

On Marriage (Matrimony) and Family

Unofficial translation

The Code of the Republic of Kazakhstan dated 26 December, 2011 № 518-IV.

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This Code determines purposes, objectives, principles and legal regulatory basis of marriage and family (matrimonial) relations, secure protection of rights and interests of a family, considering its development as priority direction of social state policy of the Republic of Kazakhstan.

GENERAL PART

SECTION 1. GENERAL PROVISIONS

Chapter 1. MARRIAGE AND FAMILY LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN Article 1. Basic definitions, used in this Code

1. The following basic definitions shall be used in this Code:

1) acts of civil status - the legally executed circumstances that individualize a person and with whom the origin, existence and termination of his (her) rights and obligations is linked;

2) the civil status registration authority (hereinafter referred to as the registration authority) is the State Corporation "Government for Citizens", which carries out the state registration of civil status acts and other types of public services related to the state registration of civil status acts;

2-1) information system of acts of civil status – an information system designed for the state registration of acts of civil status, making changes, corrections, additions, cancellation and restoration of acts of civil status, also containing information constituting personal data of individuals;

3) accreditation - the official recognition by the authorized body in the field of protection of the rights of children of the Republic of Kazakhstan of the right of adoption agencies and organizations to assist in the placement of orphans, children left without parental care in families of citizens of the Republic of Kazakhstan to carry out their activities;

4) alimony - a financial or material allowance, which is obliged to be provided by one person to other person, having the right to its receipt;

5) a child (children) left without a custody of parents (parent) - a child (children) that lost a custody of one or both parents, due to restriction or deprivation of their parental rights, recognition as missing, declaration as decedent, recognition as incapable or partially capable, service of sentence in the places of deprivation of freedom, avoidance of the child's nurturing or protection of his (her) rights and interests, as well as with refusal to take a child from an

educational or healthcare organization, as well as in other cases of absence of parental custody and that is in need for the security of required protection of his (her) rights and interests, provided by the Laws of the Republic of Kazakhstan;

6) an abandoned child (children) - a child, whose parent (parents) abandoned from his (her) further nurturing, education, material support by executing the relevant juridical documents;

7) establishment of paternity - establishment of paternity of a person, in respect of a child by registering body or in a judicial proceeding, if a person is not married to mother of the child;

8) a child (children) - a person under eighteen years of age (age of majority);

9) adoption - a legal form of transferring a child (children) into nurturing to family, on the basis of court decision that consequently emerges personal non-property and property rights and obligations, equating to the rights and obligations of the relatives by birth;

10) adoption agencies - the non-commercial foreign organizations, carrying out activity on adoption of children in the territory of its state and accredited to carry out such activity in the territory of the Republic of Kazakhstan in the manner, established by this Code;

10-1) a guest family - is a family temporarily taking up orphans, children left without parental care, being in organizations of all types (educational, medical, etc.) for periods not connected to the educational process (vacations, weekends and holidays);

11) a childhood - a legal status of persons under the age of majority;

11-1) foster professional family is a form of temporary placement in a family that has adopted, without prior choice, no more than four children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, with the exception of brothers and sisters;

11-2) foster family is a form of placement in a family that has adopted at least four and no more than ten orphaned children, children left without parental care, who are in educational institutions for orphaned children, children left without parental care, with the exception of brothers and sisters;

12) the child's legal representatives are parents (parent), adoptive parents (adoptive parents), guardian or trustee, foster parent (foster parents), foster professional educator (foster professional educators), foster carer and other persons replacing them who, in accordance with the legislation of the Republic of Kazakhstan, provide care, education, upbringing, protection of rights and freedoms. the interests of the child;

13) close relatives - parents (parent), children, adoptive parents, adopted children, brothers and sisters of the full and half blood, grandfather, grandmother, grandchildren;

14) a sham marriage (matrimony) a marriage (matrimony) contracted in the manner, established by the Law of the Republic of Kazakhstan, without intention of spouses or one of them to create a family;

15) identification document - a tangible object of a standard form with information on private data of an individual, attached on it, permitting to confirm a personality and legal status of its owner for the purpose of evidence of identification;

The identification documents include the documents, mentioned in paragraph 1 of Article 6 of the Law of the Republic of Kazakhstan “On identification documents”;

16) legal relation - a relationship between one of the spouses towards the close relatives of the other spouse;

17) an orphan child (children-orphans) - a child (children), whose parents or one of the parents died;

17-1) an organization to provide assistance in the placement of orphans, children left without parental care in the families of citizens of the Republic of Kazakhstan - a non-profit organization that provides, on a gratuitous basis in the territory of the Republic of Kazakhstan, assistance in the placement of orphans, children left without care parents, for upbringing in families in accordance with the competence established by this Code, citizens of the Republic of Kazakhstan permanently residing in the territory of the Republic of Kazakhstan, wishing to accept and adopt children for upbringing, and accredited to carry out such activities in the manner prescribed by this Code;

17-2) Republican databank of orphans, children left without parental care, and persons wishing to take children into foster care in their families (hereinafter - the Republican Databank) - a database containing information on orphans, children left without parental care, as well as on persons wishing to accept orphans, children left without parental care, for upbringing in their families;

17-3) a large family - a family with four or more minor children living together, including children enrolled full-time in general education or vocational programs in organizations of general secondary, technical and vocational, post-secondary, higher and (or) postgraduate education, after they reach the age of majority until the time of graduation from educational organizations (but not more than until they reach the age of twenty-three);

18) the authorized body in the field of protection of children's rights of the Republic of Kazakhstan is the central executive body determined by the Government of the Republic of Kazakhstan, which manages and provides inter-sectoral coordination in the field of protection of children's rights;

19) guardianship - a legal form of protection of the rights and interests of a child (children) aged fourteen to eighteen, as well as adults limited by the court in legal capacity due to abuse of gambling, betting, alcohol or narcotic drugs;

20) is excluded by the Law of the Republic of Kazakhstan dated 01.04.2019 № 240-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

21) a trusteeship - a legal form of protection of the rights and interests of children under the age of fourteen years and persons, recognized incapable by court;

22) a trustee or a guardian - a person appointed to carry out the functions on trusteeship or guardianship, in the manner, established by the Law of the Republic of Kazakhstan;

23) assisted reproductive methods and technologies - a complex of medical arrangements on diagnostics, treatment and rehabilitation, oriented to correction of reproductive activity of citizens;

24) financial condition - existence or absence of job wages, pension, other incomes; their amount; existence of property; receipt or non-receipt of financial support from other family members;

24-1) the authorized body in the field of state family policy is the central executive body responsible for the management and inter-sectoral coordination of the formation of state family policy;

25) treaty regime of property - property regime of spouses, established by the marriage contract;

26) a marriage (matrimony) - a union with equal rights between a man and a woman, concluded with free and full agreement of parties, in the manner, established by the Law of the Republic of Kazakhstan with the purpose of creating a family, creating property and personal non-property rights and obligations between the spouses;

27) marriage (matrimonial) age - the age, established by this Code, at which a person shall have the right to enter into marriage (matrimony);

28) a sole mother - a woman that gave a birth to child (children), but not married, registered in the registering bodies;

29) a family - a scope of persons, linked by the property and personal non-property rights and obligations, emerging from marriage (matrimony), affinity, legal relation, adoption or other form of adoption of children on care, and called to strengthening and development of family relations;

29-1) the "111" contact center for family issues, protection of the rights of women and children (hereinafter – the "111" contact center) is a legal entity designated by the authorized body in the field of informatization, performing the functions of an information and reference, organizational, psychological service for family issues, protection of the rights of women and children.

30) a marital status - a marriage (matrimony) or a single state, or a dissolution of marriage (matrimony), widowhood, existence or absence of children or other family members;

30-1) a child (children) in need of special social services - a child (children) whose life activity is impaired as a consequence of the circumstances provided for by the legislation of the Republic of Kazakhstan on social protection, and who cannot overcome these circumstances on their own or with the help of the family;

31) a foster care - a form of nurturing, whereby children-orphans, children left without a custody of parents (parent) shall be transferred into foster care to the families under a contract

, concluded by authority body, carrying out the functions on trusteeship and guardianship, and by the person that expressed desire for taking care of a child (children);

32) reproductive health - a human health, reflecting his (her) ability to reproduce full-fledged descendants;

33) a surrogate mother - a woman, carried a child after application of assisted reproductive methods and technologies and giving a birth of a child (children) for customers, according to surrogacy contract;

34) surrogate motherhood - a carrying and birth of a child (children), including the cases of castling births under the contract between surrogate mother and spouses with the remuneration payment;

35) surrogacy contract - a notarized written agreement between married persons (in matrimony) willing to have a child, and a woman that gave her agreement to carry and give a birth to a child by the application of assisted reproductive methods and technologies;

36) relatives - persons being in the kinship, having common ancestors to the great grandfather and great grandmother.

2. The definitions “child (children)” and “child”, “parents (parent)” and “parents”, “spouses (husband, wife)” and “spouses” shall be equal, unless otherwise provided by this Code.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 29.01.2013 № 74-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2014 № 236-V (shall be enforced from 01.01.2015); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 18.04.2017 № 58-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 02.07.2018 № 165-VI (shall be enforced upon expiry of ten calendar days after its first official publication); № 240-VI dated 01.04.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 292-VI dated December 27, 2019 (see Art. 2 for the enactment procedure); dated 02.07.2020 № 356-VI (shall enter into force upon the expiry of ten calendar days after the day of the first official publication); dated 14.07.2022 № 141-VII (see Art. 2 for the enactment procedure); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023); dated 15.04.2024 № 72-VIII (effective sixty calendar days after the date of its first official publication); dated 30.12.2024 № 148-VIII (for the procedure of entry into force, see art. 2).

Article 2. Basis of marriage and family legislation of the Republic of Kazakhstan

1. The marriage (matrimony) and family, motherhood, paternity and childhood shall be under the state protection.

2. The marriage and family legislation of the Republic of Kazakhstan shall be based on the principles of:

- 1) voluntariness of marriage (matrimonial) union between a man and a woman;
- 2) equality of marriage and family rights in family;
- 3) inadmissibility of arbitrary interference by someone in the family affairs;
- 4) solution of intra family's issues by the mutual agreement;
- 5) priority of the family nurturing of children, carrying for their development and prosperity;
- 6) priority protection of rights and interests of minors, elderly and disabled members of family;
- 7) securing of unimpeded exercise of the rights by members of family, possibility of judicial protection of these rights;
- 8) wellness maintenance of all family members;
- 9) protection, preservation, strengthening and promotion of traditional family values based on strengthening the institution of marriage and family, fatherhood, motherhood and childhood;
- 10) ensuring the moral and spiritual education of children in the spirit of respect for universal, national, traditional, cultural and family values in a part that does not contradict the Constitution of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan.

3. The marriage (matrimony) concluded only by state bodies shall be admitted.

The marriage (matrimony), concluded by religious rites and ceremonies shall not be equated to the marriage (matrimony), registered in the registering bodies and shall not create the relevant legal consequences.

The factual cohabitation of a man and a woman, as well as persons of the same sex shall not be recognized as the marriage (matrimony).

4. Any forms of restriction of the rights of citizens during contracting marriage (matrimony) based on origin, social, official and property position, race, nationality, language, treatment of religion or any other circumstances shall be forbidden.

In marriage and family (matrimonial) relations, the rights of citizens may be restricted only on the basis of the Law and only inasmuch as this is necessary for the purpose of protection of constitutional system, public order, rights and freedom of a person, health and morality of population.

Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 15.04.2024 № 72-VIII (effective sixty calendar days after the date of its first official publication).

Article 3. Relations regulated by marriage and family legislation of the Republic of Kazakhstan

The marriage and family legislation of the Republic of Kazakhstan shall:

1) establish the rights and obligations, property and personal non-property relations between family members such as spouses, parents and children, and between other relatives

and other persons in cases and within the limits, provided by the marriage and family legislation of the Republic of Kazakhstan;

2) establish conditions and procedure for contracting a marriage (matrimony), termination of marriage (matrimony) and recognition of its invalidation;

3) determine the forms and procedure for placing children-orphans and children left without a custody of parents in family;

4) regulate procedure for the state registration of acts of civil status;

5) defines the functions of the bodies carrying out the state registration of acts of civil status.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 4. Marriage and family legislation of the Republic of Kazakhstan

1. The marriage and family legislation of the Republic of Kazakhstan shall be based on the Constitution of the Republic of Kazakhstan; consists of this Code, other regulatory legal acts of the Republic of Kazakhstan.

2. If an international treaty, ratified by the Republic of Kazakhstan established other rules than those contended in this Code, the rules of international treaty shall be applied.

Article 5. Execution of civil legislation of the Republic of Kazakhstan to marriage and family (matrimonial) relations

1. The civil legislation of the Republic of Kazakhstan shall be executed to the property and personal non-property relations between family members, mentioned in Article 3 of this Code, not regulated by the marriage and family legislation of the Republic of Kazakhstan, insofar as it is not inconsistent with the essence of marriage and family (matrimonial) relations.

2. Regulations of marriage and family and (or) civil legislation of the Republic of Kazakhstan, regulating similar relations (analogy by the Law) shall be applied, in cases when relations, provided by Article 3 of this Code are not directly regulated by the legislation of the Republic of Kazakhstan or by the agreement of parties and there are no rules, practiced for them, insofar as it is not inconsistent with their essence. In case of impossibility to use the analogy by the Law in required cases, the rights and obligations of the subjects of marriage and family (matrimonial) relations shall be determined proceeding from the common principles and meaning of marriage and family or civil legislation of the Republic of Kazakhstan and requirements of conscientiousness, rationality and justice (analogy by the Law), as well as in compliance with the principles of operation of the Law in time, space and scope of persons.

Article 5-1. Family support centers

1. Family support centers are established and (or) organized by decision of local executive bodies in districts and districts in cities under local executive bodies for social protection and employment of the population.

2. Family support centers carry out:

1) implementation of state family policy measures, including measures to preserve marriage and family, and resolve family conflicts;

2) coordination of work on the coverage of support for persons (families) in difficult life situations by state bodies within their competence, including through an integrated model;

3) assistance in providing social, legal and psychological support to persons (families) who find themselves in a difficult life situation;

4) providing support to persons with signs of domestic violence with the possibility of their temporary residence for up to one month;

5) information and explanatory work on the directions and measures of the state family policy;

6) interaction with local executive bodies, organizations, volunteers, advisory bodies on the implementation of state family policy, prevention of domestic violence;

7) monitoring and analysis of trends in state family policy;

8) organizing the work of mobile groups for early detection and organization of support to persons (families) in difficult situations, with the participation of education, health, and internal affairs bodies within their competence under the coordination of the local executive body for social protection and employment;

9) implementation of other measures to prevent domestic violence in accordance with the legislation of the Republic of Kazakhstan.

3. Family support centers carry out their activities in accordance with the procedure determined by the authorized body in the field of state family policy.

4. Coordination and methodological guidance of the activities of family support centers are carried out by the authorized body in the field of state family policy.

5. Family support centers are financed from budgetary funds and other sources not prohibited by the legislation of the Republic of Kazakhstan.

Footnote. Chapter 1 is supplemented by Article 5-1 in accordance with the Law of the Republic of Kazakhstan dated 15.04.2024 № 72-VIII (effective sixty calendar days after the date of its first official publication).

Chapter 2. EXERCISE AND PROTECTION OF MARRIAGE AND FAMILY (MATRIMONIAL) RIGHTS

Article 6 Exercise of rights and obligations in marriage and family (matrimonial) relations

Citizens shall dispose the rights, belonged to them, emerging from the marriage and family (matrimonial) relations, including the right to protect these rights, at their own convenience, unless otherwise provided by the legislative acts of the Republic of Kazakhstan.

The exercise of marriage and family (matrimonial) rights and fulfillment of obligations shall not violate the rights, freedom and legal interests of other family members and other legal entities.

Article 7. Protection of marriage and family rights

The Protection of marriage and family (marital and family) rights is carried out in the manner established by this Code and other laws of the Republic of Kazakhstan.

