre.

Article 41

The right to appeal for the annulment of a marriage does not carry forward to heirs, but heirs may continue already commenced appeal proceedings.

Article 42

(1) If a marriage is annulled, it ceases to have effect from the day of the annulment.

(2) In the finding of the court by which the marriage has been annulled, the court shall determine whether either of the partners knew of the reasons because of which the marriage was not valid.

Article 43

In relation to property relations and gifts between partners, the same provisions shall apply in the annulment of a marriage as in divorce.

5. Rights and obligations of spouses

Article 44

The partners to a marriage are bound to mutual respect, trust and assistance.

Article 45

The married couple shall freely decide on the birth of children. They shall have the same rights and obligations (as each other) to children.

Article 46

Each of the partners shall freely choose a profession and work.

Article 47

The couple shall decide the place of residence by agreement.

Article 48

The couple shall decide joint matters by agreement.

Article 49

The partners shall contribute to the subsistence of the family in proportion to their possibilities.

Article 50

A spouse who does not have the means of subsistence and through no fault of their own is unemployed or is unfit for work, has the right to be supported by the other partner insofar as this is within their power.

Article 50 a

For maintenance relations between spouses during their marriage and for maintenance relations between spouses after the termination of their cohabitation, the provisions on maintenance of spouses after a divorce shall apply mutatis mutandis.

6. Property relations between spouses

Article 51

- (1) Property which a spouse has at the time of concluding the marriage remain his or her own property and she or he shall dispose of it freely.
- (2) Property which the spouses obtain by work during the period of the marriage shall be their joint property.

Article 52

- (1) The joint property of the spouses shall be managed and disposed of jointly and by agreement.
- (2) The spouses may agree that only one of them shall administer this property or parts of it or that she or he manages and also disposes of it, respecting the interest of the other spouse.
- (3) Either of the spouses may withdraw from such an agreement at any time, but they may not do this at an unfavourable time.

Article 53

Unless otherwise agreed, the spouse to whom management has been entrusted may in the framework of regular management also dispose of common property or its parts.

Article 54

A spouse may not dispose of his unspecified share of the joint property by legal business during their lives, and in particular, she or he may not expropriate or burden it.

Article 55

Rights to real estate which is the joint property of the spouses shall be inscribed in the land register in the name of both of the spouses as their joint property by unspecified share.

Article 56

- (1) A spouse shall be responsible with their private assets and their own share of joint assets for obligations which the spouse had prior to concluding the marriage and obligations which she or he took on after concluding the marriage.
- (2) Both spouses shall be responsible jointly and individually with their assets for obligations which appertain to both spouses according to general regulations, for obligations created in connection with joint assets and for obligations which one spouse takes on for the current needs of the family.
- (3) A spouse shall have the right to claim from the other spouse the refund of the sum over and above their share which they have paid in forced settlement of a joint debt.

Article 57

- (1) A creditor may demand on the basis of a legally binding decision that a court determine the share of common assets of a debtor and then demand forced settlement on that share.
- (2) If in proceedings of forced settlement the sale of the share which a spouse has in joint assets is allowed, the other spouse has the right before all other buyers to purchase this share at a price which shall be determined by regulations on forced settlement.

Article 58

- (1) Joint assets shall be divided if the marriage ceases or is annulled.

(2) For the duration of the marriage, joint assets may be divided by agreement or at the demand of one or other of the spouses.

Article 59

(1) In the division of joint assets, it shall be considered that the share of the spouses of the joint assets is equal, but the spouses may prove that they contributed to the joint assets in another proportion.

(2) In a dispute on the amount of the share of each of the spouses of the joint assets, a court shall consider not only the income of each of the spouses but also other circumstances, such as the assistance which the spouse gives the other spouse, the care and upbringing of the children, performing household work, care in maintaining property and any other form of work and cooperation in managing, maintaining and increasing the joint assets.

Article 60

Spouses may themselves decide on the level of share of joint assets, or request that a court determine such shares. After establishing the shares of joint assets, these shall be divided at the proposal of the spouses according to rules which apply to the division of joint property.

Article 61

(1) Prior to establishing the share of each of the spouses in joint assets, the debts and claims of the spouses against these assets shall be established.

(2) During the division of the joint assets, primarily those objects which are intended for carrying on his or her trade or profession and enable him or her to obtain personal income, and objects meant exclusively for their own personal use shall be awarded to a spouse at their own request against their share.

Article 62

(1) The spouses may conclude between them any legal business that may also be concluded with other persons, and establish rights and obligations on that basis.

7. Terminating marriage

Article 63

Marriage terminates with the death of one of the spouses, with the promulgation of the death of one of the spouses and with divorce.

Article 64

(1) The court shall grant a divorce on the basis of an agreement by the spouses, provided that they have come to an understanding on the care, upbringing and subsistence of joint children, and their contact with both parents, in accordance with the provisions of this Act, and if they have submitted, in the form of an enforceable notarial record, an agreement on the division of their joint property, on which of them shall remain or become the tenant of their apartment, and on the maintenance of the spouse who has no means of subsistence and is unemployed without fault.

(2) Before the court grants a divorce, it should establish whether the care, upbringing and subsistence of joint children, and their contact with the parents, have been provided for by an agreement between the spouses and to the benefit of the children, and seek the opinion of a social work centre thereon. The court shall also consider the child's opinion if it is expressed by the child himself, or by a person the child trusts and who has been chosen by the child himself, and provided the child is capable of understanding its meaning and consequences.

Article 65

If the marriage is unbearable for whatever reason, either of the spouses may sue for divorce.

Article 66
(ceased to be valid)

Article 67
(ceased to be valid)

Article 68
After receipt of a proposal for an agreed divorce or the filing of suit for divorce, prior to calling the parties before it, the court shall send the proposal or suit to the social work centre for it to carry out a consultative discussion.

Article 69
(ceased to be valid)

Article 70
(1) The spouses shall take part in a consultative discussion without proxies.
(2) The social work centre shall report to the court on the consultative discussion.
(3) More detailed regulations on the procedure and content in carrying out the consultative discussion shall be issued by the minister responsible for family affairs.

