

**Act IV of 1952
on marriage, family and guardianship**

Section 1 The purpose of the act on marriage, family and guardianship is to regulate and protect the institution of marriage and the family, to ensure the equality of women in marriage and family life, to protect the interests of children and to promote the development and education of youth, in accordance with Sections 50-52 of the Constitution, the social order of our people's democracy and socialist moral concepts.

[keywords: institution of marriage and the family, equality of women in marriage and family life, socialist moral concepts]

**PART ONE
MARRIAGE**

**CHAPTER I
Contracting marriage**

1. Formalities of marriage

Section 2 par. 1 Marriage is contracted when the couples together declare their intention to marry in person before an official registrar of the executive committee of the local council.

Par. 2 After the declaration has been made, the registrar registers the marriage in the register of marriage.

Par. 3 The marriage is performed in public, in the presence of two witnesses, in a designated official place.

Par. 4 In exceptional circumstances, the marriage may be contracted outside the registrar's official premises.

[keywords: form of marriage]

Section 3 par. 1 Prior to marriage, the spouses must declare before the registrar that, to the best of their knowledge, there are no legal impediments to their marriage and must certify, in accordance with the rules laid down for this purpose, that the legal preconditions for their marriage are fulfilled.

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[keywords: legal impediments to marriage]

Section 4 par. 1 Marriages shall be contracted before the registrar in whose jurisdiction either of the spouses resides.

Par. 2 Marriages may be contracted before another registrar if the spouses notify the competent registrar in advance of their intention to do so.

Par. 3 If neither of the spouses residing in Hungary is domiciled in Hungary, the marriage can be contracted before any registrar.

[keywords: place of marriage]

2. Marriage abroad – Marriage of foreigners

Section 5 If both the spouses are Hungarian citizens, they may also marry before a Hungarian diplomatic mission abroad, provided that the Council of Ministers has authorised the diplomatic mission to assist in such marriages based on reciprocity. Such marriage shall be deemed to have been contracted in Hungary.

[keywords: marriage abroad]

Section 6 par. 1 If a foreign citizen or a stateless person residing abroad or a person of doubtful or disputed nationality wishes to marry in Hungary, he or she must prove that the marriage is not an impediment under the foreign law governing him or her. The Minister of Justice may exempt from this requirement.

Par. 2 The marriage of a Hungarian citizen to a foreign citizen requires the permission of the Presidential Council of the People's Republic.

[keywords: foreign citizen marriage]

CHAPTER II Invalidity of marriage

1. The causes of annulment

Section 7 par. 1 The marriage is void if one of the spouses has a previous marriage.

Par. 2 The latter marriage shall become valid from the date of dissolution of the previous marriage. If the court declared the previous marriage annulled, the latter marriage shall become valid retroactively from the date when it took place.

[keywords: bigamy]

Section 8 par. 1 Marriage shall be invalid if it takes place:

- a) between relatives in direct line;
- b) between siblings;
- c) between a person and the biological descendant of his or her sibling; and
- d) between the spouse a relative in direct line of a former spouse

Par. 2 A marriage of a sibling to a biological descendant of his or her sibling and of a spouse to a relative in direct line of his or her former spouse is not invalid if the executive committee of the local council grants a dispensation either before the marriage is contracted or later during the marriage.

[keywords: nullity of marriage, incest]

Section 9 par. 1 The marriage of a person who, at the time of the marriage, was under an incapacitating guardianship or, being a child, was totally incapacitated, is void.

Par. 2 The marriage of the ward is valid if, after the termination of the guardianship, it is confirmed for the duration of the marriage.

[keywords: nullity of marriage, incapacity to marry]

Section 10 par. 1 The marriage of a minor with limited capacity is invalid if it was contracted without the permission of the guardianship authority.

Par. 2 The marriage becomes valid if, while it is still in force, the guardianship authority grants a supplementary licence before the age of majority is reached, or if the spouse confirms the marriage after the age of majority is reached.

Par. 3 The guardianship authority decides whether to grant the authorisation after hearing the legal representative.