Footnote. Article 7 in the wording of the Law of the RK dated 29.06.2020 № 351-VI (shall enter into force from 01.07.2021).

Article 8. Application of the limitation of action in marriage and family (matrimonial) relations

1. The limitation of action shall not be extended to requests, emerged from marriage and family (matrimonial) relations with the exception of cases, when the term for protection of violated right is established by this Code.

2. During the application of rules, establishing a limitation of actions, in consideration of disputes, emerged from marriage and family (matrimonial) relations, a court shall govern by the standards of the Civil Code of the Republic of Kazakhstan.

SECTION 2. MARRIAGE (MATRIMONY)

Chapter 3. CONDITIONS AND PROCEDURE FOR CONCLUSION OF MARRIAGE (MATRIMONY) Article 9. Conditions of conclusion of marriage (matrimony)

1. Conclusion of marriage (matrimony) requires free and complete agreement of a man and a woman, entering into marriage (matrimony) and their attainment of marriage age.

2. Marriage (matrimony) may not be concluded in existence of circumstances, mentioned in Article 11 of this Code.

Article 10. Marriage age

1. Marriage age shall be established for men and women at eighteen years of age.

2. At the place of state registration of conclusion of marriage, registering bodies may reduce marriage (matrimonial) age for a term of not less than two years in existence of following reasonable excuses:

- 1) pregnancy;
- 2) birth of common child.

3. Request on reducing marriage (matrimonial) age may be submitted by persons, willing to enter into marriage (matrimony) and their parents or guardians, specifying the reasons, making it necessary to reduce established marriage (matrimonial) age.

4. Reduce of marriage age shall be allowed only upon the agreement of persons entering into marriage (matrimony).

5. Marriage (matrimony) between persons, not attained marriage (matrimonial) age, or a person, attained marriage (matrimonial) age with a person, not attained marriage (matrimonial) age shall be allowed only with a written agreement of parents or guardians of the persons, not attained marriage (matrimonial) age.

Article 11. Persons, the conclusion of marriage (matrimony) of whom is not allowed

Conclusion of marriage (matrimony) shall not be allowed between:

- 1) persons of the same sex;
- 2) persons, at least one of whom is married;
- 3) close relatives;
- 4) adoptive parents and adopted children, children of adoptive parents and adopted children;
- 5) persons, at least one of whom is recognized incapable as a consequence of mental disease or dementia by enforced court decision.

Article 12. Medical checkup of persons, entering into marriage (matrimony)

1. Public health organizations shall provide counseling and checkup, on medical as well as medicogenetic issues and issues of reproductive health services of the persons, willing to enter into marriage (matrimony) only by their mutual agreement.

2. The results of medical checkup of a person entering into marriage shall be a medical secrecy and may be reported to a person, with whom it intends to conclude marriage (matrimony) only upon the agreement of a person who passed the checkup.

Exceptions shall apply in cases, when a person entering into marriage has a disease that creates a threat of health to another person entering into marriage (matrimony).

Article 13. Procedure for conclusion of marriage (matrimony)

1. Marriage (matrimony) shall be concluded in registering bodies or in especially dedicated state wedding registry offices, by the personal presence of persons entering into marriage (matrimony).

In exceptional cases (serious illness, disability associated with movement difficulties, detention or in places of deprivation of liberty), when one of the persons wishing to marry cannot come to the registering authority, the state registration of the marriage is performed at home, in a medical or other organization in the presence of persons entering into marriage, with mandatory coordination with the administration of the relevant organization.

2. Marriage (matrimony) is concluded after fifteen calendar days from the date of submission of the application to the registration authority by those wishing to enter into marriage (matrimony).

In existence of legitimate reasons that are duly documented, a registering body may reduce or increase this term, at the place of state registration of conclusion of marriage (matrimony).

In existence of special circumstances (pregnancy, birth of a child, immediate danger to life of one of parties and other special circumstances), the state registration of conclusion of marriage (matrimony) shall be performed on a day of filing of the application, at the wish of those who enter into marriage (matrimony).

3. The state registration of conclusion of marriage (matrimony) shall be performed in the manner, prescribed by this Code.

4. The refusal of the registering authority to register a marriage (matrimony) may be appealed by persons wishing to enter into marriage (matrimony) or by one of them, as well as by their legal representatives in the manner prescribed by the Laws of the Republic of Kazakhstan.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); dated 29.06.2020 № 351-VI (shall enter into force from 01.07.2021); dated 29.06.2020 № 351-VI (shall enter into force from 01.07.2021); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 4. TERMINATION OF MARRIAGE (MATRIMONY) Article 14. Termination of marriage (matrimony)

Termination of marriage (matrimony) shall be a termination of legal relations between spouses, in consequence of circumstances beyond their control (death, declaration of one of them as decedent or recognition as missing) or in consequence of activities on individual initiative both of two, as well as one of spouses by dissolution of marriage (matrimony) in the manner, prescribed by this Code.

Termination of marriage (matrimony) between spouses shall not suspend and terminate legal relations between parents and children, born or adopted in this marriage (matrimony).

Article 15. Termination of marriage (matrimony) in consequence of death of one of spouses, his (her) declaration as decedent by court or recognition as missing

1. Marriage (matrimony) shall be terminated in consequence of death of one of spouses, as well as his (her) declaration as decedent by court or recognition as missing.

2. In case of appearance of a spouse, declared decedent or recognized as missing by court and in case of reversal of the relevant juridical decisions, a marriage (matrimony) may be reinstated by registering body with the joint application of spouses.

3. Marriage may not be reinstated if other spouse has entered into new marriage (matrimony), with the exception of cases, when at the moment of conclusion of marriage (matrimony) the parties (or one party) knew that the spouse, recognized as missing or declared decedent is alive.

Article 16. Dissolution of marriage (matrimony)

1. Marriage (matrimony) may be terminated by its dissolution upon the application of one or both of spouses, as well as upon the application of trustee of a husband (a wife), who recognized by court incapable.

2. Dissolution of marriage (matrimony) is impossible without the agreement of a wife during her pregnancy and within the first year of child's life.

Article 17. Dissolution of marriage (matrimony) in registering bodies

1. Dissolution of marriage (matrimony) shall be performed in registering bodies, by the mutual agreement to dissolution of marriage (matrimony) of spouses, who have no common minors, and in the absence of property and other complaints to one another.

2. Independently from existence of minors of the spouses, the marriage (matrimony) shall be dissolved in registering bodies upon the application of one of the spouses if the other spouse is:

- 1) recognized as missing by the court;
- 2) recognized incapable;
- 3) recognized partially capable;
- 4) convicted of committing a crime to deprivation of freedom for a term of not less than three years.

3. The state registration of dissolution of marriage (matrimony) shall be performed by registering body in the manner, prescribed by this Code.

Article 18. Consideration of disputes arising between spouses in the dissolution of marriage (marriage)

Disputes regarding the division of common property, payment of funds for maintenance of a disabled spouse, as well as minor children, arising between spouses in the dissolution of marriage are considered in mediation or in a judicial procedure.

Footnote. Article 18 in the new wording of the Law of the Republic of Kazakhstan dated 17.11.2014 № 254-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 19. Dissolution of marriage (matrimony) in a judicial proceeding

1. Dissolution of marriage (matrimony) shall be performed in a judicial proceeding, if it is found that the further cohabitation and family preservation is not possible.

2. Dissolution of marriage (matrimony) in a judicial proceeding shall be performed in the following cases:

1) existence of common minors, with the exception of cases provided by paragraph 2 of Article 17 of this Code;

2) absence of agreement of one of spouses to dissolution of marriage (matrimony);

3) if one of the spouses evades the dissolution of marriage (matrimony) by actions or omissions, in spite of the absence of objections;

4) existence of property and other claims to one another.

3. Dissolution of marriage (matrimony) shall be performed in a judicial proceeding upon expiry of one month from the date of filing the application on dissolution of marriage (matrimony) to the court by spouses.

4. In exceptional cases, a court shall have the right to dissolve marriage (matrimony) before expiration of the term, mentioned in paragraph 3 of this Code.

Article 20. Dissolution of marriage (matrimony) in a judicial proceeding in the absence of agreement of one of spouses to dissolution of marriage (matrimony)

In the absence of agreement of one of spouses to dissolution of marriage (matrimony), a court shall have the right to use efforts for reconciliation of spouses and adjourn examination of the case, fixing a time limit within six months.

In case of adjournal of examination of the case with specifying the time for reconciliation, a court shall decide the issues, provided by subparagraphs 2) and 4) of paragraph 2 of Article 22 of this Code, at the suit of one of the spouses.

Dissolution of marriage (matrimony) shall be performed, if the measures for reconciliation of spouses proved to be issueless and the spouses (or one of them) insist on dissolution of marriage (matrimony).

Article 21. Dissolution of marriage (matrimony) in a judicial proceeding on other grounds

1. In the absence of mutual agreement to dissolution of marriage (matrimony) of spouses, having common minors and in the absence of property or other complaints to one another, a court shall have the right to dissolve marriage (matrimony) without establishing the motives of dissolution of marriage (matrimony).

2. If in the absence of property complaints to one another, one of the spouses, having common minors, files an application on dissolution of marriage (matrimony) and the other

spouse, in spite of absence of complaints, evades from the dissolution of marriage (matrimony) by actions and omissions, a court shall have the right to dissolve marriage (matrimony) without explanation of reasons of dissolution of marriage (matrimony).

Article 22. Issues, solved by court during rendering of decision on dissolution of marriage (matrimony)

1. Upon the dissolution of a marriage (matrimony) in court, the spouses may submit to the court an agreement on who the minor children will live with, on the procedure for paying funds for the maintenance of children and (or) an incapacitated spouse in need, the amount of these funds, or on the division of the spouses' common property, on determining the order of communication of the parent with a child. The court's decision indicates the names of the spouses after the dissolution of the marriage (matrimony), as well as the terms of the agreement reached.

2. If there is no agreement between spouses on the issues, mentioned in paragraph 1 of this Article as well as if it is established that this agreement violates the interests of children or one of the spouses, court shall be obliged to:

1) decide with whom of the parents, the minors will live after dissolution of marriage (matrimony);

2) decide which of the parents and in which amount of allowance will pay the alimony for maintenance of children;

3) perform the partition of common property after demand of spouses, being in their joint property, in recognition of the interests of minors and (or) interests of the spouses;

4) decide the amount of allowance, after demand of a spouse, having the right for receipt of allowance from another spouse;

5) determine the order of communication between the parent and the child.

2-1. When determining the order of communication between a parent and a child, the court takes into account the equality of the rights and duties of the parents, as well as the legitimate interests of the child.

3. In case, the partition of property concerns the interests of third parties, the court shall have the right to appropriate the demand on partition of property to the separate proceeding.

Footnote. Article 22 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.03.2023 № 216-VII (shall be enforced ten calendar days after the date of its first official publication); dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 23. Moment of termination of marriage (matrimony) at its dissolution

1. Marriage (matrimony), dissolved in registering bodies shall be terminated from the date of the state registration of dissolution of marriage (matrimony) in a civil register, and during dissolution of marriage (matrimony) in court - from the date of enforcement of judicial decision on dissolution of marriage (matrimony).

Court is obliged to submit the copy of court decision to a registering body at the place of rendering of decision within three days from the date of enforcement of judicial decision on dissolution of marriage (matrimony) as well as at the place of the state registration of conclusion of marriage (matrimony).

2. A court decision on dissolution of marriage (matrimony) that has entered into legal force shall not be subject to state registration with the registering authorities.

Spouses shall have the right to enter (register) a new marriage (matrimony) after the entry into force of a court decision on divorce (matrimony).

Footnote. Article 23 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 24. Consequences of termination of marriage (matrimony)

By the termination of marriage (matrimony), the property and personal non-property rights and obligations of spouses, emerged from their marriage and family (matrimonial) relations shall be terminated, with the exception of the cases, provided by this Code.

Chapter 5. INVALIDITY OF MARRIAGE (MATRIMONY) Article 25. Recognition of marriage as invalid

1. Marriage (matrimony) shall be recognized invalid by court under violation of conditions, established by Articles 9-11 of this Code, as well as in the following cases:

- 1) during conclusion of sham marriage (matrimony);
- 2) during conclusion of the forced marriage (matrimony);
- 3) if one of the persons, entered into marriage (matrimony) concealed existence of disease , creating a real danger to members of created family, personal and public safety from another .

2. Court shall be obliged to send the statement from this court decision to the a registering body, at the place of the state registration of conclusion of marriage (matrimony) within three days from the date of enforcement of the court decision on recognition of marriage (matrimony) as invalid.

3. Marriage (matrimony) shall be recognized invalid from the date of its conclusion.

Article 26. Persons, having the right to require recognition of marriage (matrimony) as invalid

1. The following persons shall have the right to submit request on recognition of marriage (matrimony) as invalid:

1) a minor spouse, his (her) legal representatives or a prosecutor, if a marriage (matrimony) is concluded with a person, not attained marriage (matrimonial) age;

2) a spouse, whose rights are offended by conclusion of marriage (matrimony), as well as a prosecutor, if a marriage (matrimony) is concluded in the absence of willful agreement of one of the spouses for its conclusion, in consequence of concussion, artifice, ignorance or impossibility to conceive the significance of his actions and control them, on the strength of condition at the moment of state registration of conclusion of marriage (matrimony);

3) a spouse, who didn't know on existence of circumstances, precluding conclusion of marriage (matrimony), trustee of a spouse, recognized incapable, a spouse on a previous undissolved marriage (matrimony);

4) a prosecutor, as well as a spouse, who didn't know about shame of marriage (matrimony) in case of conclusion of sham marriage (matrimony);

5) a spouse, whose rights are violated in existence of circumstances, mentioned in subparagraph 3 of paragraph 1 of Article 25 of this Code.

2. During consideration of the case on recognition of marriage (matrimony) as invalid, concluded with a person, not attained marriage (matrimonial) age, as well as with a person, recognized incapable by court, authority body, exercising the functions of trusteeship and guardianship shall be involved to participation in this case.

Article 27. Circumstances, removing invalidity of marriage (matrimony)

1. If by the time of consideration of the case on invalidity of marriage (matrimony), the circumstances preventing conclusion of marriage (matrimony) are ceased, a court shall have the right to accept a marriage (matrimony) as valid thereafter.

2. A court may reject a suit on recognition of marriage (matrimony) as invalid, concluded with a person, not attained marriage (matrimonial) age, if it is required by the interests of a minor spouse, as well as in the absence of his (her) agreement to recognition of marriage (matrimony) as invalid.

3. Court may not accept a marriage (matrimony) as valid, if persons, registered this marriage (matrimony) created a family in fact, before judicial consideration of the case.

4. Marriage (matrimony) may not be recognized invalid after its dissolution, with the exception of cases of existence of close relationships between spouses, or when one of the spouses is in the other undissolved marriage (matrimony) at the moment of the state registration of marriage (matrimony).

Article 28. Consequences of recognition of marriage (matrimony) as invalid

1. Marriage (matrimony), recognized invalid by court, shall not engender the rights and obligations of spouses, provided by this Code, with the exception of cases established by paragraphs 4 and 5 of this Article.

2. A legal regime of property, acquired jointly by persons, whose marriage (matrimony) is recognized invalid, shall be regulated by the standards of the Civil Code of the Republic of Kazakhstan. In this case, a marriage contract, concluded between spouses shall be recognized invalid.

3. Recognition of marriage (matrimony) as invalid shall not prejudice the rights of children, born in this marriage (matrimony) or within two hundred and eighty days from the date of recognition of marriage (matrimony) as invalid.

4. During rendering of decision on recognition of marriage (matrimony) as invalid, a court shall have the right to declare the right to receive financial support by a spouse (spouse in good faith), who didn't know the circumstances being the ground for recognition of marriage (matrimony) as invalid during conclusion of marriage (matrimony) from the other spouse in accordance with Articles 148 and 149 of this Code, and in respect of division of property, acquired jointly before recognition of marriage (matrimony) as invalid, shall have the right to apply provisions, established by Articles 33, 37 and 38 of this Code, as well as accept a marriage contract as valid fully or partially.