Article 71
(1) If the spouses have proposed an agreed divorce, but have not come to the consultative discussion, it shall be considered that the proposal for an agreed divorce has been withdrawn. Equally, it shall be considered that a divorce suit has been withdrawn if the one filing suit did not come to the consultative discussion.
(2) Irrespective of the provisions of the previous paragraph, a court may exceptionally continue divorce proceedings for well founded reasons.

Article 72
(ceased to be valid)

Article 73
(ceased to be valid)

Article 74
(ceased to be valid)

Article 75
(ceased to be valid)

Article 76
(ceased to be valid)

Article 77
(ceased to be valid)

Article 78
(1) When the court grants a divorce on the basis of article 65 of this Act, it shall also decide on the care, upbringing and subsistence of joint children, and their contact with the parents, in accordance with this Act.
(2) Before the court reaches a decision under the preceding paragraph, it should establish the best way of protecting the child's interest. It should seek the opinion of a social work centre on the matter. The court shall also consider the child's opinion if it is expressed by the

child himself, or by a person the child trusts and who has been chosen by the child himself, and provided the child is capable of understanding its meaning and consequences.

Article 79
(erased)

Article 80

The same provisions shall apply to relations between parents and children in the case of an annulled marriage as in the case of a divorce.

8. Relations between divorced spouses after divorce

Article 81

A spouse who has no means of subsistence and is unemployed without fault has the right to request alimony from the other spouse.

Article 81 a

(1) The dependent spouse may request alimony in divorce proceedings, as well as in a special suit that should be filed within one year of the marriage's final dissolution.

(2) In a suit referred to in the preceding paragraph, a spouse may request alimony after the concluded divorce proceedings only if the conditions for subsistence existed already at the time of divorce and still exist at the time when the spouse requests alimony.

(3) The court may reject an alimony request if the payment of alimony to the person entitled would be unfair for the person liable, considering the reasons having led to the unendurability of the marriage, or if the person entitled has committed a criminal offence against the person liable, the child or the parents of the person liable, prior to or during the divorce proceedings.

Article 81 b

(1) The spouses may conclude an agreement on alimony in case of divorce in the form of an enforceable notarial record.

(2) The agreement referred to in the preceding paragraph, in particular the agreement on the waiver of the right to maintenance, should not jeopardise the children's interests.

Article 82

Alimony may also be granted for a specific time, in order that the divorced spouse adjusts to the new situation and arranges new circumstances.

Article 82 a

The alimony shall be determined according to the needs of the person entitled and the abilities of the person liable.

Article 82 b

(1) Alimony shall be determined in a monthly sum and in advance, it may be requested from the time of filing a maintenance suit.

(2) Exceptionally, alimony may be determined in a single sum or in some other manner if this is justified by specific reasons.

(3) Alimony determined in the manner referred to in the preceding paragraph should not significantly deteriorate the situation of the person entitled as compared to the situation which would exist if she or he received alimony in advance as a monthly sum, nor may it impose too heavy a burden on the person liable.

Article 82 c

A spouse is not obliged to support the other spouse if so doing would jeopardise his or her own subsistence, or the subsistence of minors whom he or she is obliged to support under this Act.

Article 82 č

At the request of the person entitled or the person liable, the court may increase, reduce or repeal the alimony determined by an instrument permitting its enforcement, if the needs of the person entitled or the abilities of the person liable, which served as the basis for determining the alimony, have changed, or if the person entitled has committed a criminal offence against the person liable, the child or the parents of the person liable.

Article 82 d

(1) Maintenance determined by an instrument permitting its enforcement shall be adjusted with the consumer price index of the Republic of Slovenia once a year. These adjustments shall be carried out in March, taking into account the cumulative increase in consumer prices since the month in which the maintenance was last determined or adjusted. The maintenance adjustment quotient shall be published by the minister responsible for family affairs in the Official Gazette of the Republic of Slovenia.

(2) The court or the notary is obliged to submit the court settlement, the final judgement or the enforceable notarial record to the competent social work centre, unless some other adjustment method has been agreed.

(3) The social work centre shall inform in writing the person entitled and the person liable on each adjustment and new alimony amount. The notification of the social work centre, together with the court settlement, the final judgement or the enforceable notarial record, constitutes an instrument permitting enforcement.

Article 83

The right to alimony shall cease if the divorced spouse who is receiving it obtains assets or their own income by which they are able to subsist or if they remarry.

Article 84

(1) Normal gifts which the spouses have given each other either prior to or during the marriage need not be returned.

(2) Other gifts, especially those which are not proportionate to the property state of the giver, must be returned in the same condition in which they were when the causes of the divorce were created.

(3) In the place of gifts which have been disposed of, the value or the things received for them shall be returned.

Article 85

(1) The right to file for divorce shall not be carried forward to heirs, but the heirs of one filing such suit may continue proceedings already commenced in order to demonstrate the grounds of the suit.

(2) Gifts which the surviving spouse received from their former spouse, as well as gifts which they themselves gave, shall be returned according to the rules that apply in relation to gifts after divorce.

Part three

RELATIONS BETWEEN PARENTS AND CHILDREN

1. Establishing paternity and maternity

Article 86

The father of a child born within marriage or within a period of three hundred days after the termination of a marriage shall be deemed to be the husband of the child's mother.

Article 87

The father of a child not born within marriage shall be deemed to be the one who recognises the child as his or whose parenthood is established by court decision.

Article 88

A father may recognise a child as his own at a social work centre or before a registrar or in a public document or in a will.

Article 89

A person may recognise paternity who is competent and at least fifteen years old.

Article 90

(1) Recognition of paternity shall be valid and shall be inscribed in the Register (trans. note: similar to but much broader than the register of births, marriages and deaths in the UK) only if the mother agrees with such recognition, about which she shall be informed by the registrar.

(2) If the mother does not agree with this recognition or if she does not make a statement within one month of receipt of the notification, the person who has recognised the child as his may lodge an appeal with the courts to find that that he is the father of the child. A suit may be lodged within one year from receipt of notification that the mother does not agree with the recognition of paternity, but only within five years of the birth of the child.

(3) If the mother is no longer alive or her residence is unknown, the child's guardian shall make the statement with the consent of the social work centre.

Article 91

When the registrar receives notification of the birth of a child, born out of wedlock, he shall notify the social work centre, who shall call on the mother to state who shall be considered the father of her child. The mother may also make this statement without being called on to do so. If the mother gives the name of the child's father, the social work centre shall call on him to declare whether he is the child's father. If he does not recognise paternity, the mother may lodge a suit in the child's name for the ascertainment of paternity.