[keywords: nullity of marriage, a minor, guardianship authority]

Section 11 par. 1 The marriage of a person who was in a state of total incapacity at the time of the marriage, even though he or she was not under a guardianship of that nature, is invalid.

Par. 2 The marriage is valid if the spouse who lacked capacity, after having acquired capacity, confirms during its duration.

[keywords: nullity of marriage, total incapacity to marry]

Section 12 The marriage shall be void:

- a) if the registrar was not acting in an official capacity when it was contracted;
- b) if the spouses were not present together when they made their declaration of marriage.

[keywords: nullity of marriage, presence of spouses]

Section 13 par. 1 The marriage of a Hungarian citizen to a foreign citizen without the permission of the Presidential Council of the People's Republic is invalid.

Par. 2 The marriage becomes valid if the Presidential Council grants the permission later, during the marriage.

[keywords: nullity of marriage, foreign citizen marriage, lack of permission of the authority]

2. Annulment of marriage

Section 14 par. 1 A marriage can only be considered void if it has been declared void by a court in an action for annulment.

Par. 2 The judgment on the annulment of the marriage applies to everyone.

Par. 3 An action for annulment for failure to observe the formalities of the marriage (Section 12) may be brought only within six months of the marriage and only until the marriage cease to exist, but the cease of the marriage does not prevent the continuation of the action already brought.

[keywords: action for annulment]

Section 15 par. 1 An action for annulment may be brought by – with the exceptions below – either of the spouses, the public prosecutor, or by any person who has a legal interest in the nullity of the marriage.

Par. 2 If the person who instituted the action dies, any other entitled person may be substituted for him or her.

Par. 3 After reaching the age of majority or after the termination of guardianship, only the spouse in whose person the cause of invalidity existed is entitled to bring an action for annulment on the grounds of childhood, minority and being under guardianship (Sections 9 and 10). Such an action may be brought only within six months of the date on which the spouse reaches the age of majority or ceases to be under guardianship.

Par. 4 An action for annulment on the ground of total incapacity (Section 11) may be brought only by the spouse who was totally incapacitated at the time of the marriage. Such an action may be brought within six months of the date on which the spouse regains capacity.

Par. 5 If a spouse who has the exclusive right under the preceding provisions dies, he or she may be replaced in the action by any person who is normally entitled to bring an action for annulment.

[keywords: action for annulment]

Section 16 The action for annulment of the marriage must be brought by the person entitled to it in person. A plaintiff with limited capacity may also bring the action himself with the consent of his or her legal representative; if the claimant is the spouse, the consent of the legal

representative is not required. If the plaintiff is a person subject to a guardianship order disqualifying him or her from exercising his or her legal capacity, the action may be brought on his or her behalf by his or her legal representative with the consent of the guardianship authority.

[keywords: action for annulment]

CHAPTER III

Termination of marriage

1. The causes of termination

Section 17 par. 1 Marriage shall cease to exist:

- a) in the event of the death of one of the spouses,
- b) if dissolved by court order.

Par. 2 The marriage may be dissolved by a death certificate or the court ruling declaring the person in question dead or on the legal presumption of death. In the event of remarriage of the other spouse, the previous marriage is considered to have been dissolved even if the said entry in the marriage certificate or court decision ceases to have effect after the remarriage. This provision shall not apply if, at the time of the remarriage, either spouse knew that death had not occurred.

[keywords: cessation of marriage]

2. The dissolution of marriage

Section 18 Par. 1 The marriage shall be dissolved at the request of either spouse for serious and justifiable reasons, after the preparatory procedure and court proceedings provided for.

Par. 2 In assessing whether there are serious and well-founded grounds for divorce, the best interests of the minor child shall also be considered.

[keywords: dissolution of marriage]

Section 19 The action for divorce must be brought by the spouse in person. A spouse who is incapacitated may also bring the action himself or herself without the consent of his or her legal representative. If, however, the spouse is a ward of the court, the legal representative is entitled to bring the action on his or her behalf with the consent of the guardianship authority.