A spouse in good faith shall have the right to seek for the compensation of caused material and moral damage from the other spouse in accordance with the Civil Code of the Republic of Kazakhstan.

5. During recognition of marriage (matrimony) as invalid, a spouse in good faith shall have the right to preserve a last name, chosen by him in the course of the state registration of conclusion of marriage (matrimony).

Chapter 6. PERSONAL RIGHTS AND OBLIGATIONS OF SPOUSES Article 29. Origin of rights and obligations of spouses

The rights and obligations of spouses shall be created from the date of the state registration of conclusion of marriage (matrimony).

Article 30. Equality of spouses in family

1. Spouses shall have equal rights and incur equal obligations.

2. Each of spouses shall be free in choice of business occupation, professional occupation and religion.

3. Issues of motherhood, paternity, nurturing, education of children, place of residence, place of temporary residence and other issues of family life shall be jointly solved by spouses.

4. Spouses shall be obliged to build their relationships relying on a mutual respect and assistance, make a contribution to prosperity and strengthening of family, to be careful of health, development and possessions of children.

Article 31. Right of choice of last name by spouses

1. In the course of conclusion of marriage (matrimony), spouses shall choose the last name of one of them as common last name at their own wish, or each of spouses preserve their premarital last name, or one of them (or both) combines his (her) last name to the last name of the other spouse. The combining of last names shall not be allowed, if the premarital last name of one of spouses is already compound.

In case of change of last names in the course of the state registration of conclusion of marriage (matrimony), a citizen shall be obliged to change identity papers within one month.

2. Change of last name by one of spouses shall not entail the regulatory change of last name of the other spouse.

3. In case of dissolution of marriage (matrimony), spouses shall have the right to preserve last name, chosen in the course of conclusion of marriage (matrimony), or re-establish their premarital last names.

Chapter 7. PROPERTY RIGHTS AND OBLIGATIONS OF SPOUSES

§ 1. Legal regime of property of spouses Article 32. Concept of legal regime of property of spouses

1. Legal regime of property of spouses shall be regime of their common joint property, unless otherwise provided by marriage contract.

2. Marriage and family rights to possess, use and dispose the property, being a joint property of peasant or farm enterprise members, shall be determined by the Civil Code of the Republic of Kazakhstan.

Article 33. Common joint property of spouses

1. A property, gained by spouses during marriage (matrimony) shall be their common joint property.

2. The property acquired by the spouses during marriage (matrimony) includes the amounts of income of each of the spouses from work, entrepreneurial activity and the results of intellectual activity, the amounts of income from the common property of the spouses and the separate property of each of the spouses, pensions, benefits, pension savings received by them, with the exception of one-time pension payments from a unified accumulative pension fund for the purpose of improving housing conditions and (or) paying for treatment, target savings and (or) payments of target savings from the unified accumulative pension fund in order to improve housing conditions and (or) pay for education, as well as other monetary

payments that do not have a special purpose (amounts of financial assistance, amounts paid in compensation for damage due to disability, injury or other damage to health, and others). The common property of the spouses is also movable and immovable property acquired at the expense of the sum of the total income of the spouses, securities, shares, deposits, shares in the authorized capital contributed to credit organizations or other organizations, and any other property acquired by the spouses during marriage (matrimony), regardless in whose name in the family it is acquired or who of the spouses contributed funds, including property, acquired at the expense of one-time pension payments and (or) payments of target savings from the unified accumulative pension fund in order to improve housing conditions.

3. The right to common property shall also belong to a spouse that was engaged in household management, childcare or for other legitimate reasons didn't have independent income during the marriage (matrimony).

Footnote. Article 33 as amended by the Law of the RK dated 02.01.2021 № 399-VI (shall enter onto force from 01.01.2021); dated 16.11.2023 № 40-VIII (effective from 01.01.2024).

Article 34. Possession, use and disposition of common property of spouses

1. Possession, use and disposition of common property of spouses shall be carried out by the mutual agreement of spouses.

2. In the consummation of transaction by one of spouses on disposition of common property of the spouses, the agreement of the other spouse shall be suggested. The transaction, consummated by one of the spouses on disposition of common property of the spouses may be recognized invalid on the grounds of absence of the agreement of other spouse only after his (her) demand and only in cases if it is proved, that the other party knew or should have known about dissent of the other spouse to make this transaction.

3. For consummation of transaction on disposition of immobility by one of spouses and the transaction, requiring a notarial certification and (or) registration in prescribed legal procedure, it is necessary to obtain a notarized agreement of the other spouse.

The spouse, whose notarized agreement for settlement of mentioned transaction was not received, shall have the right to demand invalidation of the transaction in a judicial proceeding within three years from the date, when he has known or should have known about consummation of transaction.

Article 35. Property of each of spouses

1. The property of each of spouses shall be:

- 1) a property, belonged to each of spouses before marriage (matrimony);
- 2) a property, received by spouses in the period of marriage (matrimony) as a gift, under procedure of inheritance or other honorary transactions;

3) items of private use (clothes, footwear and others), with the exception of treasures and other luxury goods, even though acquired at the common expense of spouses during marriage (matrimony).

2. Property, gained by each of spouses during estrangement shall be adjudged by court as ownership of each of the spouses, due to factual termination of marriage (matrimony).

Article 36. Recognition of property of each of spouses as their common ownership

Property of each of spouses shall be recognized as their common ownership, if it is established that during the marriage (matrimony), investments were incurred on account of common property of spouses or property of the other spouse or work of each of them, that greatly increased the cost of this property (capital repair, reconstruction, redesign and others).

Article 37. Partition of common property of spouses

1. Partition of common property of spouses may be performed both in the period of marriage (matrimony) and after its dissolution after demand of each of spouses, as well as in case of assertion of a claim on partition of common property of spouses, for levy of execution on a share of one of spouses in the common property of spouses by a creditor.

2. Common property of spouses may be divided between the spouses under their agreement. The agreement of partition of common property of spouses shall be notarized.

3. In the event of a dispute, the division of common property of spouses, as well as determination of the spouses' shares in this property, shall be made in the mediation or judicial procedure.

When dividing the common property of spouses, the court, at the request of the spouses, taking into account the interests of a minor child, determines which property is to be transferred to each of the spouses. In the event that one of the spouses receives the property, the value of which exceeds the share due to him, another spouse receives appropriate monetary or other compensation.

4. Items, acquired only for repletion of wants of minors (clothes, footwear, school supplies and sports requisites, musical instruments, children's library and others) shall not be subject to partition and shall be transferred without compensation to the spouse, living with children.

Contributions, made by spouses on account of common property of spouses in the name of their common minors shall be treated as belonging to these children and shall not be considered in the course of partition of common property of spouses.

5. In case of partition of common property of spouses during marriage (matrimony), the part of common property of spouses, which was not divided, as well as a property, gained by spouses during the marriage (matrimony) hereinafter shall be their joint property.

6. The limitation of action, lasting for a period of three years from the moment of dissolution of marriage (matrimony) shall be applied to demands of spouses on partition of common property of spouses, the marriage (matrimony) of which is dissolved.

Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 17.11.2014 № 254-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 38. Determination of shares in partition of common property of spouses

1. In partition of common property of spouses and determination of shares in this property, the shares of each of spouses shall be recognized as equal, unless otherwise provided by the agreement.

2. Court shall have the right to depart from the beginning of equality of spouses' shares in their common property, proceeding from the interests of minors and (or) one of spouses, if the other spouse didn't receive incomes without a valid excuse or dissipated the common property of spouses to the detriment of home interests without the agreement of the other spouse.

3. The joint debts of spouses shall be divided between spouses in proportional shares, awarded to them, in the course of partition of their common property.

§ 2. Treaty regime of property of spouses Article 39. Marriage contract

1. The marriage contract shall be recognized as the agreement of persons, entering into marriage (matrimony) or agreement of spouses, establishing property rights and obligations of spouses in marriage (matrimony) and (or) in case of its dissolution.

2. The marriage contract may provide the property rights of children, born or adopted in marriage (matrimony).

Article 40. Conclusion of marriage contract

1. The marriage contract may be concluded both from the date of filing of application to a registering body on the state registration of marriage (matrimony), till the state registration of conclusion of marriage (matrimony), and at any time during the marriage (matrimony).

The marriage contract, concluded before the state registration of conclusion of marriage (matrimony) shall be enforced from the date of the state registration of conclusion of marriage (matrimony).

2. The marriage contract shall be concluded in written form and shall be subject to be compulsorily notarized.

Article 41. Content of marriage contract

1. Spouses shall have the right to change regime of joint property, established by the Laws of the Republic of Kazakhstan, according to the marriage contract, establish regime of joint,

participatory share or separate ownership on all the property of spouses, on its separate types or on the property of each of spouses.

The marriage contract may be concluded both in respect of existing and future property of spouses.

In the marriage contract, spouses shall have the right to determine their rights and obligations by mutual allowance, methods of participation in incomes to one another, order of incurring of expenses by each of them; to determine a property, which will be transferred to each of spouses in case of dissolution of marriage (matrimony), as well as include any other provisions in a marriage contract, concerning the property relations of spouses, as well as property status of children, born or adopted in this marriage (matrimony).

2. The rights and obligations, provided by marriage contract may be restricted by the specified periods or may be dependent from happening or non-happening of particular conditions.

3. The marriage contract may not restrain capability or legal competence of the spouses, their right to judicial recourse for protection of their rights; govern personal non-property relations between spouses, rights and obligations of spouses in respect of children; provide provisions that restrain the right of incapable spouse in need for receipt of allowance, and other conditions which are inconsistent with fundamental principles of matrimonial legislation of the Republic of Kazakhstan.

Article 42. Modification and dissolution of marriage contract

1. The marriage contract may be modified or dissolved at any time by the mutual agreements of spouses. The agreement of modification or termination of marriage contract shall be concluded in the same form as the marriage contract.

The unilateral repudiation of a marriage contract shall not be allowed, with the exception of cases, provided by the Civil Code of the Republic of Kazakhstan.

2. Upon request of one of spouses, the marriage contract may be modified or dissolved by court decision, on the grounds and in the manner, prescribed by the Civil Code of the Republic of Kazakhstan for modification and dissolution of the contract.

3. Validity of marriage contract shall be terminated upon the termination of marriage (matrimony), with the exception of obligations, which provided by the marriage contract for the period after termination of marriage (matrimony).

Article 43. Recognition of marriage contract as invalid

1. The marriage contract may be recognized invalid by court in full or in part, on the grounds of invalidity of legal transactions, provided by the Civil Code of the Republic of Kazakhstan.

2. The court may also recognize marriage contract as invalid in full or in part upon request of one of spouses, if conditions of the contract put this spouse in disadvantage or offend the property rights of children, born or adopted in this marriage (matrimony). Conditions of marriage contract, violating requirements of paragraph 3, Article 41 of this Code shall be recognized invalid.

§ 3. Responsibility of spouses on obligations Article 44. Levy of execution upon property of spouses

1. On the obligations of one of spouses, the execution shall be levied only upon the property of this spouse. In deficiency of this property, a creditor shall have the right to request apportionment of participatory share of a spouse-debtor, which would be due to a spouse-debtor in partition of common property of spouses for levy of its execution.

2. The execution shall be levied upon common property of spouses on common obligations of spouses, as well as on the obligations of one of spouses, if the court establishes that all that was gained on the obligations of one of spouses was used for family needs. In deficiency of this property, spouses shall jointly and severally incur liability due to mentioned circumstances by the property of each of them.

If it is established by the court verdict that common property of spouses was acquired or increased at the expense of one of spouses by criminal way, the execution shall be levied respectively to common property of spouses or its part.

3. The responsibility of spouses for damage, caused by their minor shall be determined by the Civil Code of the Republic of Kazakhstan. The levy of execution upon the property of spouses during compensation of damage, caused by their minor shall be performed in accordance with paragraph 2 of this Article.

Article 45. Guarantees of rights of creditors in the course of conclusion, modification and dissolution of marriage contract

A creditor (creditors) of a spouse-debtor shall have the right to request the modification of conditions or dissolution of marriage contract, concluded between spouses, due to the modified circumstances in accordance with the standards of the Civil Code of the Republic of Kazakhstan.

SECTION 3. FAMILY

Chapter 8. ESTABLISHMENT OF A CHILD'S BIRTH Article 46. Grounds for creation of rights and obligations of parents and a child

1. A child shall be registered with immediate effect from the birth, and from the moment of birth shall have the right for name and acquisition of nationality, as well as, as much as possible shall have the right to know his (her) parents and to be cared by them.

2. The rights and obligations of parents and a child shall be based on the birth of a child, certified in the manner, prescribed by the Law of the Republic of Kazakhstan.

3. The rights and obligations of adoptive parents and adopted children shall be based on the enforced court decision on adoption.

Article 47. Establishment of child's birth

1. The birth of a child from mother (motherhood) shall be established by a registering body on the basis of documents, confirming the birth of a child by a mother in a healthcare organization.

In case of the child's birth out of a healthcare organization, his (her) birth shall be established by a registering body on the basis of medical documents, confirming the fact of birth, and in case of their absence, the fact of birth of a child shall be established in a judicial proceeding.

2. The birth of a child from married persons shall be confirmed by certificate on conclusion of the parent's marriage (matrimony).

In case of the child's birth by a surrogate mother, the birth of a child shall be certified on the basis of concluded contract of the surrogate motherhood.

3. In case of child's birth within two hundred and eighty days from the moment of dissolution of marriage (matrimony), recognition of its invalidity or from the moment of death of a spouse of a child's mother, a former spouse of mother may be admitted as a father of a child, unless the contrary is proved.

4. If the mother of a child declares that her spouse or former spouse is not the father of a child, the paternity in respect of a child shall be established according to the standards, provided by paragraph 5 of this Article or Article 48 of this Code, in existence of written application by mother and father of a child or a spouse, former spouse. In the absence of such application, this issue shall be solved in a judicial proceeding.

The consent of the spouse or ex-spouse of the woman who gave birth to the establishment of paternity from another person shall not be necessary if there is a supporting document on the conduct of operational-search activities issued by the internal affairs body, or on the entry into force of a court decision on recognizing him as missing or incompetent.

5. The paternity of a sole person with the mother of a child shall be established by filing of the joint application to a registering body by father and mother of a child. In case of mother's death, recognition of her as incapable, impossibility to establish location area of the mother or in case of deprivation of her parental rights - upon the application of the father of a child, with the agreement of a body, carrying out the functions of trusteeship and guardianship functions, in the absence of such agreement - by the court decision.

If the authenticity of paternity of a man who is not a spouse of the mother is established, the mother of a child shall have the right to request in a judicial proceeding from him the appropriate monetary funds for the costs of her maintenance:

in normal childbirth - within seventy calendar days before the childbirth and fifty-six calendar days after the childbirth;

in case of complicated childbirth or the birth of two or more children – within seventy calendar days before the childbirth and seventy calendar days after the childbirth;

in case of residing the child's mother on the territory affected by nuclear tests, in normal childbirth – within ninety-one calendar day before the childbirth and seventy-nine calendar days (in case of complicated childbirth or the birth of two or more children – within ninety-three calendar days) after the childbirth.

The amount of monetary funds and periodicity of payments shall be determined by the court proceeding from financial and family status and other noteworthy interests of the parties in a multiple ratio to the monthly calculation index acting at the time of payment of monetary funds.

6. The exclusion of information about the child's father from the act record on state registration of birth, where the person is indicated by the child's father according to the certificate or act record on the conclusion, dissolution of marriage (matrimony), as well as the application for adoption, establishment of paternity, shall be made by the registering authority on the basis of a court decision on the exclusion of information about the father of the child in the act record on state registration of birth.

In other cases, the exclusion of information about the father shall be made upon the request of the mother who was not married at the time of the birth of the child, in accordance with Article 183 of this Code.