Article 92

(1) A suit for the ascertainment of paternity for a child born out of wedlock may be lodged by the mother on behalf of the child while she exercises parental rights, or by the child's guardian with the consent of the social work centre, or by the child when it reaches full age, but not later than five years from the day of reaching full age.

(2) A suit may also be lodged after the death of the presumed father, but not later than one year after his death.

Article 93

(ceased to be valid)

Article 94

The father of a child born out of wedlock shall be obliged to contribute according to his possibilities to the costs arising from the pregnancy and birth, as well as the subsistence of the mother prior to the birth and thereafter while the mother is unable to be employed.

Article 95

The provisions for ascertaining paternity shall suitably be used for ascertaining maternity.

2. Impugning paternity or maternity

Article 96

(1) A husband may impugn the paternity of a child which has been born to his wife in marriage or prior to the expiry of three hundred days after the termination of the marriage, if he believes that he is not the father of the child.

(2) A suit must be lodged within one year from the date on which he discovered circumstances which give rise to the suspicion that the child is not his, but not later than five years after the birth of the child.

Article 97

(1) The mother may impugn that the father of her child is the person who is valid as the father according to this Act.

(2) The suit must be lodged within one year after the birth of the child.

Article 98

A child may impugn that its father is the person who is valid as the father according to this Act, within five years of the date of reaching full age.

Article 99

(1) Anyone who believes that they are the father of a child may impugn the paternity of the person who is valid as the child's father according to this Act.

(2) A suit must be lodged within one year of the day on which the paternity was inscribed in the register of births.

Article 100

(ceased to be valid)

Article 101

(ceased to be valid)

3. Rights and obligations of parents and children

Article 102

Parents must enable their children the conditions for healthy growth, well-adjusted personal development and qualifying themselves for independent life and work.

Article 103

(1) Parents are responsible for their children's subsistence, care for their life and health and to bring them up as working members of the socialist self-management community.

(2) Parents are responsible within their powers to care for the schooling and professional education of their children in relation to their capacities, talents and wishes.

Article 104

A child may not be given into the care and upbringing of a person who may not be a guardian.

Article 105

(1) If parents do not or will not live together any longer, they must agree on the care and upbringing of their joint children in accordance with the children's interests. They may agree that both of them have or continue with care and upbringing of the children, or that all children are entrusted into the care and upbringing of one of the parents, or that some children are entrusted to one parent and other children to the other parent. If parents fail to agree by themselves on the matter, a social work centre shall assist them in reaching an agreement.

(2) If parents agree on the care and upbringing of the children, they may propose that the court issue a decision thereon in a non-litigious procedure. If the court establishes that such agreement is not in accordance with the children's interests, it shall reject the proposal.

(3) If, even with the assistance of the social work centre, the parents fail to agree on the care and upbringing of the children, the court shall, at the request of one or both parents, decide that all children are entrusted into the care and upbringing of one of the parents, or that some children are entrusted to one parent and other children to the other parent. The court may decide ex officio that all or some children are entrusted into the care and upbringing of another person. Before the court gives its ruling, it should seek the opinion of a social work centre on the child's interest. The court shall also consider the child's opinion if it is expressed by the child himself, or by a person the child trusts and who has been chosen by the child himself, and provided the child is capable of understanding its meaning and consequences.

(4) The request referred to in the preceding paragraph must be accompanied by a supporting document from a competent social work centre, stating that the parents tried to agree on the care and upbringing of joint children with its assistance.

Article 105 a

(1) If parents do not or will not live together any longer, they shall agree on the maintenance of joint children. If parents fail to agree by themselves on the matter, a social work centre shall assist them in reaching an agreement.

(2) If, even with the assistance of a social work centre, parents fail to agree on the maintenance of joint children, the court shall, at the request of one or both parents, decide thereon in accordance with the procedure referred to in the third and fourth paragraphs of the preceding article.

Article 106

(1) The child has the right to contact with both parents; both parents have the right to contact with the child. Such contacts shall ensure the child's interests in particular.

(2) The parent with whom the child is placed for care and upbringing, or any other person with whom a child might live, should refrain from any action that would hinder or prevent the child's contact. He or she should endeavour for the child's appropriate attitude towards contact with the other parent or parents. The parent who exercises contact should refrain from any action that would hinder the care and upbringing of the child.

(3) If parents agree on the contact, they may propose that the court issue a decision thereon in a non-litigious procedure. If the court establishes that such agreement is not in accordance with the children's interests, it shall reject the proposal.

(4) If, even with the assistance of a social work centre, the parents fail to agree on contact, the court shall decide thereon at the request of one or both parents. In its decisions, the court shall above all consider the child's interest. The court shall decide in a non-litigious procedure, unless it decides on contact together with disputes concerning the care and upbringing of children. A proposal or request for regulating contact must be accompanied by a supporting document from a competent social work centre, stating that the parents tried to agree on contact with its assistance.

(5) The court may revoke or limit the right to contact only where this is necessary for the protection of the child's interest. Contacts are not in the child's interest if they pose a psychic pressure to the child or if they jeopardise the child's physical or mental development. The court may decide that contacts shall be carried out under the supervision of a third person or that they shall not be carried out as personal meetings or get-togethers, but in some other way, unless the child's interest is ensured.

(6) If the parent with whom the child lives prevents contact between the child and the other parent, and neither can contacts be carried out with the professional assistance of a social work centre, the court may, at the request of the other parent, decide that the parent who prevents contact be deprived of care and upbringing and the child be entrusted to the other

parent, if the court believes that the latter would ensure contact and the child's interests could only thus be protected.

(7) Before the court rules pursuant to the fourth, fifth or sixth paragraph of this article, it should seek the opinion of a social work centre on the child's interest. The court shall also consider the child's opinion if it is expressed by the child himself, or by a person the child trusts and who has been chosen by the child himself, and provided the child is capable of understanding its meaning and consequences.

Article 106 a

(1) The child has the right to contact with other persons who are family relations and have a close personal bond with the child, unless it would be contrary to the child's interest. Such persons are deemed to be in particular the child's grandparents, siblings, half-siblings, former foster parents, a former or present spouse, or the cohabiting partner of either parent of the child.

