**THE FAMILY CODE**

***[Excerpt]***

**TITLUL VI**

**REGULATION OF FAMILY RELATIONSHIPS WITH FOREIGH ELEMENTS**

**THE FAMILY CODE**

*(Law of the Republic of Moldova No. 1316 of 26.10.2000, published in the* Monitorul Oficial *(Official Gazette) No. 47-48 dated 26.4.2001, en force since 26.4.2001)*

***[Excerpt]***

[…]

**TITLUL VI**

**REGULATION OF FAMILY RELATIONSHIPS WITH FOREIGH ELEMENTS**

**Article 154. Application of the Rules of Family Law to Foreign Nationals and Stateless Persons**

Foreign citizens and stateless persons domiciled in the territory of the Republic of Moldova shall have, in family relationships, the same rights and obligations as the citizens of the Republic of Moldova.

**Article 155. Entering into a Marriage on the Territory of the Republic of Moldova**

(1) The form and the procedure for entering into a marriage on the territory of the Republic of Moldova by foreign citizens and stateless persons shall be determined by the legislation of the Republic of Moldova.

(2) Foreign citizens, domiciling outside the territory of the Republic of Moldova, shall enter into the marriage on the territory of the Republic of Moldova in conformity with the legislation of the Republic of Moldova if they have the right to enter into a marriage in conformity with the legislation of the State, whose citizens they are.

(3) The terms for entering into a marriage by stateless persons on the territory of the Republic of Moldova shall be determined by the legislation of the Republic of Moldova, while taking into consideration the legislation of the State, in which these persons have their domicile.

(4) The marriages entered into at the at the foreign diplomatic missions or consular offices shall be recognize [*as valid*] on the territory of the Republic of Moldova on the basis of the principle of reciprocity.

**Article 156. Entering into a Marriage Outside the Republic of Moldova**

(1) The citizens of the Republic of Moldova may enter into a marriage, outside of the Republic of Moldova, at the diplomatic missions or the consular offices of the Republic of Moldova.

(2) The marriages between the citizens of the Republic of Moldova and marriages between the citizens of the Republic of Moldova and the foreign citizens or stateless persons entered into outside the Republic of Moldova in conformity with the legislation of the country, in which the marriage has been entered into, shall be recognized [*as valid*] in the Republic of Moldova only if the requirements of art. 11 and art. 14 of this code have been complied with.

**Article 157. Personal Non-Property and Property Relationships of the Spouses**

(1) The personal non-property and property rights and obligations of the spouses shall be determined by the legislation of the State, on whose territory they have their joint domicile, and in the absence of a joint domicile - by the legislation of the State, on whose territory they have had the last joint domicile.

(2) Where the spouses have no and previously had no joint domicile, their personal non-property and property rights and obligations shall be determined on the territory of the Republic of Moldova by the legislation of the Republic of Moldova.

(3) A marriage contract or an agreement on the payment of a maintenance alimony by the spouses to each other may be submitted, by a choice-of-law agreement, to the legislation of the State, in which one of the spouses has his/her domicile. Where such a [*choice-of-law*] agreement is absent, the relevant agreements shall be governed by the provisions of paragraphs (1) and (2).

**Article 158. Dissolution of a Marriage**

(1) The dissolution of a marriage containing foreign elements on the territory of the Republic of Moldova shall be effected in conformity with the legislation of the Republic of Moldova.

(2) A Moldovan citizen residing outside the territory of the Republic of Moldova shall have the right to dissolve his/her marriage, regardless of the other spouse’s citizenship or domicile, in the courts of the Republic of Moldova.

(3) If, in conformity with the legislation of the Republic of Moldova, a marriage may be dissolved at the civil status office, the marriage may be dissolved at the diplomatic missions or consular offices of the Republic of Moldova.

(4) The dissolution of a marriage effected outside of the territory of the Republic of Moldova shall be recognized as valid in the Republic of Moldova, if, in doing so, the requirements of the legislation of the relevant foreign State in respect to the competence of the bodies, which have taken the decision [*on the dissolution of the marriage*], and in respect to the dissolution of a marriage, have been complied with.

**Article 159. Establishing and Contesting the Fatherhood (Motherhood)**

(1) The [*procedure of*] establishing and contesting the fatherhood (motherhood) on the territory of the Republic of Moldova, in case of foreign or stateless parents (parent), shall be governed by the legislation of the Republic of Moldova.

(2) The fatherhood (motherhood) of a child, who is a citizen of the Republic of Moldova, regardless of the child's residence, shall be established and contested in conformity with the legislation of the Republic of Moldova.

(3) In the cases, when the legislation of the Republic of Moldova admits the establishment of the fatherhood (motherhood) at the civil status offices, the child's parents, who are residing outside of the territory of the Republic of Moldova, where even only one of them is the citizen of the Republic of Moldova, shall have the right to submit applications on establishing the fatherhood (motherhood) to the diplomatic missions or consular offices of the Republic of Moldova.

**Article 160. The Rights and Obligations of the Parents and Children**

(1) The rights and obligations of the parents, including the parents’ obligation to maintain their children, shall be determined by the legislation of the State, on whose territory they [*parents and children*] have their joint domicile. In the absence of a joint domicile of the parents and children, their [*parents and children*] rights and obligations shall be governed by the legislation of the State, whose citizen the child is.

(2) To the insurance of the maintenance [*alimony*] obligations between parents and children the legislation of the State, whose citizen the person claiming maintenance is, may be applied.

**Article 161. Maintenance Obligations of the Children and Other Family Members**

The maintenance [*alimony*] obligations of the children and other family members shall be determined in conformity with the legislation of the State, where the person, who is entitled to maintenance, has his/her domicile, if the agreement on the payment of maintenance [*alimony*] does not provide otherwise.

***Article 162. The Adoption*** [*Repealed*]

***Article 163. Guaranteeing the Rights of Children, who are Citizens of the Republic of Moldova, Adopted by Foreign Citizens or Stateless Persons*** [*Repealed*]

**Article 164. Application of the Rules of Family Law of Foreign States**

(1) When applying the rules of family law of foreign States on the territory of the Republic of Moldova, the content of these rules shall be determined in conformity with the official interpretation or [*application*] practice in the corresponding States.

(2) The interested persons shall have the right to submit documents confirming the content of the foreign State’s family law rules, which they refer to, or to contribute in another way to the determination of the content of those rules.

(3) If, despite the measures taken, the content of the family law rules of the foreign States has not been established, the legislation of the Republic of Moldova shall apply.

(4) The family law rules of foreign States shall not be applicable on the territory of the Republic of Moldova if they contradict the mores and public policy of the Republic of Moldova. In this case, the legislation of the Republic of Moldova shall apply.