[keywords: divorce]

Section 20 In the case of a judicial dissolution, the marriage is dissolved on the day the judgment granting the divorce becomes final.

[keywords: divorce]

Section 21 par. 1 In the event of divorce, maintenance may be claimed from the former spouse by a person who, through no fault of his or her own, is entitled to it, unless he or she was unworthy of it because of his or her conduct during the marriage. Maintenance may be claimed only to the extent that it does not jeopardise the livelihood of the former spouse and of the person whom the former spouse is obliged to maintain in the same line as the maintenance claimant.

Par. 2 Maintenance may also be granted for a fixed period if it can be assumed that the dependency of the spouse to whom maintenance is owed will cease after the expiry of the fixed period.

[keywords: divorce, maintenance]

Section 22 par. 1 If there has been a substantial change in the circumstances based on which maintenance was established by common consent or by a court judgment, the amount of maintenance may be changed.

Par. 2 The right to maintenance ceases if the person to whom maintenance is owed remarries or subsequently becomes unworthy of maintenance because of his or her conduct, and if the person to whom maintenance is owed no longer needs maintenance. In the latter case, however, the right to maintenance shall be revived if the former person to whom maintenance is owed becomes again in need of maintenance.

[keywords: divorce, maintenance, circumstances]

CHAPTER IV

Rights and duties of spouses

1. General provisions

Section 23 Spouses have equal rights and duties in matters of married life.

[keywords: rights of spouses, duties of spouses]

Section 24 Spouses must be loyal and faithful to each other; they shall support one another.

[keywords: loyalty, faithfulness]

Section 25 The spouses choose their home jointly. The agreement on the place of residence can only be deviated from without the consent of the other spouse for good cause.

[keywords: place of residence]

Section 26 par. 1 The wife bears her husband's name with a suffix indicating the marital relationship, to which she may add her own name or her name alone. If she wishes to bear only her name, she must notify the registrar before the marriage.

Par. 2 If the wife bore her husband's name, she may choose to keep her husband's name after his death or to declare to the registrar that she will bear only her own name.

Par. 3 A woman whose marriage has been annulled or dissolved may bear the name of her ex-husband only if she has borne it before, has not become unworthy of it and has been authorised to do so by the court on her application in the annulment or dissolution judgment.

Par. 4 Any subsequent derogation from the use of names based on the foregoing provisions may be made only with the permission of the authority competent for name changes.

[keywords: wife's name]

2. Marital community of property

Section 27 The marriage creates a community of property between the spouses for the duration of the marriage. Accordingly, the undivided joint property of the spouses is everything which they have acquired during the marriage, whether jointly or separately, but not including property which belongs to the separate property of one of the spouses (Section 28). The community of property may not be excluded in whole or in part before the marriage.

[keywords: marital community of property]

Section 28 par. 1 Separate property of a spouse shall include:

- a) any property acquired before marital community of property,
- b) property received during the marriage in connection with a distinction and property acquired by inheritance or received as a gift,
- c) assets acquired in exchange for the spouse's separate property.

Par. 2 An agreement between the spouses to transfer certain community property to the separate property of one of them shall have no legal force against third parties.

[keywords: personal property of spouses]

Section 29 par. 1 The community property may be used by each spouse according to its intended purpose.

Par. 2 The spouses are jointly entitled to manage the community property. Each spouse may

wish the other to contribute to the measures necessary to maintain the community property or to avoid its depreciation.

Par. 3 The costs of maintaining and managing the community property shall be covered primarily by the community property, and if this is insufficient, the spouses must contribute to the costs proportionally from their separate property.

[keywords: managment of community property]

Section 30 par. 1 During the community of property, it is only possible to dispose of property belonging to the community of property or to make a general property disposition that does not concern the separate property of the spouses with the joint consent of the spouses.