7. The establishment of paternity in respect of a person, attained eighteen years of age (age of majority) shall be allowed only with his (her) agreement, and if he (she) is recognized incapable - with the agreement of his (her) trusteeship or body, carrying out the functions on trusteeship and guardianship.

Footnote. Article 47 as amended by the Law of the Republic of Kazakhstan dated 01.04.2019 № 240-VI (shall be enforced upon expiry of ten calendar days after its first official publication); № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 48. Establishment of paternity in a judicial proceeding

In the case of the birth of a child to parents who are not married to each other, and in the absence of a joint statement from the parents or the father of the child, the child's origin from a particular person (paternity) is established in court at the request of one of the parents, guardian or trustee of the child or at the request of the person the child is dependent on, and also at the request of the child himself upon reaching the age of majority. At that, the court takes into account evidence that reliably confirms the child's descent from a specific person, including the conclusion of a molecular genetic examination.

Footnote. Article 48 as amended by the Law of the Republic of Kazakhstan dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 49. Establishment of the fact of acknowledgement of paternity by court

In case of death of a person, recognized himself as the father of a child, but was not married with the mother of a child, the fact of recognition of his paternity may be established in a judicial proceeding, in accordance with the Civil Procedure Code of the Republic of Kazakhstan.

The court that made the decision on the establishment of paternity, as well as on the establishment of the fact of paternity and the fact of recognition of paternity, shall be obliged to send this decision within three working days from the date of its entry into legal force to the registering authority in electronic form.

Footnote. Article 49 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 50. Register on parents (parent) of a child in the register of birth

Register on parents (parent) of a child in the registry of birth shall be performed in the manner, provided by this Code.

Article 51. Contestation of paternity (maternity)

1. The parents' register in the register of birth may be contested only in a judicial proceeding, upon request of a person, registered as the father or mother of a child, person who are actually the father or mother of a child, child himself (herself) upon his (her) reaching the majority age, trustee or guardian of a child, trustee of a parent, recognized incapable by court.

2. Request of a person, registered as the father of a child on the basis of joint application of the father and mother, upon application of the father of a child or according to the court decision on cancellation of paternity may not be satisfied, if this person knew, that actually he is not the father of a child, at the moment of register.

If in the record of the child's birth act the father indicates the spouse or ex-spouse of the child's mother by the registering authority, it shall be refused in writing to amend the paternity acknowledgement until the court decides to exclude information about the child's father from the record of the birth certificate.

3. Persons, who gave the written agreement to application of assisted reproductive technologies in the manner, prescribed by the legislation of the Republic of Kazakhstan, shall not have the right to cite on these circumstances at the contestation of paternity (motherhood).

Persons, who gave the agreement to implantation of embryo to another woman, as well as a surrogate mother, shall not have the right to cite on these circumstances at the contestation of motherhood and paternity.

Footnote. Article 51 as amended by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 52. Rights and obligations of a child, born by not married persons

In establishment of paternity in the manner, prescribed by Articles 47-49 of this Code, a child shall have the similar rights and obligations in respect of parents and their relatives, as the child, born by married persons.

Article 53. Privacy, personal and family secret

1. A private life, personal and family secret shall be under guardianship of the Law.
2. Employees and workers engaged in state registration of acts of civil status, as well as other persons otherwise aware of private life, are obliged to keep personal and family secrets.
3. Disclosure of information on personal and family life of citizens shall entail a liability, established by the Laws of the Republic of Kazakhstan.
4. Employees of the registering body, employees of foreign institutions of the Republic of Kazakhstan are not entitled to report any information about adoption without the consent of the adoptive parent and issue documents containing information that the adoptive parents are not the parents of the adopted child.

Information about the adopted child shall be provided upon the request of state bodies within their competence, established by the legislation of the Republic of Kazakhstan.

Footnote. Article 53 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 9. SURROGATE MOTHERHOOD AND APPLICATION OF ASSISTED REPRODUCTIVE METHODS AND TECHNOLOGIES

Article 54. Surrogacy contract

1. A surrogacy contract shall be concluded in a written form in compliance with requests of the civil legislation of the Republic of Kazakhstan and shall be subject to be notarized.
2. Conclusion of surrogacy contract shall admittedly suggest parental rights and obligations of spouses (customers) to a child, born in a result of application of assisted reproductive methods and technologies.

3. Contemporaneously with the surrogacy contract, spouses (customers) shall conclude a contract with a healthcare organization, applying assisted reproductive methods and technologies, which will provide the relevant services.

Article 55. Content of surrogacy contract

A surrogacy contract shall contain:

- 1) the data of spouses (customers) and a surrogate mother;
- 2) the order and conditions of payment of financial expenses for maintenance of a surrogate mother;
- 3) the rights, obligations and responsibility of parties in case of non-fulfillment of the contract conditions;
- 4) the amount and order of compensations, provided by paragraph 1 of Article 57;
- 5) the other conditions, as well as the acts of providence.

Article 56. Requirements, specified to a surrogate mother

1. A woman, willing to be a surrogate mother shall be at the age from twenty to thirty five years, with satisfactory physical, mental and reproductive health, confirmed by opinion of a healthcare organization, as well as have own healthy child.

2. In case, if a surrogate mother is married, the notarized agreement of the spouse shall be provided in a written form, during conclusion of the surrogate contract.

3. A healthcare organization, applying the assisted reproductive methods and technologies shall be obliged to pronounce the opinion on their appliance with total and comprehensive information on the used biological material of these persons, willing to have a child, or a donated bank.

One copy of the opinion shall be attached to the notarized surrogacy contract and shall be kept at the place of settlement of transaction.

Article 57. The rights and obligations of parties of the surrogacy contract

1. During conclusion of the surrogacy contract, the spouses (customers) shall be obliged to:

- 1) incur the financial expenses, linked with medical checkup of a surrogate mother;
- 2) incur the financial expenses, linked with application of assisted reproductive methods and technologies;
- 3) provide the medical opinion of physical and mental health to healthcare organizations, applying the assisted reproductive methods and technologies, as well as results of a medicogenetic checkup;
- 4) disburse expenses of medical service of a surrogate mother during the period of pregnancy, maternity and within fifty six days after childbearing, and in case of birth

complications linked with pregnancy and childbearing shall be obliged to disburse expenses within seventy days after the childbearing.

2. During conclusion of surrogacy contract, in accordance with requirements of Article 56, a surrogate mother shall be obliged to:

- 1) provide medical opinion of her physical, mental and reproductive health to customers;
- 2) be followed up by a doctor and fully comply with his (her) recommendations and medical disposals;
- 3) inform the persons that concluded the contract with her, on gestation course with periodicity, mentioned in the surrogacy contract;
- 4) transfer a child to the persons, concluded the surrogacy contract with her.

3. A surrogate mother shall not have the right to transfer a child to other persons.

4. In existence of a permanent employment of a surrogate mother, the issue of continuation of labour activity shall be decided by the mutual agreement of parties of the surrogate contract.

5. A surrogate mother shall incur a liability for pregnancy, provided by the surrogacy contract after application of assisted reproductive methods and technologies, and shall be obliged to preclude the possibility of natural pregnancy.

6. The issue on carrying of a multiple pregnancy shall be decided by the mutual agreement of the parties of the surrogacy contract.

Article 58. Application of assisted reproductive methods and technologies

1. The application of assisted reproductive methods and technologies shall be allowed in respect of the married women, as well as in respect of sole women, attained the majority age and having satisfactory physical, mental and reproductive health, confirmed by the opinion of a healthcare organization.

2. A woman, carrying and giving a birth to a child in a result of assisted reproductive methods and technologies, including the usage of a donor's semen, shall be genetic mother.

3. In case of a child's birth in a result of application of assisted reproductive methods and technologies, information about the parents of this child shall be registered in the manner, prescribed by this Code.

Article 59. Legal implications of a surrogacy contract or application of assisted reproductive methods and technologies

1. Spouses (customers) shall be recognized as the parents of a child, born in a result of assisted reproductive methods and technologies on the basis of the surrogacy contract.

In case of birth of two and more children in a result of application of such methods and technologies or according to the surrogacy contract, spouses (customers) shall incur liability for each born child in equal measure.

2. A wife (customer), concluded the surrogacy contract shall be registered as the mother of a child after his (her) birth in the medical birth certificate.

3. Surrender of a child shall be formed in established manner after registration of his (her) birth in a registering body by spouses (customers).

In case of surrender of a child, the spouses (customers) who gave their agreement for application of assisted reproductive methods and technologies or concluded the contract with a surrogate mother shall not have the right to request compensation of the financial expenses.

In case of surrender of a child by spouses (customers) that concluded the contract with a surrogate mother, the right to motherhood shall remain at her wish, but in case of her surrender, a child shall be transferred on custody of the state.

In case of surrender of a child by spouses (customers) and in case of child adoption by a surrogate mother, these persons shall be obliged to pay compensation in amount and in the manner, prescribed by the contract.

4. In case of dissolution of marriage (matrimony) of spouses (customers), the responsibility for a child, born under the surrogacy contract shall be vested in both spouses (customers).

5. In case of death of one of spouses (customers), the responsibility for a child, born under the surrogacy contract, shall be vested in a living spouse.

6. In case of death of both spouses (customers) and refusal of their close relatives to adopt a born child, this child may be transferred to a surrogate mother at her wish, and in case of her refusal, a child shall be transferred on custody of the state.

Transfer of a child to a surrogate mother or on custody of the state shall not forfeit his (her) rights as a heir of spouses (customers).

7. Disuse of assisted reproductive methods and technologies after conclusion of the surrogacy contract within the term specified by the contract shall entail a nullity of the contract.

8. In case of occurrence of natural pregnancy of a surrogate mother after conclusion of the surrogacy contract, the contract shall be dissolved with disbursal of expenses by her, expended by customers in accordance with the surrogacy contract.

Chapter 10. RIGHTS OF A CHILD Article 60. Right of a child to live and to be nurtured in a family

Every child shall have the right to live and to be nurtured in a family, right to know his parents, right to be cared by them, right for a joint residence with them, with the exception of cases, when it conflicts with his (her) interests.

A child shall have the right to be nurtured by his (her) parents, right to security of his (her) interests, universal development, respect of his (her) human dignity.

In the absence of parents, in forfeiture or restriction of their parental rights and in the other cases of forfeit of parental custody, the right of a child to be nurtured in family shall be

secured by authority body, carrying out the functions of trusteeship or guardianship in the manner, prescribed by chapters 13, 15 and 18 of this Code.

Article 61. Right of a child to communicate with parents and other relatives

1. A child shall have the right to communicate with both parents, grandfathers, grandmothers, brothers, sisters and other relatives. The parents' dissolution of marriage (matrimony), recognition of its invalidity or estrangement of parents shall not influence on the rights of a child.

In case of estrangement of parents, a child shall have the right to communicate with each of them. A child shall have the right to communicate with his (her) parents also in case of their living in different countries.

2. A child who is a recipient of special social services shall have the right to communicate with his parents and other relatives in the manner prescribed by the legislation of the Republic of Kazakhstan.

Footnote. Article 61 as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 62. Right of a child to express the sentiment

A child shall have the right to express his (her) sentiment in decision of any question that affects his (her) interests in a family, as well as have the right to be heard in the course of any judicial examination or administrative proceeding. The public hearing of a child, attained the age of ten years shall be obligatory, with the exception of cases when it conflicts with his (her) interests. In cases provided by this Code, the bodies, carrying out the functions of trusteeship or guardianship, or the court may adopt decision only with the agreement of a child, attained the age of ten years and given to him (her) in the presence of legal representatives.

The opinion of a child shall be formed by decision of authority body, carrying out the functions of trusteeship or guardianship, adopted in the presence of parents or other legal representatives at child's location area.

Article 63. Right of a child to name, patronymic and last name

1. A child shall have the right to name, patronymic and last name.

2. A child shall be named by his (her) parents, with their agreement or by other legal representatives of a child. The patronymic shall be given at the wish of parents or other legal representatives after a person, mentioned as his (her) father.

Assignment of a hyphenated name with separate spelling or with a hyphen shall be allowed, but no more than two names.

In the case of a father's hyphenated name, it shall be allowed to assign a patronymic to the child by the father's hyphenated name, by one of them, or in the joined-up writing of both father's names.

In change of name of a father, the patronymic of his minor shall be changed, and the patronymic of his adult child - only when filing the application by him.

3. The last name of a child shall be determined as the last name of parents. If parents have different last names, a child shall be given by the last name of the father or mother by their agreement.

The last name of a child may be given at the wish of parents in the name of the father or grandfather of the child both from the father's and mother's side, in recognition of national heritage.

4. The controversies emerged between parents, concerning the name and (or) last name of a child shall be resolved in a judicial proceeding.

5. If paternity is not established, the name of a child shall be given by order of the mother; the patronymic shall be given by the name of a person, registered as father of the child; the last name - by the name of the mother's last name or in recognition of national heritage by the name of grandfather of the child.

6. If both parents of a child are unknown, the child's last name, first name and patronymic shall be given by a body, carrying out the functions of trusteeship or guardianship, healthcare and other organizations, carrying out the functions of protection of the rights of a child at his location.

Footnote. Article 63 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 64. Change of name and (or) last name of a child

1. The last name of a minor shall be changed in change of the last name by both parents.

Proceeding from the child's interests, a registering body shall allow the change of the child's name, as well as given last name to the last name of other parent by joint application of parents until attainment of sixteen years of age by a child.

2. In case of termination of marriage (matrimony) or recognition of marriage (matrimony) as invalid, a child shall preserve his (her) last name received by him (her) at birth.

3. If the parents live separately, regardless of the state registration of the dissolution of marriage (matrimony), or paternity has been established in relation to the child and the parent with whom the child lives wishes to give him his surname or change the surname by the name of the father or grandfather of the child, both from the father's side and the mother, taking into account national traditions, the registering authority depending on the interests of the child and taking into account the opinion of the other parent, notarized, makes changes to the act record of the state registration of the birth of the child. Consideration of the parent's opinion

shall not be necessary if it is impossible to establish his/her location, deprivation or restriction of his/her parental rights, recognition as incompetent, as well as in cases of the parent's evasion without good reason from the maintenance and upbringing of the child.

4. Excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

5. If a child is born by unmarried persons, and paternity is not established in a judicial proceeding, a registering body shall allow the change of his (her) last name to the mother's last name, which she has at the moment of making such request proceeding from the interests of a child.

6. Change of the first name and (or) last name of a child, attained the age of ten years shall be performed only with his (her) agreement, received in the presence of legal representatives.

Footnote. Article 64 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 65. Nationality of a child

1. A nationality of a child shall be determined by nationality of his (her) parents.

2. If the nationality of the parents is different, it shall be determined at the wish of a child, in accordance with the national origin of the father and mother by the time of issuance of certificate of identity or passport.

3. In the following, the nationality of a child may be changed only to the nationality of the other parent upon his (her) application.

Article 66. Property rights of a child

1. A child shall have the right to receive a financial support from his (her) parents and other family members in the manner and amount, prescribed by section 5 of this Code.

2. The amounts, owed to a child in capacity of alimony, benefits shall go into disposal of parents and other legal representatives of a child, with the exception of directors of organizations for children-orphans, children left without a parental custody, and shall be expended by them for maintenance of a child, his (her) education and nurturing.

2-1. For the purpose of using alimony intended for the maintenance of children and excluding the possibility of foreclosure on them, a bank account is opened for crediting alimony in accordance with the procedure established by the banking legislation of the Republic of Kazakhstan.

3. A child shall have the right of ownership on the earned incomes, property received by him (her) as a gift or in order of succession, as well as any other property, purchased on his (her) funds.

A child receiving incomes in consequence of his (her) work shall have the right to share the expenses on maintenance of family in case if he (she) lives with parents.

The right of a child for disposition of beneficially owned property belonging to him (her) shall be determined by the Civil Code of the Republic of Kazakhstan.

