

New Civil Code To Significantly Change Regulation of Domestic Partnership

While currently very often court rulings formulate the legal practice related to those forming domestic partnership, the new Civil Code to take effect from March will include concrete provisions for several hundred thousand couples forming domestic partnership, revealed to origo dr. Mónika Kapetz, the expert of Kovács Réti Szegheő Attorneys at Law. Dr. Mónika Kapetz pointed out, from March for example, partners will also become entitled to be granted alimony in the case of termination of their common life and the arrangement of the question of residential home use will become possible.

As opposed to the legal practice currently predominantly formulated by court rulings, the new Civil Code will already include provisions in relation to partners, which provide for the rights and obligations of parties in the case of live-in relationships which are increasingly gaining ground from marriages thus increasing the legal security, emphasised the expert of Kovács Réti Szegheő Attorneys at Law.

Among the effective statutory provisions we can find considerably few provisions in connection with partners while the statistical data show that the number of marriages entered into is continuously decreasing while the number of those forming domestic partnership is increasing.

The legislators therefore, among the provisions of the new Civil Code, the Act V of 2013 have placed provisions referring to the family law implications of domestic partnership, highlighted dr. Mónika Kapetz.

Conditions of Alimony to Partners

With the act as of 15 March, 2014, becoming effective, partners are to become entitled to alimony in the case of termination of their common life insofar as the conditions determined in the act are fulfilled, while earlier the right to alimony was applicable only in the case of spouses. The regulation is similar to the provisions applicable for spouses.

After the termination of the common life, the partner unable to support himself/herself through no fault of his/her own will become entitled to alimony if the common life has existed for at least 1 (one) year between the partners and a child has been born from their relationship. It is obvious from the provision that the conditions of time period and child must be fulfilled at the same time.

According to the expert of Kovács Réti Szegheő Attorneys of Law, it is important that in case a person should become dependent on alimony after one year following the termination of the



common life, they will be entitled to claim alimony only in cases worthy of equitable consideration.

Can a Partner Become Unworthy?

Just like the spouse according to the earlier regulation, the partner, according to the new regulation, may also be deemed unworthy to be granted alimony in such a case when the party seeking alimony is pursuing a gravely objectionable lifestyle or his/her conduct has fundamentally contributed to the termination of the relationship or also in such a case if he/she showed such a behaviour that grossly infringed the rights of his/her earlier partner or his/her relative living with him/her.

According to dr. Mónika Kapetz, however, it must be emphasised that the court will examine, during its deliberation, the conduct of the party who is referring to unworthiness. Furthermore, the person whose child's or their own necessary subsistence would this way be endangered will not be obliged to provide alimony.

Possibility of Agreement

Further novelty of the regulation will be that the partners may agree in a public document or in a private document countersigned by a lawyer that the person obliged to provide alimony can satisfy their obligation by the one-off provision of a determined asset or amount. In this case, however, the partner who is granted such alimony may not demand alimony in the future even if he/she becomes entitled under the Civil Code.

All alimony claims enforceable against one person may not, even in the future, exceed half of their income. It becomes possible furthermore to index the alimony determined in cash annually, at the rate published by the KSH (Central Statistical Office) in proportion to the increase of consumer price index, underlined the expert of Kovács Réti Szegheő Attorneys at Law.

Residential Home Use Has Also Been Regulated

In the case of partners, too, it becomes possible to settle the question of residential home use. In the course of this, too, the provisions relating to spouses must be applied, among others for example that until the settlement of flat use the spouse/partner may not dispose over the residential home used on the basis of his/her sole legal grounds without the consent of his/her spouse/partner in such a way that would have detrimental effect on the residential home use of the spouse/partner or the minor child living in the residential home of the spouse/partner.



The court may in exceptional cases entitle a partner to the exclusive use of the residential home used by the other partner on grounds of his/her sole ownership or usufruct in case he/she is granted parental custody of at least one of the minor children and otherwise the minor child's use of residential home cannot be assured.

Therefore contrary to the current legal practice formulated predominantly by court rulings, the new Civil Code will include provisions in respect of partners which regulate the parties' rights and obligations in the case of live-in relationships gaining more and more ground from marriage, thus increasing the legal security, summarised finally dr. Mónika Kapetz.