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Amendment of Articles 14 and 64 of the Family Code, Article 38 of the Civil Code, Article 181 of the Penal Code and repeal of Articles 15(3), 19 and 65(c) of the Family Code to prevent the marriage of minors under 15 years of age.

N° 8571

THE LEGISLATIVE ASSEMBLY
OF THE REPUBLIC OF COSTA RICA
DECREES:

AMENDMENT OF ARTICLES 14 AND 64 OF THE FAMILY CODE, LAW NO. 5476; ARTICLE 38 OF THE CIVIL CODE, LAW NO. 63;

ARTICLE 181 OF THE PENAL CODE, LAW NO. 4573;

AND REPEAL OF ARTICLE 15, SUBSECTION 3),

ARTICLE 19 AND SUBSECTION C) OF ARTICLE

65 OF THE FAMILY CODE, TO PREVENT THE

MARRIAGE OF INDIVIDUALS

UNDER FIFTEEN YEARS OF AGE

Article 1-Refine Articles 14 and 64 of the Family Code, Law No. 5476. The texts shall read as follows:

"Article 14.-Marriage is legally impossible:

- 1) Of the person who is bound by a previous marriage.
- 2) Between ascendants and descendants by consanguinity or affinity.

The impediment does not disappear with the dissolution of the marriage that gave rise to the kinship by affinity.

- 3) Between blood siblings.

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4) Between the adopter and the adoptee and his descendants; the adoptive children of the same person; the adoptee and the children of the adopter; the adoptee and the former spouse of the adopter; and the adopter and the former spouse of the adoptee.

5) Between the perpetrator, co-perpetrator, instigator or accomplice of the crime of homicide of one of the spouses and the surviving spouse.

6) Between persons of the same sex.

7) Of a person under fifteen years of age".

"Article 64.-The nullity of marriage provided for in Article 14 of this Law, shall be declared ex officio. The Civil Registry shall not register the marriage of persons under the age of fifteen."

Article sheet

Article 2 - Article 38 of the Civil Code, Law No. 63, is hereby amended.

The text will read:

"Article 38.-The minor under fifteen years of age is a person absolutely incapable of being bound by acts or contracts that he personally performs, except for those specifically determined by law."

Article sheet

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=59301&nValue3=66083&strTipM=TC

Article 3º-Refine Article 181 of the Penal Code, Law No. 4573. The text shall read:

"Responsibility of the guardian

Article 181.-A fine of fifteen to ninety days shall be imposed on the guardian who, prior to the approval of his accounts, marries or consents to the marriage of his children or descendants with the person he has or has had under guardianship, unless the father, mother or legal representative of the latter has authorized the marriage in his will".

[Article sheet](#)

Article 4º-Subsection 3) of Article 15, Article 19, and subsection c) of Article 65 of the Family Code, Law No. 5476, are hereby repealed.

Effective as of its publication.

Given at the Presidency of the Republic, San José, on the eighth day of February two thousand seven.

[Article sheet](#)

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