In carrying out of legal powers to manage the child's property by parents, they shall be extended by the rules established by Article 128 of this Code.

4. A child and parents, who share residence together, may own and use the property of each other by the mutual agreement.

5. In case of creation of the right of common property of parents and a child, their rights of possession, use and disposition of common property shall be determined by the Civil Code of the Republic of Kazakhstan.

Footnote. Article 66 as amended by the Law of the Republic of Kazakhstan dated 21.01.2019 № 217-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 67. Right of a child to protect his (her) rights and legal interests

1. A child shall have the right to protect his (her) rights and legal interests.

Protection of rights and legal interests of a child shall be carried out by parents or other legal representatives of a child, and in cases, provided by the legislative acts of the Republic of Kazakhstan, by authority body, carrying out the functions of trusteeship or guardianship, a prosecutor and a court, as well as law enforcement agencies and other state bodies within their competence.

A minor, recognized fully capable in his (her) own behalf shall have the right to exercise his (her) own rights and obligations, including the right to protection, in accordance with the Laws of the Republic of Kazakhstan until attainment of the majority age.

2. A child shall have the right to be protected from abuse by parents or other legal representatives.

In case of violation of the rights and legal interests of a child, including the cases of non-compliance or improper performance of obligations on maintenance of a child, nurturing and education by the parents or other legal representatives, or in the abuse of parental (trustee, tutorial) rights, a child shall have the right to apply for defense of his (her) own rights to a body, carrying out the functions of trusteeship or guardianship on his (her) own behalf, and after attainment of the age of fourteen years - to the court.

3. The civil servants of state bodies and organizations and other citizens who came to knowledge on a danger to child's life or health, violation of his (her) rights and legal interests shall be obliged to report about this to a body, carrying out the functions of trusteeship or guardianship at the actual location area of a child. Upon the receipt of this information, a body, carrying out the functions of trusteeship or guardianship shall be obliged to use the reasonable efforts on defense of rights and legal interests of a child.

Article 67-1. Contact center "111"

1. The "111" contact Center provides information and reference advice, organizational, psychological assistance on family issues, protection of the rights of women and children, informs central state bodies, local executive bodies on received appeals and provides information to citizens on the status of execution of appeals.

2. Authorized body in the field of informatization:

1) organizes and ensures the activities of the "111" contact center;

2) develops and approves the rules of operation of the "111" contact center and its interaction with central government agencies and local executive bodies.

3. Central state bodies and local executive bodies cooperate on family issues, protection of the rights of women and children and provide the "111" contact center with information on the measures taken following the consideration of appeals.

Footnote. Chapter 10 is supplemented by Article 67-1 in accordance with the Law of the Republic of Kazakhstan dated 15.04.2024 № 72-VIII (effective sixty calendar days after the date of its first official publication).

Chapter 11. RIGHTS AND OBLIGATIONS OF PARENTS, GRANDFATHERS, GRANDMOTHERS, BROTHERS AND SISTERS

Footnote. The title of Chapter 11 as amended by the Law № 148-VIII dated 30.12.2024 (effective ten calendar days after the date of its first official publication).

Article 68. Equality of rights and obligations of parents

1. Parents shall have equal rights and incur equal obligations in respect of their children (parental rights).

2. Parental rights, provided by this chapter shall be terminated upon the attainment of the age of eighteen years by children (age of majority), as well as in entering into marriage (matrimony) by minors.

Article 69. Rights of minor parents

1. Minor parents shall have the right to joint residence with a child and participation in his (her) nurturing.

2. In case of birth of a child and in the course of establishment of motherhood and (or) paternity, the minor unmarried parents shall have the right to exercise parental rights upon their attainment of the age of sixteen years. Until the attainment of the age of sixteen years by minor parents, a body, carrying out the functions of trusteeship or guardianship shall appoint the trustee to a child, who will carry out his (her) nurturing jointly with minor parents of a child. The controversions emerged between the child's trustee and minor parents shall be resolved by a body, carrying out the functions of trusteeship or guardianship in recognition of interests and rights of a minor and parents.

3. Minor parents shall have the right to admit and litigate their paternity and motherhood on a common basis, as well as have the right to demand establishment of paternity in respect of their children in a judicial proceeding upon their attainment of the age of fourteen years.

Article 70. Rights and obligations of parents on the child's nurturing and education

1. Parents shall be obliged to take care of health of their child.
2. Parents shall have the right and shall be obliged to nurture their child.

Parents shall have the priority right to nurturing of their child towards all the other persons.

Parents raising a child are responsible for ensuring the necessary living conditions for their physical, mental, moral and spiritual development, and the formation of law-abiding behavior.

3. Parents shall be obliged to provide the secondary-level education to a child.

In recognition of the child's opinion, parents shall have the right of choice of the educational institutes and modes of study of a child, till his (her) receipt of the secondary-level education.

4. All issues relating to the nurturing and education of a child shall be resolved by parents on their mutual agreement, proceeding from the child's interests and in recognition of his (her) opinion. In existence of controversions between parents, they shall have the right to seek the resolutions of these disagreements to a body, carrying out the functions of trusteeship or guardianship, or to a court.

Footnote. Article 70 as amended by the Law of the Republic of Kazakhstan dated 15.04.2024 № 72-VIII (effective sixty calendar days after the date of its first official publication).

Article 71. Rights and obligations of parents on defense of rights and interests of a child

1. Parents shall be legal representatives of their child and speak in defense of his (her) rights and interests in respect of any individual and legal persons, as well as in the court with no discretionary powers.

2. Parents shall not have the right to represent their child's interests, if a body, carrying out the functions of trusteeship or guardianship established that the interests between parents and a child have contraventions. In case of controversions between parents and a child, a body, carrying out the functions of trusteeship or guardianship shall be obliged to appoint an authorized agent to defense the rights and interests of a child.

Parents shall not have the right to represent the interests of a child, in case if they are deprived or restricted in parental rights in respect of him (her).

Article 71-1. Benefits and social guarantees for large families

Large families shall be provided with benefits and social guarantees in accordance with the legislative acts of the Republic of Kazakhstan.

Footnote. Chapter 11 is supplemented by Article 71-1 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2018 № 165-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 72. Execution of parental rights in behalf of a child

Parental rights may not be exercised in contravention with the child's interests. Ensuring of interests of a child shall be a primary concern of his (her) parents.

In execution of parental rights, parents shall not have the right to injure the physical and mental health of the child's moral development. The method of nurturing of a child shall exclude neglectful, abusive, rough, degrading treatment, outrage or exploitation of a child.

Article 73. Execution of parental rights by a parent living separate from a child

1. A parent living separate from a child shall have the right to communicate with a child, to participate in his (her) nurturing, to solve the issues concerning the child's education and other important issues for a child.

A parent who shares residence with his (her) child shall not preclude the communication of a child with the other parent, if such communication shall not injure the physical or mental health of a child and his (her) moral development.

2. Residence and legal address of a child when the parents live apart are established by agreement of the parents.

In the absence of an agreement, the dispute between the parents is resolved by way of mediation or by a court with the participation of the body that performs the functions of guardianship or custody, at the request of the parents on the basis of the interests of a child and taking into account his opinion. At that, the court takes into account the affection of the child to each of the parents, brothers and sisters, the age of the child, the moral and other personal qualities of the parents, the relationship between each parent and the child, the possibility of creating conditions for the child for development and upbringing (occupation, working time, material and marital status of parents and other similar conditions).

3. Parents have the right to conclude in writing an agreement on the procedure for the exercise of parental rights by a parent living apart from the child.

If the parents cannot come to an agreement, the dispute is resolved by the body performing the functions of guardianship or patronage, in accordance with the procedure determined by the authorized body for the protection of children's rights of the Republic of Kazakhstan, and in case of disagreement with its decision – by mediation or court with the participation of the body performing the functions of guardianship or patronage, and the parents of the child.

4. In the failure to execute the court decision on the order of exercise of parental rights, a liable parent shall incur liability, provided by the Laws of the Republic of Kazakhstan.

In case of malicious failure to execute the court decision, the court, upon request of a parent, living separate from a child, may decide to transfer a child to him (her), based on the child's interests and in recognition of the child's opinion.

5. A parent, living separate from a child shall have the right to receive information of his (her) child from educational institutes, healthcare and other organizations.

Reporting may be refused only in case of existence of threat to life and health of a child on the side of a parent. The refusal in reporting of information may be contested in a judicial proceeding.

Footnote. Article 73 as amended by the Law of the Republic of Kazakhstan dated 17.11.2014 № 254-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 73-1. The right of grandfathers, grandmothers, brothers and sisters to communicate with the child

1. Grandfathers, grandmothers, brothers and sisters have the right to communicate with the child.

2. In case of refusal of the parents (one of them) from providing the child's grandparents, brothers and sisters with the opportunity to communicate with them, the dispute is resolved by the body performing the functions of guardianship or patronage, in accordance with the procedure determined by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

In case of disagreement with the decision of the body performing the functions of guardianship or patronage, the dispute is resolved through mediation or by a court with the participation of the body performing the functions of guardianship or patronage.

Footnote. Chapter 11 is supplemented by Article 73-1 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 74. Right of parents to reclamation of a child from other persons

1. Parents shall have the right to demand a return of a child from any person, holding him (her) at his (her) own place without legal basis or on the basis of court decision. In case of origin of the dispute, parents shall have the right to seize the court for defense of their rights.

In considering these requests, in recognition of a child, the court shall have the right to dismiss a claim of parents, if it comes to conclusion that the transfer of a child to parents is not in the interests of a child.

2. If it is established by the court that neither parents, nor a person, who shares residence with a child are unable to ensure his (her) proper nurturing and development, the court shall transfer a child on a custody of a body, carrying out the functions of trusteeship or guardianship.

Chapter 12. DEPRIVATION AND RESTRICTION OF PARENTAL RIGHTS

Article 75. Deprivation of parental rights

1. Parents shall be deprived of parental rights if they:

1) evade from performance of parental obligations including malicious evasion from the payment of alimony;

2) abandon to take their child with no legitimate excuses from a maternity clinic (department), organizations for children-orphans and children left without a parental custody, and other organizations;

3) abuse their parental rights;

4) abuse a child, including carrying out of physical or mental act of outrage against him (her), entrench upon his (her) sexual immunity;

5) abuse gambling, betting, alcoholic beverages or narcotic drugs, psychotropic substances and/or their analogues.

2. Parents are deprived of parental rights when they commit an intentional criminal offense against the life or health of their child, spouse or other family members.

Footnote. Article 75 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 02.07.2020 № 356-VI (shall enter into force upon the expiry of ten calendar days after the day of first official publication).

Article 76. Order of deprivation of parental rights

1. Deprivation of parental rights shall be performed in a judicial proceeding.

Cases on deprivation of parental rights shall be considered upon the application of one of the parents or other legal representatives of a child, bodies or organizations, obligated to protect the rights of minors, as well as at the suit of a prosecutor.

2. Cases on deprivation of parental rights shall be considered with the participation of a prosecutor and a body, carrying out the functions of trusteeship or guardianship.

3. In consideration of the case on deprivation of parental rights, the court shall decide the issue of the alimony recovery for a child from parents, deprived of parental rights.

4. If during consideration of the case on deprivation of parental rights, the court detects characteristic features of the criminally punishable act, it shall be obliged to disclose this to a prosecutor by a special determination.

5. The court shall be obliged to send the abbreviate from this decision to a registering body at the place of state registration of the child's birth and to a body, carrying out the functions of trusteeship or guardianship, according to the place of residence of a child within three days from the date of enforcement of the court decision on the deprivation of parental rights.

Article 77. Consequences of the deprivation of parental rights

1. The deprivation of parental rights shall entail forfeiture of all rights, based on the fact of blood relation with a child, including the rights to receive financial support from him (her), as well as facilities and state benefits, established for citizens, having children.

2. The deprivation of parental rights shall not release parents from an obligation to maintain their child, which shall be terminated with his (her) adoption.

3. The issue on the further joint residence of a child with a parent, deprived of parental rights shall be resolved in a judicial proceeding.

4. A child in respect of whom the parents are deprived of parental rights shall preserve the right to property of a dwelling place or the right to use a dwelling place, as well as property rights, based on the fact of blood relation with parents and other relatives, including the right to receipt inheritance.

5. If it is impossible to transfer a child to the other parent or in case of deprivation of parental rights of both of the parents, a child shall be transferred on custody of a body, carrying out the functions of trusteeship or guardianship.

6. Upon request of parents deprived of parental rights, a body, carrying out the functions of trusteeship or guardianship shall allow appointments with a child, if it doesn't have a negative impact on the child.

7. In case of deprivation of parental rights of the parents, the adoption of a child shall be allowed upon expiry of six months from the date of enforcement of the court decision to deprive parents of their parental rights.

Adoption of a child, one of whose parents is deprived of parental rights shall be allowed with agreement of the other parent.

Article 78. Restoration of parental rights

1. Parents may be restored in parental rights by the court, in cases if they changed their behavior, lifestyle and attitude to the nurturing of a child.

2. Restoration of parental rights shall be carried out in a judicial procedure upon the application of a parent deprived of parental rights. Cases of restoration of parental rights are considered with the participation of the parent, the body exercising the functions of guardianship or custody.

3. The court shall have the right to dismiss a claim of parents on restoration of parental rights, in recognition of the child's opinion, if the restoration of parental rights is inconsistent with interests of the child.

The restoration of parental rights in respect of a child, attained the age of ten years shall be possible only with his (her) agreement.

It is prohibited to restore parental rights, if a child is adopted and adoption is not cancelled

Footnote. Article 78 as amended by the Law of the Republic of Kazakhstan dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 79. Restriction of parental rights

1. The court may come to decision on restriction of parental rights by removal of a child from custody of parents without depriving their parental rights, in recognition of the interests of the child.

The placement of a child in respect of whom the parents or one of them is deprived or restricted of parental rights, shall be performed by a body, carrying out the functions of trusteeship or guardianship according to the child's place of residence.

2. The restriction of parental rights shall be allowed, if leaving of a child with parents is dangerous for him (her):

1) due to circumstances, beyond the control of parents (mental derangement or other chronic illness, set of reduced circumstances);

2) due to the parents' behavior, but at the same time, the sufficient grounds for deprivation of parental rights are not established.

If parents do not change their behavior, a body, carrying out the functions of trusteeship or guardianship shall be obliged to commence a suit of deprivation of parental rights upon expiry of six months after rendering the decision by the court on deprivation of parental rights

3. The suit on deprivation of parental rights shall be filed by the close relatives of a child, organizations, carrying out the functions of protection of child's rights, a prosecutor.

4. Cases on limitation of parental rights are considered with the mandatory participation of a representative of the body exercising the functions of guardianship or custody.

5. In consideration of the case on restriction of parental rights, the court shall have the right to resolve the issue on alimony recovery from parents to a child.

Footnote. Article 79 as amended by the Law of the Republic of Kazakhstan dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 80. Consequences of restriction of parental rights

1. Parents whose parental rights are restricted by the court shall forfeit the right to individual nurturing of a child, and in cases, provided by subparagraph 2) of paragraph 2 of Article 79 of this Code, also the right to benefits and state benefit payments, established for citizens having children.

2. Restriction of parental rights shall not release parents from obligations on financial support of a child.

3. A child, in respect of whom the parents are deprived of parental rights, shall preserve the right to property of a dwelling place or the right to use a dwelling place, and as well as preserve the property rights, based on the fact of blood relation with parents and other relatives, including the right to inheritance.

4. In case of restriction of parental rights of both of the parents, a child shall be transferred on custody of a body, carrying out the functions of trusteeship or guardianship.

5. The parents whose parental rights are restricted by the court shall be allowed to communicate with a child, if it doesn't have a negative impact on the child. The communication between parents and a child shall be allowed only with the agreement of a body, carrying out the functions of trusteeship or guardianship, a trustee or a guardian, foster tutors of a child or administration of organizations in which the child is placed.