Par. 2 A transaction for pecuniary interest entered into by either spouse during the community of property and subject to the preceding provision shall be deemed to have been entered into with the consent of the other spouse, unless the third party entering into the transaction knew that the other spouse had not consented to the transaction. However, where the spouse has entered into the transaction in respect of property for his or her own personal use or to meet the needs of everyday life, the other spouse may rely on his or her lack of consent only if he or she has previously expressly objected to the conclusion of the transaction to the third party who entered into it.

Par. 3 Under the foregoing provisions, the other spouse is liable to a third party for a transaction entered into by his or her spouse up to the amount of his or her share of the community property.

Par. 4 If a spouse enters into a contract without the consent of his or her spouse, he or she is liable to compensate the spouse for any loss or damage caused.

Par. 5 A spouse is liable for a debt which is not owed by both spouses under the foregoing provisions, both by his or her separate property and by his or her share of the community property.

[keywords: disposal of community property]

Section 31 par. 1 The termination of the community of property may be ordered by the court on the joint application of the spouses for important reasons during the marriage.

Par. 2 When the marital community ceases to exist, the community of property comes to an end and either spouse can claim the division of the community property.

Par. 3 The property of the spouses shall be distributed in kind from the community property existing at the time of the termination of the matrimonial relationship. If for any reason this is not possible or would involve a considerable loss of value, the method of division shall be determined by the court in the event of a dispute.

[keywords: termination of the community of property]

3. The costs of the household – maintenance

Section 32 par. 1 The joint household expenses are covered mainly by the spouses' earnings and other joint assets. If the spouses live separately while maintaining a community of life, their living expenses must also be covered primarily in this way.

Par. 2 If the common property does not cover the costs of the common household, the spouses must contribute equally from their separate property. If only one of the spouses has separate property, he or she is obliged to contribute the amount necessary to supplement the common household expenses.

Par. 3 A spouse is also obliged to support his or her spouse who is legally separated (Section 25) and who is dependent through no fault of his or her own from his or her separate property, if the common property cannot cover the costs of his or her spouse's subsistence and the maintenance does not endanger his or her own subsistence and that of the person whom he or she is obliged to support in the same line as his or her spouse. This provision also applies where there is no community of property between the spouses.

[keywords: costs of household]

4. Property consequences of a constructive marriage

Section 33 par. 1 If both spouses acted in good faith at the time of the invalid marriage, the property consequences of the marriage are the same as in a valid marriage. If such a marriage is declared invalid, each spouse may enforce the property rights as if the marriage had been dissolved by the court at the time of the declaration of invalidity.

Par. 2 If only one of the spouses acted in good faith at the time of the invalid marriage, the preceding provisions apply only to his or her wishes.

[keywords: property of invalid marriage]

PART TWO FAMILY

CHAPTER V Family status

1. Kinship

Section 34 par. 1 Lineal descent refers to a blood relative in the direct line of descent.

Par. 2 Collateral descent refers to relatives not in direct line of descent, having at least one common ancestor.

[keywords: lineal descent, collateral descent]

Section 35 par. 1 The man with whom the mother lived in wedlock from the time of conception of the child until the birth of the child, or at least during a part of this period, shall be considered the father of that child. The invalidity of the marriage shall not affect the presumption of paternity.

Par. 2 The presumed time of conception means the time period between the one hundred and eighty second day and the three hundredth day elapsed since the date of the child's birth, including both deadlines. If the child is claimed to have been born before or after the presumed time of conception, it may be verified by evidence.

Par. 3 If the woman remarried after the termination of her previous marriage, the latter husband shall be considered the father of a child born during the latter marriage, even if three hundred days did not lapse between the date her previous marriage was terminated and the date on the child was born. If this presumption is rebutted (Section 43), the former husband shall be considered the father of the child.

[keywords: presumption of paternity]

Section 36 If the mother has not been married during all or part of the period from the beginning of the period of conception to the birth of the child (§ 35), the man shall be considered the father of the child

- a) who admitted in a fully enforceable acknowledgement of paternity that he is the father of the child, or
- b) who was declared to be the father by the court (Section 38), or
- c) in the case of the preconditions laid down in this Act (Section 39), the person who married the mother after the birth of the child.