(2) Contact shall be agreed by the child's parents, the child itself, provided it is capable of understanding the meaning of such agreement, and the persons referred to in the preceding paragraph. If they fail to agree by themselves on the matter, a social work centre shall assist them in reaching an agreement. The extent and manner of how contact is carried out must be in the child's interest. If the child's parents, the child and the persons referred to in the preceding paragraph agree on contact, they may propose that the court issue a decision thereon in a non-litigious procedure. If the court establishes that such agreement is not in accordance with the children's interests, it shall reject the proposal.

(3) If, even with the assistance of a social work centre, they fail to agree on contact, the court shall decide on contact in a non-litigious procedure, unless it decides on contact together with disputes concerning the care and upbringing of children.

(4) The proposal for a decision on the extent and manner of carrying out contacts may be submitted by a child who has reached the age of fifteen years and is capable of understanding the meaning and legal consequences of his deeds, by the persons referred to in the first paragraph of this article or by a social work centre. A proposal for regulating contact must be accompanied by a supporting document from a competent social work centre, stating that the persons referred to in the first paragraph of this article tried to agree with the child's parents and the child on contact, with its assistance.

(5) Before the court decides on the proposal, it should seek the opinion of a competent social work centre on the child's interest. When the proponent is not a child, the court shall also consider the child's opinion if it is expressed by the child himself, or by a person the child trusts and who has been chosen by the child himself, and provided the child is capable of understanding its meaning and consequences.

Article 107

(1) Children under age shall be represented by their parents.

(2) If it is necessary to deliver something to a child or inform them of something, informing or delivering to one or other of the parents shall be valid, and if the parents do not live together, to that parent with whom the child lives.

(3) If both parents are in charge of the child's care and upbringing, they should agree on the child's permanent residence and which of the two parents shall be handed postal consignments for the child.

Article 108

A juvenile who has reached fifteen years of age may themselves conclude legal business unless otherwise determined by law. The approval of the parents is required for the validity of such business if it is of such importance as essentially to influence the life of the juvenile's, or if it is such that it may also influence their life after achieving maturity.

Article 109

A child's property shall be administered by parents in the child's interest until the child's full age.

Article 110

Parents may use the income from the property of a child primarily for its subsistence, upbringing and education, as well as for the urgent needs of the family community, if they do not themselves have sufficient means.

Article 111

Parents may, with the consent of the social work centre, expropriate or burden material assets from the property of their child but only for his or her subsistence, upbringing or education or if this is required for his or her benefit in some other way.

Article 112

A juvenile who has reached the age of fifteen and is employed may dispose of their own personal income. In this, the young person is obliged to contribute to his or her subsistence and education.

4. Exercising parental rights

Article 113

(1) The parents exercise parental rights by common consent in accordance with the child's interest. If parents fail to agree by themselves on a matter, a social work centre shall assist them in reaching an agreement.

(2) When parents do not live together and are not both in charge of the child's care and upbringing, they shall both decide by common consent, in accordance with the child's interest, on issues which essentially influence the child's development. If parents fail to agree by themselves on a matter, a social work centre shall assist them in reaching an agreement. Issues concerning the child's daily life shall be decided by the parent who is in charge of the child's care and upbringing.

(3) If, even with the assistance of a social work centre, the parents fail to agree on issues essentially influencing the child's development in cases referred to in the preceding paragraphs, the court shall decide thereon in a non-litigious procedure at the request of one or both parents. The proposal must be accompanied by a supporting document from a competent social work centre, stating that the parents tried to agree on the exercise of parental rights with its assistance.

(4) Before the court gives its ruling, it should seek the opinion of a social work centre on the child's interests. The court shall also consider the child's opinion if it is expressed by the child himself, or by a person the child trusts and who has been chosen by the child himself, and provided the child is capable of understanding its meaning and consequences.

(5) Where one parent is prevented from exercising his or her parental right, the other parent shall exercise it on his or her own.

Article 114

(erased)

Article 115

If one of the parents is no longer living or is unknown, or if parental rights have been taken away from them, or if business competence has been taken away from them, parental rights shall fall to the other parent.

5. Removing parental rights

Article 116

- (1) The parental rights of a parent who abuses parental rights or abandons the child, or by their behaviour clearly shows that they will not care for the child, or otherwise seriously evades their responsibilities, shall be taken away by court order.
- (2) Parental rights may be restored to a parent by court order, if the reasons for which these rights have been taken away have ceased, unless the child has been adopted.
- (3) The court shall decide on the issues referred to in the preceding paragraphs in a non-litigious procedure.

6. Ceasing of parental rights

Article 117

- (1) Parental rights shall cease with the child reaching full age, that is when it reaches eighteen years of age, or if the child concludes marriage prior to reaching full age.
- (2) A juvenile shall achieve full business competence on concluding marriage.
- (3) Full legal capacity may also be acquired by a juvenile who has become a parent if there are compelling reasons for this. The court shall decide thereon in a non-litigious procedure.

7. Extending parental rights

Article 118

- (1) A court may, on the proposal of parents or a social work centre, issue a decision in a non-court proceeding that parental rights be extended beyond the child's attainment of full age, if the child is incapable of looking after itself because of physical or mental handicap, for the child's benefits and rights.
- (2) If a person has already reached full age and a proposal of parents for the extension of parental rights has not been lodged in due time, a court may recognise the parental rights of parents and extend it beyond the child's full age.
- (3) When the reasons for which parental rights have been extended have ceased, the court shall issue a decision on terminating parental rights, on the proposal of a social work centre.
- (4) Decisions under the previous paragraphs of this article shall be recorded in the Register, and if such a child has real estate, also in the land register and other public records.

8. Measures of a social work centre

Article 119

A social work centre shall be obliged to take necessary measures which are required for the upbringing and care of a child or the care of its assets and other rights and benefits.

Article 120

- (1) A social work centre may take a child from its parents and give it into the upbringing and care of another person or institute if the parents neglect the child's upbringing and care, or if this is to the child's benefit for other important reasons.
- (2) With such a removal, the other obligations and rights of parents to the child do not cease.
- (3) A social work centre shall follow the implementation of measures under the first paragraph of this article.