Article 81. Cancellation of consequences of restriction on parental rights

1. If the grounds have revolted, in which the parents were restricted of parental rights, the court shall decide to return a child to the parents and to cancel consequences of restrictions, at the suit of the parents, provided by Article 80 of this Code.

2. In recognition of the child's opinion, the court shall have the right to dismiss a claim, if return of a child to parents conflicts with his (her) interests.

Article 82. Removal of a child in instant danger to life or his (her) health

1. In instant danger to life or health of a child, a body, carrying out the functions of trusteeship or guardianship shall have the right to remove a child with immediate effect from the parents or other persons, being in their custody.

The immediate removal of a child shall be conducted by a body, carrying out the functions of trusteeship or guardianship on the basis of the act of local executive body of the cities of republican significance, capital, a city of oblast subordination before decision of the court.

2. In removal of a child, a body, carrying out the functions of trusteeship or guardianship shall be obliged to give a notice immediately to a prosecutor, to ensure a temporary placement of a child and within seven days after rendering of the suit of removal of a child, by a local executive body of the cities of republican significance, capital, a city of oblast subordination, to file a claim in court on restriction or deprivation of parental rights of the parents.

Article 83. Enforcement of court decisions with regard to case, linked with removal of a child

1. Compulsory execution of court decisions, linked with removal of a child from parents and his (her) transfer to another person (persons) shall be performed with the obligatory participation of a representative body, carrying out the functions of trusteeship or guardianship, and person (persons) to whom the child shall be transferred, and in cases of need - with participation of representative of internal affairs bodies.

2. If it is impossible to execute the court decision on removal of a child from parents and his (her) transfer to another person (persons) without prejudice to his (her) interests, the child may be temporarily placed in organizations, carrying out the functions of protection of child's rights on the basis of determination of a court.

Chapter 13. ADOPTION OF A CHILD Article 84. Children in respect of whom adoption shall allowed

1. Adoption shall be allowed only in respect of minors, whose birth is registered in the manner, prescribed by this Code, and only in their interests in recognition of possibility of ensuring full physical, mental, intellectual and moral development.

By this, the age, maturity degree and agreement of a child shall be recognized for adoption.

2. Children shall be subject to be adopted, whose only parent or both parents:

- 1) died;
- 2) abandoned a child;
- 3) are deprived and not restored of parental rights;
- 4) gave consent to adoption of a child to relatives, persons who are married with mother or father of the adopted child (children);
- 5) are recognized incapable, recognized as missing or declared decedent;
- 6) unknown.

3. Children specified in subparagraphs 1) - 3), 5) and 6) of paragraph 2 of this article who are registered in the Republican databank may be transferred for adoption to the relatives of children regardless of citizenship and residence, citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan, in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

4. Children who are citizens of the Republic of Kazakhstan and who are in the centralized register in the Republican databank may be transferred for adoption to the citizens of the Republic of Kazakhstan permanently residing outside the Republic of Kazakhstan.

Children who are citizens of the Republic of Kazakhstan who are in the centralized register in the Republican databank may be transferred for adoption to foreigners only in cases where the child cannot be adopted by relatives, citizens of the Republic of Kazakhstan, residing in the territory of the Republic of Kazakhstan and beyond.

In consideration of the case on adoption of a child by foreign persons, the court shall be obliged to be satisfied in enforcement of the rights by an authorized body of the Republic of Kazakhstan in the scope of protection of children's rights to priority adoption of this child by the relatives, independently from their legal nationality and place of residence, or by the citizens of the Republic of Kazakhstan.

5. Adoption of children by foreign persons shall be allowed only by citizens of the country, having equivalent international obligations with the Republic of Kazakhstan in the scope of defense of the rights and interests of children.

6. The order of transfer of children, being the citizens of the Republic of Kazakhstan for the adoption, shall be approved by the Government of the Republic of Kazakhstan.

7. Permission to transfer the children for adoption specified in subparagraphs 1) - 3), 5) and 6) of paragraph 2 of this article is issued by the body exercising the functions of guardianship or custody, on the basis of the opinion of the commission.

8. Order of activities and composition of the commission are determined by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

Footnote. Article 84 as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 85. Rights and obligations of persons, willing to adopt children

1. Citizens of the Republic of Kazakhstan permanently residing in the territory of the Republic of Kazakhstan, wishing to adopt children, shall be obliged to submit to the body that carries out the functions of guardianship or trusteeship, at the location of the child, an application for the desire to adopt a child, as well as submit certificates on the amount of total income, marital status, health status, no criminal record, a certificate of psychological training and personally choose the child, have direct contact with him for at least two weeks.

When adopting a child in respect of whom paternity has been established by the applicant's spouse, the conclusion of a molecular genetic examination confirming paternity in respect of the adopted child is attached to the application for the desire to adopt the child.

Citizens of the Republic of Kazakhstan permanently residing in the territory of the Republic of Kazakhstan, wishing to accept orphans, children left without parental care, for upbringing in their families, shall have the right to receive psychological training in accordance with this Code free of charge.

2. Citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan, willing to adopt children-orphans, children left without a parental custody, till the age of one year shall have the right to take a tutorship or to take children under the patronage until the end of the procedure of adoption.

3. Citizens of the Republic of Kazakhstan permanently residing outside the Republic of Kazakhstan, foreigners applying for adoption of a child, shall submit to the authorized body for the protection of the rights of children of the Republic of Kazakhstan a written application on the desire to adopt a child, as well as certificates of income, marital status, state of health, including the absence of mental and behavioral disorders (diseases), including those related to the use of psychoactive substances, about the absence of a criminal record, about the personal moral qualities of potential parents, issued by specially authorized foreign state bodies and adoption organizations. After submitting documents to the authorized body for the protection of children's rights and with the consent of the adopter to adopt the child, the adopter must have direct contact with the child for at least four weeks.

Footnote. Article 85 as amended by laws of the Republic of Kazakhstan №272 VI- of 25.11.2019 (shall go into effect ten calendar days after its first official publication); № 292-VI

dated December 27, 2019 (see Art. 2 for the enactment procedure); dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of first official publication); dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 86. Rights and obligations of an adoptive parent

1. An adoptive parent of a child shall be obliged to nurture a child, to be careful of his (her) health, physical, mental, moral and intellectual development.

2. An adopter has the right to independently determine the methods of upbringing a child, taking into account the opinion of the child and recommendations of the body exercising the functions of guardianship or custody, and must comply with the requirements provided for by this Code.

The adopter who is a citizen of the Republic of Kazakhstan permanently residing in the territory of the Republic has the right to receive a lump sum payment in connection with the adoption of an orphan and (or) a child left without parental care.

The adopter is obliged to return to the budget the lump sum payment paid in connection with the adoption of an orphan and (or) a child left without parental care, in case of cancellation of adoption.

The order of assigning, refunding and the amount of a one-time cash payment in connection with the adoption of an orphan child and (or) a child left without parental care shall be determined by the authorized children rights protection body of the Republic of Kazakhstan.

3. In recognition of the child's opinion an adoptive parent shall have the right to choose educational institutes and modes of study of a child before receipt of the obligatory common secondary-level education by him (her).

4. Adoptive parents being the citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan, shall be obliged to file reports on conditions of life, education, nurturing and health status of an adopted child, at least annually to a body, carrying out the functions of trusteeship or guardianship, at the place of rendering the court decision of a child adoption, until attainment of the age of eighteen years by a child.

Adoptive parents, being the citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan, and foreign adoptive parents shall be obliged to file reports on conditions of life, education, nurturing and health status of an adopted child to an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan, for the initial three years, every six months after the enforcement of the court decision on adoption and in the ensuing years at least annually until the attainment of the age of eighteen years by a child.

In the certain circumstances, the periodicity of the presentation of reports shall be established by decision of an authorized body in the scope of protection of children's rights of

the Republic of Kazakhstan, depending on particular situation, formed in the family of adoptive parents.

Adoptive parents, being the citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan, and foreign adoptive parents shall file reports through the foreign establishments of the Republic of Kazakhstan, situated in the country of residence of an adoptive parent and a child.

In case of failure to present or late presentation of reports by adoptive parents, being the citizens of the Republic of Kazakhstan, permanently residing beyond the borders of the Republic of Kazakhstan and by foreign adoptive parents in the manner, provided by this paragraph, the activity of agency on adoption, representing their interests in the course of adoption of a child in the Republic of Kazakhstan shall be early terminated on the grounds, provided by subparagraph 6) of paragraph 8 of Article 112 of this Code.

The procedure and terms for granting, the form of the report on living conditions, education, upbringing and the state of health of the adopted child are approved by the authorized body in the field of protection of the children's rights of the Republic of Kazakhstan.

Footnote. Article 86 as amended by the Laws of the Republic of Kazakhstan dated 31.03.2014 № 180-V (shall be enforced from 01.01.2015); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 87. Procedure for adoption of a child

1. Adoption shall be performed by the court upon the application of persons (person), willing to adopt a child. The consideration of cases on adoption of a child shall be performed by the court in a special procedure, provided by the Civil Procedure Code of the Republic of Kazakhstan.

The cases on adoption of children shall be considered by the court with the obligatory participation of adoptive parents, representative of a body, carrying out the functions of trusteeship or guardianship, as well as a prosecutor.

2. During adoption of a child, being a foreign person in the territory of the Republic of Kazakhstan by the citizens of the Republic of Kazakhstan, it is necessary to obtain the agreement of legal representative of a child and competent body of the state, the citizen of which is a child, as well as, if it is required in accordance with the legislation of mentioned state, the agreement of a child on adoption.

3. Adoption of a child, being the citizen of the Republic of Kazakhstan and residing beyond the borders of the Republic of Kazakhstan, performed by a competent body of a foreign state, the citizen of which is an adoptive parent, shall be accepted as valid in the Republic of Kazakhstan, on condition of obtaining the preliminary permit to adopt from a

local executive body, at the place of his (her) or his (her) parents' residence, before departure beyond the territory of the Republic of Kazakhstan.

4. Adoption in the territory of the Republic of Kazakhstan by foreigners married to citizens of the Republic of Kazakhstan, of a child who is a citizen of the Republic of Kazakhstan, shall be carried out in accordance with the procedure established by this Code for foreigners.

Footnote. Article 87 as amended by the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 88. Accrual of rights and obligations of adoptive parents

Rights and obligations of an adoptive parent and an adoptive child shall be created from the date of enforcement of the court decision on adoption of a child.

Within three working days from the date of entry into force of the court decision on adoption of a child, the court is obliged to send the extract from this decision to the registering authority at the place where the decision on adoption is made and to the body that carries out the functions of guardianship or custody at the place of the decision.

Footnote. Article 88 as amended by the Law of the Republic of Kazakhstan dated 31.10.2015 № 378-V (shall be enforced from 01.01.2016).

Article 89. Registration of children to be adopted and persons wishing to adopt children

1. Registration of children to be adopted is carried out in accordance with the procedure established by paragraphs 5 of Article 117 of this Code.

2. Registration of persons who are citizens of the Republic of Kazakhstan permanently residing in the territory of the Republic of Kazakhstan, wishing to adopt orphans, children left without parental care, is carried out by bodies exercising the functions of guardianship or custody in the manner established by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

3. Registration of persons who are citizens of the Republic of Kazakhstan permanently residing outside the Republic of Kazakhstan, foreigners wishing to adopt orphans, children left without parental care who are citizens of the Republic of Kazakhstan, is made by foreign institutions of the Republic of Kazakhstan in the manner determined by the Ministry of Foreign Affairs of the Republic of Kazakhstan.

Footnote. Article 89 in the new wording of the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 90. Adoption of several children

1. One person may adopt several children, being brothers and sisters or not related between each other.

Between adopted children, not related between each other the rights and obligations shall be created as between brothers and sisters.

2. Adoption of brothers and sisters, nurtured in one family by different persons shall not be allowed, with the exception of cases when adoption is in the interests of children and children do not know about their kinship, not resided and nurtured jointly.

Article 91. Persons, having the right to be adopted

1. Adoption shall be allowed in existence of conditions for normal physical, mental, intellectual and moral development, nurturing and education of a child in the family of adoptive parent.

2. Adoptive parents may be the persons of majority age with the exception of:

- 1) persons, recognized incapable or partially capable by the court;
- 2) spouses, one of whom is recognized incapable or partially capable by the court;
- 3) persons deprived or restricted of parental rights by the court;

4) persons, disbarred from the obligations of a trustee or a guardian for defective performance of assigned obligations to him (her) by the Laws of the Republic of Kazakhstan;

5) former adoptive parents, if the adoption is cancelled due to their fault by the court;

6) persons who, for reasons of health, cannot exercise parental rights. The list of diseases in which a person cannot adopt a child, take him into custody or guardianship, patronage, is established by the authorized body in the field of public health;

7) persons, who don't have permanent place of residence;

8) persons, maintaining the different sexual orientation;

9) persons who have an outstanding or unexpunged conviction for commission of an intentional crime at the time of adoption, as well as persons specified in subparagraph 14) of this paragraph;

10) stateless persons;

11) unmarried male persons, with the exception of cases of the factual nurturing of a child for not less than three years, due to the death of mother or deprivation of her parental rights;

12) persons, who as of the time of adoption have no income, ensuring the minimum subsistence income for an adopted child, established by the legislation of the Republic of Kazakhstan;

13) persons, registered in narcological or psychoneurologic dispensaries.

14) persons who have or have been convicted, subject or subjected to criminal prosecution (except for persons whose criminal prosecution was terminated on the basis of subparagraphs 1) and 2) of part one of Article 35 of the Criminal Procedure Code of the Republic of Kazakhstan) for criminal offenses: murder, deliberate harm to health, against health of the

population and morality, sexual inviolability, for extremist or terrorist crimes, human trafficking;

15) citizens of the Republic of Kazakhstan permanently residing in the territory of the Republic of Kazakhstan who have not undergone psychological training in the manner prescribed by paragraph 4 of this article (with the exception of close relatives of the child).

3. Unmarried persons may not jointly adopt one and the same child.

4. Psychological training of citizens of the Republic of Kazakhstan permanently residing in the territory of the Republic of Kazakhstan, wishing to accept orphans, children left without parental care, for upbringing in their families, shall be carried out by organizations to assist in the placement of orphans, children left without care of parents, families of citizens of the Republic of Kazakhstan, as well as educational organizations for orphans, children left without parental care, at the expense of these organizations.

Requirements for the content of the psychological training program, the procedure for organizing psychological training activities for citizens of the Republic of Kazakhstan permanently residing in the territory of the Republic of Kazakhstan, wishing to accept orphans, children left without parental care for upbringing in their family, and the form of a certificate of such training shall be approved by the authorized body in the field of protecting the rights of children of the Republic of Kazakhstan.

Footnote. Article 91 as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 292-VI dated December 27, 2019 (see Art. 2 for the enactment procedure).

Article 92. Age difference between an adoptive parent and an adopted child

1. Difference in age between the adopter and the adopted child must be not less than sixteen years. For reasons recognized by the court as valid, the age difference can be reduced.

2. During adoption of a child by a stepfather (stepmother), the age difference, established by paragraph 1 of this Article shall not be required.

Footnote. Article 92 as amended by the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 93. Agreement of legal representatives for adoption of a child

1. For adoption of a child, the agreement of his (her) parents shall be required, if they are not deprived of parental rights.

During adoption of a child of minor parents, not attained the age of sixteen years, the agreement of legal representatives shall be also required.

In the absence of legal representatives of minor parents or in case, if a child is neglected by minor parents in a healthcare organization at birth and no one is interested in his (her) fortune for more than three months, the agreement of a body, carrying out the functions of trusteeship and guardianship shall be required.

2. The agreement of parents to adopt a child shall be expressed in application, notarized or certified by the head of organization in which the child resides, without a parental custody, or by a body, carrying out the functions of trusteeship or guardianship at the place of adoption of a child or at the place of residence of parents, as well as may be expressed directly in the court during the process of adoption.

Before rendering of court decision on adoption of a child, the parents shall have the right to revoke their agreement to adoption.