[keywords: paternity, acknowledgement of paternity, judicial declaration of paternity]

(...)

CHAPTER VII

Maintenance of relatives

Section 60 par. 1 A person who is unable to support himself or herself and who has no spouse who can be forced to support him/herself is entitled to maintenance from his or her relatives within the scope of the following provisions (Sections 61-62).

Par. 2 A working descendant is also entitled to maintenance if he or she needs it to continue his or her studies.

[keywords: maintenance of relatives]

Section 61 par. 1 The person to whom the maintenance is owed is primarily dependent on his or her descendants.

Par. 2 If the person to whom the maintenance is owed has no descendants who are dependent on him or her, his or her maintenance is the responsibility of his or her ascendants.

Par. 3 The relative who is nearer to the person to whom the maintenance is owed in the order of descent takes precedence in the maintenance obligation over the more distant one.

Par. 4 An adopted child and his or her descendants must be supported by the adopter before the adopted child's birth parents.

Par. 5 A minor who has no dependent relative in the same line shall be dependent on his or her adult sibling, but only to the extent that he or she is able to do so without endangering the maintenance of himself or herself, his or her spouse or dependent relatives in the same line.

[keywords: maintenance]

Section 62 par. 1 A spouse is obliged to support in his or her household a dependent minor child (stepchild) of his or her spouse living with him or her who has been brought into the household by his or her spouse with his or her consent. The obligation to maintain is shared by both spouses.

Par. 2 A stepchild is obliged to support his or her dependent stepparent if the stepparent has provided for his or her support for a longer period of time.

[keywords: maintenance of stepchildren]

Section 63 par. 1 The maintenance obligation is divided equally between several persons in the same line; the deceased descendant is replaced in the maintenance obligation by his or her descendants. Derogations from these provisions may be made if, having regard to the financial circumstances of the debtors, other arrangements appear equitable.

Par. 2 For the benefit of the person owing maintenance who personally cares for the person to whom maintenance is owed, the work and other burdens involved shall be considered in the calculation of the maintenance obligation.

[keywords: joint obligation of maintenance]

Section 64 par. 1 If a person has several dependants and cannot support them all,

- a) the relative precedes the stepchild and the stepparent,
- b) the descendant precedes the ascending relative,

c) the nearest relative precedes the distant relative in entitlement.

Par. 2 The child comes before the spouse and the divorced spouse in the chain of entitlement for maintenance, and the spouse and the divorced spouse come before the other relatives, in the same order.

[keywords: sequence of maintenance]

Section 65 The obligee is obliged to provide the person to whom maintenance is owed with all the means necessary for the maintenance of the obligee, according to his or her financial circumstances. The maintenance of the descendant and of the sibling shall include the cost of education and necessary schooling.

[keywords: scope of maintenance]

Section 66 The maintenance can be provided by the obligee, at his or her own discretion, in kind or in advance, in cash, every month. The person to whom maintenance is owed may, for good cause, require the obligee to pay maintenance in money. The court may also determine another form of maintenance, considering the circumstances of the parties.

[keywords: form of maintenance]

Section 67 par. 1 No one is obliged to maintain another person who would thereby endanger his or her own necessary maintenance. However, a parent shall share with his or her minor child what is available for their joint maintenance to the detriment of his or her own maintenance; this rule shall not apply if the child's maintenance is dependent on the state of his or her property or if the child has other relatives in the same line who are capable of being dependent on him or her.

Par. 2 If the person who would otherwise have been obliged to pay maintenance is exempted from it under the preceding provision, the obligation of maintenance falling on him or her shall be transferred to the other obligees in the same line as him or her (Sections 61-63), and in the absence of such obligees to the obligees next in line.

[keywords: limits of maintenance]

Section 68 A maintenance claim may be enforced in court with retroactive effect to a period more than six months previously if the entitled person was delayed with reasonable cause in enforcing the claim.

[keywords: maintenance claim]

Section 69 par. 1 If there has been a substantial change in the circumstances based on which

the maintenance was established by common consent or by a court judgment, the amount of maintenance may be changed.