Article 121

- (1) A social work centre may itself, or in agreement with the parents, hand a child to an institute because of personality or mental disturbance which essentially threatens its healthy personal development.
- (2) A social work centre shall decide on the cessation of implementation of the measure under the previous paragraph immediately that the reasons for which the measure was ordered have ceased. The measure may last for a maximum of three years.

(3) On the basis of the opinion of the institute, a social work centre may exceptionally extend the measure under the first paragraph of this article also beyond the time limit under the previous paragraph. The limitation under the previous paragraph also applies to such a measure.

(4) A child who has reached eighteen years of age may remain in the institute only if it consents to this.

Article 122

(1) A social work centre may demand of parents that they account for the management of a child's assets. It may demand of a court that for the protection of the child's material benefits, it permit security against the assets of the parents.

(2) In order to insure the material benefits of the child, a court in a non-litigious procedure may decide that the parents have the position of guardian in relation to managing the child's assets.

9. Responsibility for subsistence

Article 123

(1) Parents are obliged to support their children until they reach full age, by providing living conditions needed for a child's development, according to their abilities and capacities.

(2) If a child is engaged in mainstream schooling, even if he or she is enrolled in ongoing part-time studies, the parents are obliged to support him or her after he or she has reached full age, but no later than having reached twenty six years of age.

(3) Parents are obliged to support a child referred to in the preceding paragraphs who has married or lives in extramarital union only if the spouse or cohabiting partner cannot support him or her.

Article 124

(1) A child of full age is obliged to support his or her parents according to his or her abilities, if they have not or cannot acquire sufficient means of subsistence.

(2) A child of full age is not obliged to support a parent who for unjustified reasons did not fulfil subsistence obligations towards him or her.

Article 125

A parent from whom parental rights have been taken away is not excused the obligation of supporting the child.

Article 126

If a number of people are jointly obliged to support someone, such an obligation shall be divided among them according to their possibilities, as well as in relation to how much each was the recipient of care and assistance.

Article 127

(1) The spouse or cohabiting partner is obliged to support the minor child of his or her spouse or cohabiting partner living with them, unless one or both parents are able to support the child.

(2) The obligation of a spouse or cohabiting partner referred in the preceding paragraph shall cease with the termination of his or her marriage or extramarital union with the child's mother or father, unless the marriage or extramarital union has terminated due to death of the child's mother or father. In such case, the surviving spouse or cohabiting partner is obliged to support the child of his or her deceased spouse or cohabiting partner only if they had been living with the child at the time of termination of marriage or extramarital union.

Article 128

A renunciation of the right to subsistence shall not have legal effect.

Article 129

Alimony shall be determined according to the needs of the person entitled and the material and profit-making capacities of the person liable.

Article 129 a

(1) On determining child's maintenance, the court shall consider the child's interest, so that the child's alimony is adequate for ensuring favourable physical or mental development of the child.

(2) Child's maintenance should cover all costs of the child's life needs, in particular the costs of lodging, food, clothing, footwear, care, education, upbringing, recreation, leisure and other special needs of the child.

Article 130

If the parents agree on maintenance, they may propose that the court issue a decision thereon in a non-litigious procedure. If the court establishes that such agreement is not in accordance with the children's interests, it shall reject the proposal.

Article 130 a

The person entitled and the person liable may conclude, in the form of an enforceable notarial record, an agreement on the maintenance which a child of full age is committed to pay to his or her parents.

Article 131

Parents shall support their children within their own household, unless this is against the child's interest.

Article 131 a

(1) Save for the parents' obligation to support their children, the person liable may choose by himself whether he will pay maintenance for the person entitled, or take him to his home to support him, or take care of him in some other way.

(2) For compelling reasons, the person entitled may require that maintenance for him or her be determined in cash.

Article 132

Article 133

Anyone who has expenses because of any person may file suit for the return of the expenses from the person who is bound to support them, insofar as these expenses have been necessary.

Part four

ADOPTION

1. Conditions for adoption and relations that are created by adoption

Article 134

Only children under the age of legal maturity may be adopted.

Article 135

Nobody may be adopted by more than one person unless the adopters are a married couple.

Article 136

- (1) It shall not be possible to adopt immediate relatives nor brother nor sister.
- (2) A guardian may not adopt his or her ward during the duration of the guardianship.

Article 137

- (1) Only a mature person, at least eighteen years older than the adoptee, may be an adopter. In exceptional cases, a social work centre, having studied all the circumstances of the case and convinced themselves that such an adoption would be in the adoptee's interests, may allow adoption also to an adopter who is not eighteen years older than the adoptee.
- (2) The adoption of a young person who is older than ten years requires their consent.

Article 138

A married couple may only adopt a child together, unless one of them is adopting the child of their spouse.

Article 139

An adopter may not be:

- a person from whom parental rights have been removed;
- a person of whom the suspicion exists that they would abuse the adoptee;
- a person who does not give a guarantee that they will bring up the adoptee as a working member of the socialist self-management community;
- a person from business competence has been removed, or who is so mentally handicapped or ill that it might bring the adoptee's health or life into danger.

Article 140

- (1) An adopter may exceptionally be a foreign citizen, if a social work centre is unable to find an adopter for the child to be adopted among citizens of the Republic of Slovenia.
- (2) The minister responsible for family affairs and the minister responsible for administration must give their consent to the adoption of a child by a foreign citizen. Consent is not necessary in a case in which the adopter is the spouse of the child's parent.

Article 141

- (1) Only children whose parents are unknown or whose residence has not been known for a year or who have consented to adoption before a competent body, may be adopted. The consent of a parent from whom parental rights have been taken away, or is permanently incapacitated from expressing their wish, is not required.
- (2) Adoption is possible after the expiry of one year from fulfilling the conditions under the previous paragraph. Adoption is also exceptionally possible prior to the expiry of this time limit, if a social work centre finds that it would be to the benefit of the child.
- (3)

Article 142

Adoption shall create the same relations between an adoptee and his or her descendants as between relatives, unless the law determines otherwise.

Article 143

The rights and obligations of the adoptee to its parents and other relatives and the rights and obligations of parents and relatives to it, shall cease with adoption.

Article 144

Adoption may not be dissolved.

Article 145

With adoption, the adopters shall be inscribed in the Register as the adoptee's parents.