3. Parents can give consent to adoption of a child by relatives, persons who are married with mother or father of the adopted child (children). The bodies exercising the functions of guardianship or custody shall submit to the court a conclusion on conformity of the adoption to the interests of the child. The conclusion on conformity of the adoption to the interests of the child is not required in the case of adoption of the child by his stepfather (stepmother) or adoption of the child by the consent of the parents by relatives.

4. For adoption of children being under trusteeship or guardianship, the agreement of their trustees and guardians shall be required in a written form.

5. For adoption of children being in care under agreement on transfer of a child to the foster care, the agreement of foster parents shall be required in a written form.

6. For adoption of children-orphans, children left without a parental custody and placed in educational organizations, healthcare and other organizations, the agreement of the heads of these organizations shall be required in a written form.

7. In recognition of the child's interests, the court shall have the right to decide on his (her) adoption, without the agreement of persons, mentioned in paragraphs 1, 4, 5 and 6 of this Article.

In case of surrender of a child after his (her) birth in a healthcare organization, without an execution of the application of surrender by both parents or a sole mother, in the manner, prescribed by the legislation of the Republic of Kazakhstan, as well as in case if an abandoned child at the age of no more than three years is detected, the court shall have the right to consider a case of adoption by the citizens of the Republic of Kazakhstan for the benefit of a child upon expiry of three months after abandonment or detection of a child.

Footnote. Article 93 as amended by the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 94. Adoption of a child without the agreement of parents

The agreements of parents for adoption of their child shall not be required in cases if they:

- 1) are unknown or declared decedent, recognized as missing by the court;
- 2) recognized incapable;
- 3) deprived of parental rights;
- 4) live separately from a child and evade from his (her) nurturing and financial support for more than six months by excuses, recognized by court as unreasonable.

In existence of executed written application on surrender of a child in a healthcare organization by a sole mother in the manner, prescribed by the legislation of the Republic of Kazakhstan, the court shall not have the right to demand and obtain other documents, confirming the agreement of parents to adoption.

Article 95. The agreement of a child to adoption

For the adoption of a child, attained the age of ten years, his (her) agreement shall be required.

The agreement of a child to adoption shall be established by the court in the presence of parents or other legal representatives of a child, a prosecutor.

Article 96. The agreement to adoption of a child by one of spouses

1. During adoption of a child by one of spouses, the written agreement of the other spouse to adoption shall be required, if a child is not adopted by both spouses.

2. The agreement of spouse to adoption shall not be required, if spouses factually terminated family relations or live separately for more than one year.

Article 97. First name, patronymic and last name of an adopted child

1. The first name, patronymic (in existence of it) and last name of an adopted child may be preserved.

2. Upon the request of the adopter, the adopted child shall be assigned the last name of the adopter, as well as the name indicated by him/her, if this does not contradict the interests of the child. The patronymic of the adopted child shall be determined by the name of the adoptive parent if the adoptive parent is a man, and when the child is adopted by a woman who is not married (matrimony), by the name of the person indicated by her as the father of the adopted child in accordance with Article 192 of this Code.

If the last names of adoptive parents are different, the last name of a child shall be given by the last name of one of them with the agreement of adoptive parents.

3. When a child is adopted by a person who is not married (matrimony), upon his/her request, the name, patronymic and surname of the father (mother) of the adopted child shall be recorded in the act record on state registration of birth at the direction of the adopter. Upon the request of the adoptive parent, information about the father (mother) may not be indicated.

The surname of the father (mother), indicated upon the request of the adoptive parent, shall be assigned by the name of the adoptive parent.

4. Change of the first name, patronymic and last name of an adopted child, attained the age of ten years may be performed only with his (her) agreement, with the exception of cases, requiring the secrecy of adoption.

5. Change of the first name, patronymic and last name of an adopted child shall be specified in the court decision on his (her) adoption.

6. Amendments, additions to the act record on state registration of birth shall be made in any registering body on the basis of a court decision on adoption that has entered into legal force and an application by the child's legal representatives.

Information about the child and adoptive parents shall be entered into the act record on state registration of birth in accordance with the information specified in the court decision.

Footnote. Article 97 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 97-1. Adoption of a child by foreigners

1. The adoption by foreigners of a child who is a citizen of the Republic of Kazakhstan, including the cancellation of such adoption, on the territory of the Republic of Kazakhstan shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

2. Control over children adopted by foreigners who are citizens of the Republic of Kazakhstan shall be carried out by foreign institutions of the Republic of Kazakhstan and the authorized body in the field of protecting the rights of children of the Republic of Kazakhstan.

Footnote. Chapter 13 as supplemented by Article 97-1 in accordance with Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 98. Change of the date and place of birth of an adopted child

1. For the purpose of ensuring of the confidentiality of adoption upon request of an adoptive parent, the date of birth of an adopted child may be changed, but not more than six months, as well as the place of his (her) birth.

Change of the date of birth of an adopted child shall be allowed only in adoption of a child under the age of three years.

Change of the place of birth of an adopted child shall be performed only within the territory of the Republic of Kazakhstan and shall be allowed only upon request of an adoptive parent independently from the age of the child.

2. Change of the date and (or) place of birth of an adopted child shall be specified in the court decision on his (her) adoption.

When the personal data of the adopted child is changed, a new act record on the state registration of birth shall be registered with the conditional exclusion of the individual identification number from the National Register of Individual Identification Numbers.

3. Amendments, additions to the vital record on state registration of birth on the basis of a court decision on adoption shall be made after registration of vital record on state registration of birth or restoration of a lost vital record on state registration of birth.

Footnote. Article 98 as amended by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 99. Register of adoptive parents in capacity of parents of the adopted child

1. Upon request of adoptive parents, the court shall adopt decision on register of adoptive parents in register of birth in capacity of parents of the adopted child by them.

2. The necessity of performance of this register shall be compulsory specified in the court decision on adoption of a child.

Article 100. Legal consequences of adoption of a child

1. An adopted child and his (her) posterity in respect of adoptive parents and their relatives, and adoptive parents and their relatives in respect of the adopted child and his (her) posterity shall be equated in personal non-property and property rights and obligations to relatives by blood.

2. An adopted child shall forfeit personal non-property and property rights and shall be released from his (her) obligations in respect of his (her) natural parents.

3. During adoption of a child by one person, the personal non-property and property rights and obligations may be preserved at the wish of the mother, if an adoptive parent is a man, or at the wish of the father, if an adoptive parent is a woman.

4. Responsibility for the safety of property, being in the ownership of an adopted child, shall rest on adoptive parent. In case of abdication of adoption, the obligation on return of this property also shall be imposed on the adoptive parent.

5. Preservation of relations between an adopted child and one of parents or relatives of a decedent parent shall be specified in the court decision on adoption of a child.

6. Legal consequences of adoption of a child, provided by paragraphs 1 and 2 of this Article shall be applied independently from record of adoptive parents, in capacity of parents in register of births of this child.

Article 101. Preservation of the right to allowances and other social benefits of an adopted child

A child, having the right to pension savings of parents in provident pension funds, allowances on the occasion of death of a wage-earner and other social benefits by the moment of his (her) adoption, shall preserve this right during his (her) adoption.

Footnote. Article 101 is in the wording of the Law of the Republic of Kazakhstan dated 21.06.2013 № 106-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 102. The secrecy of adoption of a child

1. The secrecy of adoption of a child shall be protected by the Law.
2. Parents, relatives, officials of organizations exercising functions for the protection of the rights of the child, and (or) government bodies that carry out state registration of adoption; judges who made the decision on adoption, employees of organizations to assist in the placement of orphans, children left without parental care, into families of citizens of the Republic of Kazakhstan, as well as other persons who are otherwise aware of the adoption of a child, shall be obliged to keep the secret of adoption.

Footnote. Article 102 as amended by Law of the Republic of Kazakhstan № 292-VI dated December 27, 2019 (see Art. 2).

Article 103. Recognition of adoption as invalid

1. Adoption shall be recognized invalid in the following cases:
 - 1) adoption of the court decision on adoption, on the basis of false documents;
 - 2) commitment of adoption without the agreements of persons, specified in Article 93 of this Code;
 - 3) adoption by a married person without the written agreement of the other spouse;
 - 4) violation of provisions, provided by paragraph 2 of Article 91 of this Code;
2. Recognition of adoption as invalid shall be performed in a judicial proceeding.
3. The case on recognition of adoption as invalid shall be considered by the court with compulsory participation of adoptive parents, prosecutor and representative of a body, carrying out the functions of trusteeship or guardianship.

Article 104. Persons, having the right to demand recognition of adoption as invalid

Demand on recognition of adoption as invalid may be submitted by the parents of adopted child, by the spouse of adoptive parent, by persons whose rights are violated by adoption, by a prosecutor or by a body, carrying out the functions of trusteeship or guardianship.

Article 105. Consequences of recognition of adoption as invalid

1. Adoption shall be recognized invalid from the moment of making the court decision on adoption.
2. In case of recognition of adoption as invalid, the mutual rights and obligations of an adopted child and adoptive parents, relatives of adoptive parents shall be terminated and the

mutual rights and obligations of a child and his (her) parents (relatives) shall be restored, if it complies with the child's interests.

3. Upon request of parents, the former first name, patronymic (in its existence) and last name shall be given back to a child, as well as the former date and place of birth shall be restored, if they were changed during adoption.

4. Within three days from the date of entry into force of the court decision on the recognition of the adoption as invalid, the court shall be obliged to send an extract from this decision to the registering body and bodies exercising functions of custodianship or guardianship at the place of state registration of birth.

Footnote. Article 105 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 106. Grounds for cancellation of child adoption

1. Adoption of a child may be cancelled in cases, if an adoptive parent:

- 1) evades parental obligations imposed on him (her);
- 2) abuses parental rights;
- 3) abuses an adopted child;
- 4) carried out physical or mental abuse against an adopted child;
- 5) encroaches on sexual integrity of an adopted child;
- 6) recognized as a person with a mental, behavioral disorder (disease) associated with the use of psychoactive substances;
- 7) violates the rights of an adopted child, established by the legislation of the Republic of Kazakhstan and international treaties in which the Republic of Kazakhstan participates.

2. The court shall have the right to cancel adoption of a child by the other reasons, proceeding from the interests of a child and in recognition of his (her) opinion.

Footnote. Article 106 as amended by the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of first official publication).

Article 107. Cancellation of adoption of a child

1. Cancellation of adoption of a child shall be performed in a judicial proceeding.

2. The case on cancellation of adoption of a child shall be considered with compulsory participation of adoptive parents, body, carrying out the functions of trusteeship or guardianship, as well as a prosecutor.

3. Adoption shall be terminated from the date of enforcement of the court decision on cancellation of adoption of a child.

Within three days from the date of entry into force of the court decision on the cancellation of the adoption of the child, the court shall be obliged to send an extract from this decision to the registering body and bodies exercising functions of custodianship or guardianship at the place of state registration of birth.

Footnote. Article 107 as amended by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 107-1. Re-adoption of a child

Re-adoption of a child shall be possible only after the court cancels the decision to adopt the child.

Footnote. Chapter 13 as supplemented by Article 107-1 in accordance with Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 108. Persons, possessing the right to ask for cancellation of adoption of a child

Parents, adoptive parents, spouse of an adoptive parent, an adopted child, attained the age of fourteen years, a body, carrying out the functions of trusteeship or guardianship, as well as a prosecutor shall have the right to ask for cancellation of adoption of a child on behalf of a child.

Article 109. Consequences of cancellation of adoption

1. In cancellation of adoption of a child by the court, the mutual rights and obligations of an adopted child and adoptive parents, relatives of adoptive parents shall be forfeited, and the mutual rights and obligations of a child and his (her) parents (relatives) shall be restored, if it complies with the child's interests.

2. In cancellation of adoption, a child shall be given to his (her) parents under court decision. In the absence of parents, as well as if transfer of a child to his (her) parents contradicts his (her) interests, the child shall be placed under the custody of a body, carrying out the functions of trusteeship or guardianship.

3. Court shall also solve a question, if a child preserves his (her) first name, patronymic (in its existence) and last name, given to him (her) due to his (her) adoption, as well as if the date and place of birth restores, being changed during adoption.

Change of the first name, patronymic (in its existence) and last name of a child, attained the age of ten years shall be allowed only with his (her) agreement.

4. The court, based upon the child's interests shall be entitled to charge the former adoptive parent with allowance to maintain a child in the amount, established by Articles 139 and 141 of this Code.

Article 110. Inadmissibility of cancellation of adoption upon attainment of age of majority by an adopted child

Cancellation of adoption of a child shall not be allowed, if by the date of demand on cancellation of adoption, an adopted child is attained the age of majority, with the exception of cases, when such cancellation is mutually agreed by an adoptive parent and an adopted child, as well as parents of an adopted child, if they are alive, not deprived or restricted in the parental rights or not recognized incapable by the court.

Chapter 14. Accreditation of adoption agencies and organizations to assist in the placement of orphans, children left without parental care in the families of citizens of the Republic of Kazakhstan

Footnote. The title of Chapter 14 as amended by Law of the Republic of Kazakhstan № 292-VI dated December 27, 2019 (see Art. 2 for the enactment procedure).

Article 111. General provisions

1. Agencies for adoption (hereinafter referred to as agencies) shall be subject to accreditation, the founders of which are citizens of the state of location of the agency, carrying out their activities in this area on the territory of their state for at least ten years at the time of filing an application for accreditation by creating branches or representative office, as well as non-commercial organizations, the founders of which are citizens of the Republic of Kazakhstan, which carry out activities to protect the rights and interests of orphans, children left without parental care, for at least five years at the time of filing an application for accreditation .

2. Accreditation shall be conducted before accounting registration of a branch and (or) representative office of agency.

3. Employees of the authorized body in the field of protection of children's rights of the Republic of Kazakhstan, local executive bodies, organizations for orphans, children left without parental care, including their spouses and close relatives, as well as persons who have or have had a criminal record, who are subject to or have been subject to criminal prosecution (except for persons whose criminal prosecution has been terminated on the basis of paragraphs 1) and 2) of part one of Article 35 of the Criminal Procedure Code of the Republic of Kazakhstan) for criminal offenses: murder, intentional harm to health, against public health and morality, sexual inviolability, for extremist or terrorist crimes, human trafficking, cannot be the employees of the agency, branch and (or) representative office of the agency, as well as employees of the organization providing assistance in placing orphans and children left without parental care in families of citizens of the Republic of Kazakhstan.

4. The rules for the accreditation of agencies and organizations for provision of assistance in the placement of orphans, children left without parental care, into families of citizens of the

Republic of Kazakhstan shall be approved by the authorized body in the field of protecting the rights of children of the Republic of Kazakhstan.

5. The total number of accredited agencies in the territory of the Republic of Kazakhstan should not exceed twenty.

Footnote. Article 111 as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 292-VI dated December 27, 2019 (see Art. 2 for the enactment procedure); dated 05.07.2024 № 111-VIII (comes into force sixty calendar days after the date of its first official publication).

Article 112. Order of conducting accreditation of agencies

1. The issue on accreditation of agency, including refusal in accreditation shall be considered by an authorized body in the scope of protection of the children's rights of the Republic of Kazakhstan.