Par. 2 An increase in maintenance may also be requested if the maintenance has already been set by common consent at a lower amount than the law would have required.

[keywords: amount of maintenance]

CHAPTER VIII

Parental custody

1. Parental custody in general

Section 70 Minor children are under parental custody or guardianship.

[keywords: minor children, legal representative]

Section 71 par. 1 Parental custody shall be exercised in accordance with the interest of the minor child.

Par. 2 Parental custody covers to provide care (Sections 75-77), to handle the minor children's financial affairs (Sections 78-84) and legally represent (Sections 85-88) a minor child, as well as the right to appoint (Section 96) and exclude (Section 100) a guardian.

[keywords: parental custody, interest of a minor child]

Section 72 par. 1 Parental custody is exercised by the parents together.

Par. 2 If the parents of the child do not live together and the child is placed with one of them, custody is exercised by the parent with whom the child is placed. If the child of the separated parents is placed with someone else, the guardianship authority shall designate the parent who has parental custody, unless they agree otherwise.

[keywords: joint parental custody]

Section 73 Unless otherwise provided by this Act, the guardianship authority shall decide on matters within the scope of parental custody in which the parents exercising parental custody jointly cannot reach agreement (Section 76).

[keywords: joint parental custody]

Section 74 par. 1 The guardianship authority is obliged to hear both parents in its proceedings regarding parental custody, unless there is an insurmountable obstacle. If necessary, the other nearest relatives of the child and the minor child himself or herself must also be heard.

Par. 2 The guardianship authority may modify or revoke its parental supervision measures at any time in the future if this is necessary in the best interests of the child.

[keywords: joint parental custody]

2. Parental care

Section 75 par. 1 Parental custody is the duty of parents to care for and educate their child, and to promote his or her physical and mental development. They shall strive to ensure that the child becomes a healthy, educated, moral person, loyal to his or her people, loving his or her country, and contributing to the building of socialism through useful work. It is their right and their duty to do everything necessary to achieve these goals and to refrain from doing anything that hinders or makes it more difficult.

Par. 2 A child is obliged to respect and obey his or her parents and to do his or her best to help them in their efforts.

[keywords: duties of parents, education, health, morality, loyalty to country, building of socialism]

Section 76 par. 1 In the absence of agreement between the parents, the court shall decide on the child's placement. In such a case, a male child over the age of six shall normally be placed with his father, and a female child and a male child under the age of six shall normally be placed with their mother. However, it is possible to derogate from this rule and place the child elsewhere in the best interests of the child.

Par. 2 A parent with parental custody may demand the extradition of the child from the person who is unlawfully keeping the child.

Par. 3 A child over the age of sixteen may leave the parental home or other place of residence designated by the parents without the consent of the parents, with the permission of the guardianship authorities, if there is an important reason to do so.

[keywords: child's placement]

Section 77 It is up to the parents exercising parental custody to decide what career the child should follow. The child should choose the career that best suits his or her inclinations, physical and mental abilities and other circumstances.

[keywords: child's profession]

3. The right of the parents to manage the assets

Section 78 par. 1 Parents who have parental custody have the right and the duty to manage all their child's assets that are not legally exempt from their management.

Par. 2 If circumstances indicate that it is in the best interests of the child, the guardianship authority may appoint one of the parents to manage the child's assets. The agreement of the parents, if it is not contrary to the child's interests, shall be considered in the decision.

[keywords: management of child's assets]

Section 79 par. 1 The earnings that the child has earned through his or her own work are not the responsibility of the parents but are at the child's free disposal.

Par. 2 Assets of a minor child which the child has received on the condition that it cannot be administered by his or her parents is also excluded from the administration of the parents.

[keywords: earnings of child]

Section 80 par. 1 Parents manage their child's assets without the obligation to give security or account for it and are only required to account for the state of the property when the management ceases.

Par. 2 If the parents fail to fulfil their obligation to manage the child's assets, the guardianship authority may subject the management of the assets to regular supervision, require the parents to provide security in justified cases and require them to report on the management of the property in the same way as the guardian.