2. Procedure for adoption

Article 146

The procedure for adoption shall be started ex officio by a social work centre, or on the proposal of the future adopter.

Article 147

(1) In the procedure for adoption, an extract from the register of births and other suitable documentation for the adopter and adoptee must be provided, and it must be ascertained that the future adopter has not had parental rights removed.

(2) Prior to a social work centre deciding on adoption, it must interview adult brothers and sisters, grandparents, or if these are not still living, uncles and aunts of a child the residence of whose parents is unknown, or who are no longer living.

Article 148

In order to establish whether the adoptee and the adopter can live in the new circumstances and whether adoption will be to the adoptee's benefit, a social work centre may decide that the adoptee should live in the family of the adopter for a specified time prior to the decision on adoption.

Article 149

If a social work centre finds from the content of the submitted documents or investigation into adoption which it carries out prior to adoption, or on the basis of understandings from the time in which the child has lived with the future adopter prior to the decision on adoption, that the prescribed conditions for adoption are not met, or that adoption would not be to the benefit of the adoptee, it shall reject by decree the proposal, or halt the procedure of adoption.

Article 150

(1) If a social work centre finds that the conditions for adoption specified by this Act are met and that adoption is to the benefit of the adoptee, it shall issue a decree on adoption.

(2) In the adoption decree shall be inscribed the name and surname of the adoptee that the adopter has decided for it.

Article 151

A social work centre shall send the legally binding decree on adoption to the competent registrar who shall inscribe it in the Register.

3. Invalidity of adoption

Article 152

An adoption shall be invalid if the conditions determined under articles 134, 135, 136, 137, 139, 140 and 141 of this Act are not met.

Article 153

A social work centre, ex officio or at the request of the adoptee, its parents or adopter, shall commence proceedings for annulling a decree on adoption.

Part five

FOSTERING

1. The purpose of fostering

Article 154

The purpose of fostering is to enable a child healthy growth, education, well-adjusted personal development and qualifying for independent life and work, with persons who are not its own parents.

Article 155

Children who have been fostered by a social work centre, as well as children whose parents have themselves placed them in fostercare, shall be under social care and supervision.

Article 156

Rights and obligations of parents and guardians under this Act shall cease with the giving of a child into fostercare.

2. Fostering by decision of a social work centre

Article 157

(1) A social work centre shall place in fostercare a child who does not have its own family, a child who for different reasons cannot live with its own parents or a child whose physical or mental development is threatened in the environment in which it lives.

(2) Irrespective of the provisions of the previous paragraph, a social work centre may give into fostercare a child for whom training in accordance with special regulations is required (children with disturbed physical or mental development).

Article 158

(1) A social work centre shall give a child into fostercare with the consent of the parents or parent with whom the child lives.

(2) The consent of the parents is unnecessary if the child has been removed from the parents.

Article 159

If it is necessary to give a number of children who are siblings into fostercare, they shall normally all be placed in the same family.

Article 160

A social work centre shall issue an order on the placing of a child in fostercare.

Article 161

After placing in fostercare, a social work centre shall endeavour to remove the causes for which the child has been placed in fostercare.

3. Foster parent

Article 162

(ceased to be valid)

Article 163

(ceased to be valid)

Article 164

(ceased to be valid)

Article 165

(ceased to be valid)

Article 166

(ceased to be valid)

Article 167

(1) A social work centre shall follow the development of a child placed in fostercare and supervise the upbringing and education of the fosterlings and the meeting of other obligations under the fostering contract.

(2) A social work centre shall take measures as required to carry out the purpose of fostering in all cases and in the best possible way.

Article 168

(ceased to be valid)

Article 169

(ceased to be valid)

4. Termination of fostercare

Article 170

(1) Fostercare shall end:

- with the full age of the child, or sooner if the fosterling is qualified for independent life;
- if the reasons for which placing the child in fostercare was necessary have ceased;

Article 171

(ceased to be valid)

Article 172

(ceased to be valid)

Article 173

(ceased to be valid)

Article 174

(ceased to be valid)

Article 175

If the fostercare contract is quit or revoked, a social work centre shall decide what is required for the further protection of the child.

5. The placing of children in fostercare by parents

Article 176

(1) Parents who have themselves placed children in fostercare and persons who accept children must inform a social work centre of this within one month at most.

(2) A social work centre which ascertains a case of such adoption in its own region is bound to inform the competent social work centre of this.

Article 177

If the physical or mental development of a child is threatened with the person with whom the parents have themselves placed the child in fostercare, or if there is the well-founded conclusion that the purpose of fostering will not be achieved in the given environment, a social work centre shall decide what is to the child's benefit.

Part six

GUARDIANSHIP

1. The purpose of guardianship

Article 178

(1) The purpose of guardianship of young persons is with care, upbringing and education to develop all-round the personality of the young ward and to qualify the ward for independent life and work.

(2) The purpose of guardianship of other persons is the protection of their personality, which shall be carried out primarily by care, treatment and training for independent life.

(3) Guardianship also has the purpose of protecting the material and other rights and benefits of persons who are wards.

2. Guardian

Article 179

A social work centre shall place a person under the guardianship of a guardian. The responsibility of guardian is voluntary and honorary.

Article 180

A person shall be made a guardian who has the personal characteristics and capacities necessary for carrying out the obligations of a guardian and who consents to be a guardian.

Article 181

A guardian may not be:

- a person from whom parental rights have been removed;
- a person who does not have business competence;
- a persons whose interests are in conflict with the interests of the ward;
- a person of whom, in view of their personal characteristics or relations with the ward or his of her parents, it cannot be expected that they will properly perform the responsibilities of a guardian.

Article 182

(1) If it is possible and this is not in conflict with the interests of the ward, a relative shall be appointed guardian.

(2) Guardianship may also be entrusted to a social-legal person, which shall appoint a (physical) person to exercise the guardianship.

Article 183

In appointing a guardian, a social work centre shall take into account the wish of the ward if he or she is able to express it, and the wishes of its closest relatives if this to the benefit of the ward.

Article 184

A centre for social work shall itself become guardian of a person under guardianship, that is in protection and care, in upbringing, social, health or other institutions, for carrying out those functions of a guardian which such an institute does not carry out in the context of its normal activities.

