

**16.03.2018**

### **Children born in a civil partnership**

If the child was born to a mother in a civil partnership, or within 302 days after the termination or cancellation of such a partnership, his father is (current or former at that time) the civil partner of the mother. The same is true in cases where the child's biological father is another person, but there is a written consent of the mother's civic partner to consider the child as her. If the mother, having terminated a civil partnership with the father of the child, for 302 days entered into a similar union (or entered into marriage) with another partner, the second partner of the mother will be considered *de jure* as the father of the child (subject to certain conditions). However, in this case, the first partner can challenge the fatherhood and keep it behind him. Questions directly or indirectly related to children born in a civil partnership in the Republic of Cyprus are governed by the same legislation that applies to children born in marriage. It should be emphasized that if a civil partnership was annulled or invalidated by a court ruling, the child born in such a partnership retains its status.

### **Child maintenance (alimony)**

Partners (including former) are obliged to provide the maintenance of their child. If the income or property of one of the former partners is not enough for this, he may apply for support from another partner by submitting an application to the court. This can be done in the following cases.

(a) If during a break in cohabitation or at the termination of a civil partnership, he is in that age or state of health that prevents him from working and providing for himself and the child.

(b) If he has custody of a minor or an adult child or another dependent who, due to physical or mental disability, cannot take care of himself, which in turn prevents the partner from working and providing for himself and the child.

(c) If he cannot find a stable job or he needs professional training (but in both cases no longer than three years from the date of issuance of the decree on termination of civil partnership).

(d) In any other case where the obligation to pay child support upon termination of the partnership will be fair.

In some cases, the payment of alimony may be canceled or limited. For example, if a civil partnership was short-lived, if the recipient bears serious responsibility for the dissolution of the union, or if the failure is the result of the recipient's deliberate actions.

The amount of payments is determined based on the needs of the recipient and must take into account all that is necessary for his life support.

Alimony paid to the recipient every month. In this case, if the partner, whom the court ordered to pay the alimony, receives the 13th or 14th salary (or if that is the discretion of the court), the 13th and 14th payments may be included in the content payment order, respectively.

Payment of alimony can be assigned no earlier than the date of filing the relevant application. The exceptions are cases where the defendant is outside the jurisdiction of the court or if his place of residence is unknown. Then the decision can be extended retroactively for up to six months before the date of filing the application for the recovery of alimony.

The amount payable on maintenance for a period of more than two years cannot be reimbursed, but any period of absence of the respondent from the Republic is not calculated for the purposes of this subsection.

Also, by court decision, the recovery of alimony can be made in the form of an automatic monthly transfer of the corresponding amount from the defendant's bank account to the beneficiary. The order is sent to the respondent and to the banking institution that serves him. Amounts payable can also be withheld as a fine.

The court may, at the request of either party, make changes or annul the application for the recovery of maintenance.

Every 24 months the amount of payments automatically increases by 10%. You can suspend or cancel such indexation of alimony by submitting the appropriate application to the court. The court decision is issued within three months from the date of filing of the application and can be retroactively reckoned.

### **Refusal to receive alimony**

If desired, the recipient of alimony may refuse them by submitting the appropriate application to the court. The order is addressed and handed to the partner who is obliged to pay funds for maintenance, as well as to his employer. Payment of alimony is terminated:

- (a) if the partner in whose favor the payments were made entered into a new civil partnership or marriage, or if he permanently lives with another person in a free union;
- (b) in the event of the death of the beneficiary or the defendant (with the exception of payments due at the time of death);
- (c) if the decision on the recovery of alimony was annulled by the court.