Par. 3 Parents are required to submit a statement of their child's assets to the guardianship authorities when they receive them. The guardianship authority may have the property inventoried by an official.

[keywords: management of child's assets]

Section 81 par. 1 In managing their child's assets, the parents shall follow the same rules of prudential management as applicable to their own affairs. However, this does not exempt them from liability for serious negligence.

Par. 2 The parents shall transfer the child's money and other valuables to the guardian authority, if such assets are not immediately required for ongoing expenses according to the principle of prudential management. Parents cannot dispose of such assets without the consent of the guardianship authority.

[keywords: management of child's assets, diligence]

Section 82 par. 1 The parents shall use the child's income for financing the child's justified needs.

Par. 2 If the income is not sufficient to maintain the child and the parents are unable to maintain the child from their own resources without jeopardising their own support, the guardianship authority may allow the parents to draw on the child's assets in specified

instalments to cover the costs of maintenance.

[keywords: child's income]

Section 83 If the asset management right of the parents is terminated, they shall release the assets to the child of legal age, or to the person to whom management of the assets has been entrusted.

Section 84 par. 1 A child who has his or her own earnings at his or her own disposal (Section 79 par. 1), if he or she lives in the household of his or her parent, shall contribute to the expenses of the household from his or her earnings to the extent of his or her own earnings.

Par. 2 The parents may claim out of the child's assets the reimbursement of expenses which, although not legally chargeable to them, they have incurred out of their own property for the person or property of the child, if they have considered them necessary or useful in the circumstances.

[keywords: termination of management of child's assets]

4. The right and duty of legal representation

Section 85 par. 1 It is the right and obligation of the parents having rights of custody (Section 72) to represent their child in matters of a personal and financial nature.

Par. 2 The parent's right of representation does not extend to matters relating to the child's property which is not subject to their management (Section 79). A parent who does not have the right of managing the child's assets may not represent his or her child in property matters.

Par. 3 If parental custody is jointly exercised by both parents (Section 72 par. 1), the parents may authorise each other, either mutually or separately, to exercise legal representation in the child's property matters on behalf of one parent and on behalf of the other parent.

Par. 4 A parent acting on behalf of a child may be regarded by third parties acting in good faith as also acting as an agent for the other parent in minor property transactions in everyday life.

[keywords: legal representation of child]

Section 86 par. 1 A parent may not represent his or her child in a case in which he or she or his or her spouse, relative or other person legally representing him or her is an adverse party against the child or in which the family status of the child is being determined.

Par. 2 The guardianship authority may deprive the parent of the right of legal representation for certain property matters or for a specific category of matters, if there is reason to fear that the parent would not exercise the representation in the best interests of the child.

[keywords: limits of legal representation]

Section 87 par. 1 A parent may not validly make a declaration of rights which constitutes a commitment or waiver of rights without consideration on behalf of his or her minor child, even with the consent of the guardianship authority. This rule does not exclude ordinary occasional gifts. A donation for a public purpose is valid if the parent's declaration to that effect is approved by the guardianship authority.

Par. 2 The validity of a legal declaration made by a parent on behalf of a minor child requires the approval of the guardianship authority, in addition to the cases specifically provided for by law, if the declaration relates to

- a) the maintenance of the minor,
- b) a right or obligation to which the minor is entitled by virtue of an inheritance,
- c) the refusal or return of a gift, other than an ordinary gift,
- d) the alienation, encumbrance or acquisition of real estate property,
- e) any other legal transaction of a value exceeding five thousand forints.

Par. 3 The consent of the guardian authority for a settlement approved by the court is not required in the cases under the previous provision

[keywords: management of child's assets, permission of guardianship authority]

Section 88 For the purposes of the preceding provisions on the right of legal representation of the parent, a statement made on behalf of a minor child shall also be deemed to be a statement if the parent gives his or her prior consent or subsequently consents to the statement made by the child in person.

[keywords: legal representation]