Article 185

(1) A social work centre may decide that it will not appoint a guardian for a person in guardianship, but perform this responsibility itself.

(2) A social work centre may by order restrict the guardian's rights and decide that it will carry out individual tasks of the guardian itself.

(3) If a social work centre itself performs the responsibility of guardian or specific tasks of the guardian, it may entrust individual tasks to other professional persons for them to perform them on its behalf and on its authority.

Article 186

A social work centre shall appoint a guardian by an order in which it defines his responsibilities and the extent of his authority.

Article 187

A guardian is bound conscientiously to care for the personality, rights and benefits of the ward and prudently to manage their assets.

Article 188

A guardian is bound, with the assistance of a social work centre, to arrange everything necessary that the means required for carrying out specific measures of guardianship are provided.

Article 189

- (1) If a ward has property, a social work centre must order an inventory of assets and an evaluation, and hand them over to the management of the guardian.
- (2) More detailed regulations for the inventory and evaluation of assets of persons in guardianship shall be issued by the minister responsible for family affairs.
- (3) A guardian may not without the prior approval of a social work centre, do anything which exceeds the framework of regular business or management of the ward's property.

Article 190

- (1) A guardian shall independently administer on behalf of the ward and on his or her account whatsoever belongs in ordinary business and management of the ward's property.
- (2) In any more weighty decision, the guardian shall consult with the ward if this is possible and if he or she is capable of understanding the issues involved.

Article 191

Only with the approval of a social work centre may a guardian:

- estrange or burden the ward's real estate;
- estrange from the ward's property assets of major value or dispose of property rights of major value;
- renounce an inheritance or bequest or refuse a gift;
- take other measures so defined by law.

Article 192

- (1) A guardian shall represent a ward.
- (2) A social work centre shall represent the ward if it performs the function of guardian itself or if it has restricted the guardian's rights and has decided that it will represent the ward itself.

Article 193

A guardian may conclude legal business with the ward for which he is caring only if a social work centre agrees that this is in the interest of the ward and approves such business in advance.

Article 194

- (1) A guardian must report to a social work centre and give an account of their work each year, as well as whenever this is requested by a social work centre.
- (2) It must be clear from the guardian's report their care for the person of the ward, in particular that which refers to their health, upbringing and education, and their care for everything else that is required for the ward.
- (3) The report must also contain data on the administration of the ward's property and disposal of it, on the ward's income and expenditure and the final state of their property.

Article 195

A social work centre must conscientiously examine the guardian's report and as required arrange everything necessary to protect the ward's interests.

Article 196

A guardian has the right to the refund of justified expenses which he has had in performing his responsibilities as guardian, and a social work centre may also decide to reward a guardian for his work.

Article 197

A guardian is bound to compensate the ward for damage which has been caused by improper or negligent administration or by the wilful abandoning of the responsibilities of a guardian.

Article 198

A social work centre shall dismiss a guardian if it finds that in carrying out the responsibilities of a guardian he has been negligent, that he has abused his rights or that he threatens the interests of the ward with his work, or if it finds that it would be more beneficial for the ward to have another guardian.

Article 199

A social work centre shall dismiss a guardian at his own request. It must do this within three months from the day on which the guardian requests dismissal.

Article 200

(1) Objection to the work of a guardian or social work centre in the field of guardianship may be made by a ward who is capable of doing this, its relatives, competent bodies and professional institutes.

(2) An objection to the work of a guardian shall be resolved by the competent social work centre and the administrative body competent for social security matters.

(3) The organ that resolves an objection under the previous paragraph shall investigate its grounds, decide what should be done and inform the objector about this.

3. Guardianship of a young person

Article 201

A social work centre shall place in guardianship a juvenile who does not have parents or for whom the parents do not take care.

Article 202

The guardian of a juvenile is bound to take care of them as (would) the parents of a juvenile.

Article 203

(1) A juvenile under guardianship who is fifteen years of age or more may themselves conclude their own legal business but the approval of their guardian is necessary for the validity of such business, and for such business as the guardian himself may not perform, the approval of a social work centre.

(2) A juvenile under guardianship who is fifteen years of age may dispose of his own personal income, whereby he is bound to contribute to his subsistence and education.

Article 204

Only with the approval of a social work centre may a guardian:

- place a juvenile in an upbringing institution or hand him or her over to another person for upbringing, care and welfare;
- remove a juvenile from school or change the type of education;

- decide on the choice of profession for a juvenile or the carrying on of a profession;
- take other important measures in relation to a juvenile which are determined by law.

Article 205

Guardianship of a juvenile shall cease when a juvenile reaches legal maturity, when he marries, or when he is adopted or if he becomes a parent and a court recognises his full business competence.

4. Guardianship of persons from whom business competence has been removed

Article 206

(1) A social work centre shall place under guardianship persons whose business competence has been taken away by order of court.

(2) A court must immediately send to a social work centre the legally binding order with which it has taken away the business competence of someone.

Article 207

The guardian of a person whose business competences have been removed must in particular care for their personality, respecting in this the causes of the removal of this person's business competence and attempt to remove these causes and qualify the ward for independent life and work.

Article 208

(1) The guardian of a person whose business competences have been completely removed shall have the right and obligations of a guardian of a juvenile who is not yet fifteen years of age.

(2) The guardian of a person whose business competences have been partially removed shall have the rights and obligations of the guardian of a juvenile who is already fifteen years old, a social work centre may as necessary decide which business the person whose business competences have been partially removed may carry out independently and without approval.

Article 209

(1) The court before which the proceeding was started whereby someone's business competence was removed, must immediately report this to a social work centre. The social work centre shall place the person against whom the proceeding has been started with a temporary guardian as necessary. For such guardianship, the provisions on guardianship of juveniles who are already fifteen years old shall be used, and the social work centre may as necessary use the provisions on guardianship of juveniles who are not yet fifteen years of age.

(2) The responsibility of a temporary guardian shall cease when he becomes a permanent guardian or when the order of court takes effect that there is no basis for taking away business competences.

Article 210

Guardianship of a person whose business competences have been removed shall end if a court orders the return of their business competences.

5. Guardianship in special cases

Article 211

A social work centre shall appoint a guardian for special cases or a guardian for specific kinds of business, in the absence of a person whose residence is unknown and who has no representative, the property of an unknown owner, whenever it is necessary for someone to

take care of such property, and also in other cases whenever this is required for the protection of the rights and benefits of an individual.

Article 212

In cases under the previous article of this Act, the organ before which a proceeding is taking place may appoint a guardian on conditions prescribed by law. This organ must immediately inform a social work centre of this. A social work centre has the same rights in relation to such a guardian as to a guardian it has itself appointed.

Article 213

(1) A special guardian shall be appointed for a juvenile, above whom are still in effect the parent's parental rights, in cases of dispute between them and the parents, for concluding specific legal business between them and in other cases if their interests are in conflict.

(2) A special guardian shall be appointed for a ward in a case of dispute between him and a guardian, for concluding legal business between them, as well as in cases in which their interests are in conflict.

(3) If there is a dispute between juveniles for whom the same person has parental rights or between persons who have the same guardian, or legal business between them in which the interests of the juvenile or ward are in conflict, a special guardian shall be appointed for each of them for conducting the dispute or concluding the business.

(4) Whenever parents, adopters, guardians or state or other organs become aware of such a case under this article while performing their responsibilities, they must report this to a social work centre.

Article 214

Unless otherwise determined by international contract, a social work centre shall decide in extremely urgent cases according to the provisions of this Act, what is necessary for the protection of the personality, rights and benefits of a foreign citizen, until such time as the organs of his own state decide what is necessary.

Article 215

In appointing a guardian for special cases, a social work centre shall determine the extent of the guardian's responsibility and rights, bearing in mind the circumstances of each individual case.

6. Procedure

Article 216

(1) Whenever a social work centre knows that someone needs to be put under guardianship, it shall decide immediately everything necessary for the protection of the person's personality and their rights and benefits and commence proceedings for placing them under guardianship.

(2) A procedure for placing a person under guardianship and appointing a guardian is urgent.

Article 217

The following are bound to inform the centre for social work of the need to place someone under guardianship, or the need for some form of protection which is provided by the centre for social work:

- a registrar, administrative and other organs, whenever they know of such a case in carrying out their responsibilities;
- the closest relatives, members of the household and neighbours;
- organisations of associated labour, local communities and other organisations and communities.

Article 218

In deciding on the form of protection which should be given to a ward, a social work centre must consider primarily the needs and benefits of the ward.

Article 219

(1) In deciding on placing under guardianship, in appointing or dismissing a guardian, in deciding on the extent of a guardian's rights and obligations and on the rights and benefits of the ward, a social work centre shall proceed according to regulations that apply for general administrative procedures, unless otherwise determined in this Act.

(2) In other cases, a social work centre shall behave in the most sensible way in accordance with its social role and the rules of its profession.

Article 220

A social work centre may change its previous decision in relation to guardianship if this is to the ward's benefit and if this does not thus infringe the rights of others.

Article 221

The placing under guardianship and the ceasing of guardianship of young persons and persons whose business competence has been removed shall be inscribed in the Register.

Article 222

If a ward has real estate, the placing under guardianship and the cessation of guardianship shall also be inscribed in the land register.

Article 223

Costs deriving from measures of guardianship to the benefit of the ward shall be covered:

- from the ward's income;
- from funds obtained from persons who are bound to support the ward;
- from the ward's assets;
- from social resources.

Part seven

TRANSITIONAL AND FINAL PROVISIONS

1. The law on marriage and family relations (Official Gazette SRS, no. 15/76) contains the following transitional and final provisions:

Article 224

Marriages concluded prior to the commencement of validity of this Act shall be valid if they were concluded in compliance with the then valid regulations.

Article 225

The provisions of this Act on personal rights and obligations of spouses, on their property relations and on the termination of marriage shall apply from the validity of this Act also for previously concluded marriages and for disputes between spouses which are in proceeding.

Article 226

The provisions of this Act on relations between parents and children, on adoption, on fostercare and on guardianship shall also be used for cases about which no legally binding decision has been handed down prior to the taking effect of this Act.

Article 227

(1) For adoptions concluded under regulations to date, regulations to date shall be used.

(2) Adoptions concluded under regulations to date may be changed into adoptions under this Act if the conditions under this Act are met.

Article 228

Municipal communities for social care must establish marriage counsellors within three years of this Act taking effect.

Article 229

The provisions of the second paragraph of article 15 and the first paragraph of article 26 of this Act on the submitting of a certificate on having visited marriage guidance shall start to be used on 1 January 1980.

Article 230

The provisions of articles 68 to 71 of this Act shall start to be used on 1 January 1980.

Article 231

The court shall send the order on the level of contribution for subsistence to the competent organ of the municipal community of social care in compliance with the first paragraph of article 132 of this Act for all maintenance support cases created up to the validation of this Act.

Article 232

(1) On the day when this Act takes effect, the following shall cease to be used in SR Slovenia:

- basic law on marriages (Official Gazette SFRY, no. 28/65), except the provisions of article 26;
- basic law on relations between parents and children (Official Gazette FLRY, no. 104/47, 11/51, 53/56, 4/57 and Official Gazette SFRY, no. 10/65);
- basic law on adoption (Official Gazette FLRY, no. 30/47, 24/52 and Official Gazette SFRY, no. 10/65), except in cases under the first paragraph of article 229 of that Act;
- basic law on guardianship (Official Gazette SFRY no. 16/65), except the provisions of article 29;
- the provisions of the twenty-sixth chapter of the law on legal proceedings (Official Gazette FLRJ, no. 4/57, 52/61 and Official Gazette SFRY, no. 12/65, 1/71, 23/72 and 6/74) except for the provisions which relate to the fixed term for attempted abortion which shall be used until 1 January 1980.

(2) On the day that this Act takes effect, the following shall cease to apply:

- law on fostercare (Official Gazette LRS, no. 34/60);
- law on property relations between spouses (Official Gazette LRS, no. 26/50).

Article 233

This Act shall take effect on 1 January 1977.

2. The Law on amendments and supplements to the law on marriages and family relations (Official Gazette SRS, no. 1/89) contains the following transitional provision:

Article 234

The republican committee for health and social security shall issue executive regulations under articles 70, 189 and 194 within six months of this Act taking effect.

Until the issue of executive regulations under article 70 of this Act, in relation to proceedings the provisions of self-management general acts of municipal communities of social care shall be used.