2. An authorized representative of agency shall be obliged to submit the application to carry out the work on adoption of children in the territory of the Republic of Kazakhstan with the following documents, accompanied by:

- 1) notarized copies of constitutive documents;
- 2) copy of a document on location of an agency, issued by the competent body of the state, confirming his (her) powers to carry out activity in the relevant sphere;
- 3) letter of introduction of a competent body of the state, issued a document, confirming the powers of agency, or carrying out a control of activity of the agency, on possibility of carrying out the relevant activity in the territory of the Republic of Kazakhstan;
- 4) list of services, provided by the agency for candidates on adoptive parents;
- 5) obligations on carrying out the control of living and education conditions of adopted children and supplying the relevant reports and information in established manner;
- 6) obligations on carrying out the control of registration of an adopted child in a consular office of the Republic of Kazakhstan on arrival of adoptive parents to the state of their residence;
- 7) notarized letter of attorney, issued by the agency to an authorized representative;
- 8) the obligation of the competent authority of the state of the location of the agency to appoint a body or organization that will submit reports and information on living conditions and upbringing of the adopted children in the prescribed manner in the event of termination of the agency's activities on the territory of the state of the agency's location or on the territory of the Republic of Kazakhstan;
- 9) the obligation of the competent authority of the state of the location of the agency to inform the authorized body in the field of protection of children's rights of the Republic of Kazakhstan within twenty-four hours from the moment of establishing the fact of death, cruel

treatment of the child, including physical or mental violence against the child, the sexual inviolability of the child;

10) the obligation of the competent authority of the state of the location of the agency to notify the authorized body in the field of protection of the children's rights of the Republic of Kazakhstan about changes in the constituent documents of the agency.

Documents, listed in subparagraphs 1) - 4) of this paragraph shall be valid within six months from the date of their issuance. If it is necessary, an authorized body in the scope of children's right shall have the right to additionally ask for originals of these documents.

All provided documents shall be legalized in the manner, prescribed by the Laws of the Republic of Kazakhstan and international treaties in which Republic of Kazakhstan participates.

3. Decision on accreditation of agency shall be made by an authorized body in the scope of protection of children's right of the Republic of Kazakhstan on agreement with the Ministry of Foreign Affairs of the Republic of Kazakhstan, the Ministry of Internal Affairs of the Republic of Kazakhstan, an authorized body in the scope of health care services, the Ministry of Justice of the Republic of Kazakhstan and an authorized body on social protection, presenting the relevant conclusions on possible accreditation within their competence.

4. Decision on accreditation of agency or refusal in accreditation shall be issued by an authorized body in the scope of children's right of the Republic of Kazakhstan within ten business days from the date of its adoption with the reasons in case of refusal in accreditation.

5. The proxy's application for accreditation shall be considered within the time limits established by the legislation of the Republic of Kazakhstan on administrative procedures.

6. In case of loss of decision on accreditation of agency, a representative may receive its copy in an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan within ten business days from the date of submission of the relevant application.

7. Agencies shall be accredited for the term of one year. Decision on accreditation shall be unalienable and shall not be subject to transferring to the other persons.

8. Grounds for refusal in accreditation of agency, extension of its activity and (or) early cessation of its activity shall be:

1) non-compliance of provided documents with requirements, established by the legislation of the Republic of Kazakhstan;

2) delivery of inaccurate information on its activity;

3) existence of negative information on activity of an agency or its branches and(or) representative offices, acquired from competent bodies of a foreign state, as well as state bodies of the Republic of Kazakhstan.

4) the untoward social and economic, political, ecological situations, carrying out of military actions within the state of location area of an agency;

5) violation of the legislation of the Republic of Kazakhstan by personnel of a branch and (or) representative office of an agency;

6) the violation of obligations on carrying out the control of living and education conditions of adopted children and on provision of the relevant reports and information in the established manner by an agency;

7) the violation of obligations on carrying out of the control of registration of an adopted child in a consular office of the Republic of Kazakhstan in the established manner;

8) termination of activity of an agency in the territory of its state;

9) exceeding the established number of accredited agencies on the territory of the Republic of Kazakhstan.

9. Agency, received the decision on refusal in accreditation of their activity shall have the right to re-refer to an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan upon expiry of six months.

Footnote. Article 112 as amended by the Laws of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.06.2020 № 351-VI (shall enter into force from 01.07.2021).

Article 112-1. The procedure for accreditation of organizations to assist in the placement of orphans, children left without parental care in families of citizens of the Republic of Kazakhstan

1. The issue of accreditation of an organization providing assistance in the placement of orphans, children left without parental care, in families of citizens of the Republic of Kazakhstan, including the refusal of accreditation, shall be considered by the authorized body in the field of protection of the rights of children of the Republic of Kazakhstan.

2. An organization for providing assistance in the placement of orphans, children left without parental care in the families of citizens of the Republic of Kazakhstan shall submit an application with the attachment of documents determined by the rules of accreditation of agencies and organizations for the provision of assistance in the placement of orphans, children left without care parents, families of citizens of the Republic of Kazakhstan.

3. A decision on the accreditation of an organization to provide assistance in the placement of orphans, children left without parental care, in the families of citizens of the Republic of Kazakhstan or on the refusal of accreditation shall be issued by the authorized body in the field of protecting the rights of children of the Republic of Kazakhstan within ten working days from the date of its acceptance with justification in case of denial of accreditation.

4. Organizations providing assistance in the placement of orphans, children left without parental care in the families of citizens of the Republic of Kazakhstan shall be accredited for a period of one year with the right of extension. The decision on accreditation shall be inalienable and not transferable to other persons.

5. The validity of the decision on accreditation of the organization for rendering assistance in the placement of orphans, children left without parental care in families of citizens of the

Republic of Kazakhstan shall be suspended by the authorized body in the field of protection of the rights of children of the Republic of Kazakhstan in the event of:

- 1) non-compliance with the norms of this Code;
- 2) the existence of justified complaints about the activities of the organization to provide assistance in the placement of orphans, children left without parental care, in the families of citizens of the Republic of Kazakhstan, who entered the authorized body in the field of protection of the rights of children of the Republic of Kazakhstan and (or) other state bodies.

6. Grounds for refusing accreditation of an organization providing assistance in placing orphans, children left without parental care, in families of citizens of the Republic of Kazakhstan, in extending the accreditation period, deprivation (revocation) of accreditation shall be:

- 1) non-compliance of the submitted documents with the requirements established by the rules of accreditation of agencies and organizations to provide assistance in the placement of orphans, children left without parental care in families of citizens of the Republic of Kazakhstan;
- 2) the submission by the organization for assistance in the placement of orphans, children left without parental care, in the families of citizens of the Republic of Kazakhstan, inaccurate information about its activities;
- 3) violation of the rights and legitimate interests of orphans, children left without parental care by the organization for rendering assistance in the placement of orphans, children left without parental care in families of citizens of the Republic of Kazakhstan;
- 4) non-elimination within one month of violations that led to the suspension of the decision on accreditation;
- 5) termination of the activities of the organization to provide assistance in the placement of orphans, children left without parental care in the families of citizens of the Republic of Kazakhstan.

7. A non-profit organization carrying out activities to protect the rights and interests of orphans, children left without parental care, which received a decision to refuse accreditation, shall have the right to reapply to the authorized body in the field of protecting the rights of children of the Republic of Kazakhstan after six months.

Footnote. Chapter 14 as supplemented by Article 112-1 in accordance with Law of the Republic of Kazakhstan № 292-VI dated December 27, 2019 (see Article 2 for the enactment procedure).

Article 113. Extension, suspension and (or) termination of activity of branches and (or) representative offices

1. For extension of term on accreditation of agency, they shall be submitted by the application on extension of the term to an authorized body in the scope of protection of the

children's rights of the Republic of Kazakhstan not later than thirty calendar days before expiration of the term of accreditation.

Application on extension of the term of accreditation of agency shall be considered by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan within ten business days from the date of application acceptance. The motivated decision on extension (or refusal in extension) of the term of accreditation of agency shall be accepted by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan and sent to a branch and (or) representation office of an agency within five business days from the date of decision-making.

2. Term of accreditation shall be automatically extended upon expiry of the term, provided in paragraph 1 of this Article, in case they met all the requirements, established by the legislation of the Republic of Kazakhstan within one year after the first accreditation of agency.

3. Validity of decision on accreditation of agency shall be suspended by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan in case of:

- 1) non-compliance with the standards of this Code;
- 2) existence of justified complaints on activity of a branch and (or) representative office of an agency to an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan and (or) other state bodies.

A branch and (or) representative office of an agency shall be notified by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan within five business days from the date of decision on suspension of their activity.

4. In elimination of violations within one month, entailed suspension of validity of decision on accreditation of agency, its validity shall be restored by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan.

5. The activity of branches and (or) representative offices of an agency shall be terminated in the following cases:

- 1) non-carrying out of activity on adoption of children in accordance with the constitutive documents of an agency;
- 2) the elimination of violations within one month, entailed suspension of validity of decision on accreditation of an agency;
- 3) the presentation of application on termination of activity by a branch and (or) representative office of an agency;
- 4) the expiration of validity of decision on accreditation of an agency and impossibility to extend the term of accreditation for a new term.

6. The issues of termination of activity of branches and (or) representative offices of agencies, shall be considered within ten business days from the date of detection (origin) of circumstances, mentioned in paragraph 5 of this Article.

The motivated decision on the termination of activity of a branch and (or) representative office of an agency shall be accepted and sent to it by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan within ten business days from the date of decision-making.

7. Decision on accreditation, suspension and termination of the activities of the branch and (or) representative office of the agency is distributed by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan by posting the decision on the official Internet resource of the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

Footnote. Article 113 as amended by the Laws of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 114. Rights and obligations of a branch and (or) representative office of an agency

1. A branch and (or) a representative office of an agency shall have the right to:

- 1) assist in adoption to the citizens of the state at the location of the agency;
- 2) receive information about an adopted child in established manner and volume;
- 3) appeal against actions and decisions of civil servants and state bodies in the manner, prescribed by the legislation of the Republic of Kazakhstan;
- 4) receive information on changes in legislation of the Republic of Kazakhstan, order of adoption and other information, concerning their direct activity.

2. In the permitted manner, a branch and (or) representative office of an agency shall be obliged to:

1) pass a record registration for the record registration of branches and (or) representative offices of legal persons, after receipt of accreditation in the manner, prescribed by the legislation of the Republic of Kazakhstan;

2) present the reference on record registration (reregistration) of a branch (representative office) to an authorized body on protection of children's rights of the Republic of Kazakhstan.
;

3) inform an authorized body on protection of children's rights of the Republic of Kazakhstan about start of its activity not later than five business days;

4) submit to the authorized body in the field of protection of the children's rights of the Republic of Kazakhstan the documents of candidates for adopters for selection of a child for adoption, which are valid for six months from the date of their issuance (except for the periods indicated in the documents of the candidates for adopters), and also to the court for adoption;

5) receive information of a child, on the basis of the application of candidate-adoptive parents: first name, age, sex, health condition;

6) organize an appointment and accommodation of candidate-adoptive parents and required assistance in the execution of adoption;

7) participate in court sessions when considering adoption cases, receive court decisions on adoption, also assist adoptive parents in obtaining a certificate, if necessary, a birth certificate and a child's passport for traveling outside the Republic of Kazakhstan;

8) carry out the other activity upon representation of the interests of candidate -adoptive parents, as well as of adoptive parents, not prohibited by the legislation of the Republic of Kazakhstan in the territory of the Republic of Kazakhstan.

3. Branches and (or) representative offices of agencies shall organize the presentation of reports of adoptive parents on conditions of life and nurturing of children in their families to an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan, prepared by a competent body of the state, in the territory of which an adopted child lives (hereinafter - reports).

4. The first three years after the enforcement of the court decision on adoption, the report shall be presented after every six months. In the following, the reports shall be presented annually.

5. The reports shall be presented on the official language of a relevant foreign state.

The presented reports shall be legalized in the permitted manner, unless otherwise provided by the legislation of the Republic of Kazakhstan, as well as shall be translated into Kazakh and Russian languages. By this, the translation or signature of a translator shall be identified in the foreign establishments of the Republic of Kazakhstan at place of residence of adoptive parents or by a notary in the territory of the Republic of Kazakhstan.

6. Accounting of reports and information on the registration of adopted children on a consular register shall be maintained in the manner, determined by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan.

Footnote. Article 114 as amended by the Laws of the Republic of Kazakhstan dated 24.12.2012 № 60-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 114-1. The rights and obligations of the organization to provide assistance in the placement of orphans, children left without parental care in the families of citizens of the Republic of Kazakhstan

1. An organization to provide assistance in the placement of orphans, children left without parental care in the families of citizens of the Republic of Kazakhstan shall have the right to:

1) receive information in the amount determined by the authorized body in the field of protecting the rights of children of the Republic of Kazakhstan, in the manner prescribed by the legislation of the Republic of Kazakhstan, about orphans, children left without parental care, with the consent of their legal representatives;

2) to select citizens of the Republic of Kazakhstan permanently residing in the territory of the Republic of Kazakhstan who wish to adopt orphaned children, children left without parental care, for upbringing in their family (adoption, guardianship or patronage, foster care, foster family), foster professional family;

3) determine the specific circumstances of the loss of parental care of pupils of all types of organizations for orphans, children left without parental care (educational, medical and others) to assist their placement in families;

4) exercise other rights provided for by the laws of the Republic of Kazakhstan.

2. An organization to provide assistance in the placement of orphans, children left without parental care, in families of citizens of the Republic of Kazakhstan in the manner prescribed by the legislation of the Republic of Kazakhstan shall be obliged to:

1) keep the adoption secret;

2) carry out psychological training of citizens of the Republic of Kazakhstan permanently residing in the territory of the Republic of Kazakhstan, wishing to accept orphans, children left without parental care, for upbringing in their families, at the expense of the organization to assist in the placement of orphans, children, those left without parental care, to the families of citizens of the Republic of Kazakhstan;

3) provide legal assistance, psychological and psychological and pedagogical advice to citizens permanently residing in the territory of the Republic of Kazakhstan, wishing to accept and have adopted orphans, children left without parental care for upbringing in their families;

4) inform the authorized body in the field of protecting the rights of children of the Republic of Kazakhstan and the law enforcement agencies of the Republic of Kazakhstan within twenty-four hours from the moment of establishing the fact of death, cruelty to a child, including physical or mental violence against a child, as well as an attempt on sexual inviolability a child who has been raised in a family by an organization to assist in the placement of orphans, children left without parental care, into families of citizens of the Republic of Kazakhstan;

5) submit a quarterly report on its activities to the authorized body in the field of protecting the rights of children of the Republic of Kazakhstan;

6) comply with other obligations provided for by the laws of the Republic of Kazakhstan.

Footnote. Chapter 14 as supplemented by article 114-1 in accordance with Law of the Republic of Kazakhstan № 292-VI dated December 27, 2019 (see article 2 for the enactment procedure); dated 30.12.2024 № 148-VIII (effective from 01.07.2025).

SECTION 4. GUARDIANSHIP OR PATRONAGE, THE REPUBLICAN DATA BANK, FOSTER, foster professional AND GUEST FAMILY

Footnote. The title of Section 4 in the new wording of the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days

after the day its first official publication); as amended by the Law № 148-VIII dated 30.12.2024 (effective from 01.07.2025).

Chapter 15. DETECTION AND ARRANGEMENT OF CHILDREN-ORPHANS, CHILDREN LEFT WITHOUT A PARENTAL CUSTODY Article 115. Protection of rights and interests of children-orphan, children left without a parental custody

1. Protection of rights and interests of children-orphan, children left without a parental custody shall be entrusted to an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan and other state bodies within their competence, as well as to legal representatives of these children.

2. Activity arrangement on registration of children-orphan, children left without a parental custody, shall be entrusted to local executive bodies, proceeding from specific circumstances of forfeit of the parental custody, choice of the form of the children's arrangement, as well as the following control of conditions of maintenance, nurturing and education.

3. The mediatory and any other activity of individuals and legal entities on selection, arrangement, transfer of children-orphan, children left without a parental custody shall be prohibited, with the exception of state bodies within their competence.

The activities of bodies performing guardianship or custodianship functions and other organizations performing their duties to identify and arrange for orphans, children left without parental care, the functions of protecting the rights of children, as well as the activities of agencies and organizations for the provision of assistance in the placement of orphans, children left without parental care, in the families of citizens of the Republic of Kazakhstan, provided for by this Code.

Individuals and legal entities, mentioned in this Article may not pursue the commercial purposes in their activity.

Footnote. Article 115 as amended by Law of the Republic of Kazakhstan № 292-VI dated December 27, 2019 (see Art. 2 for the enactment procedure).

Article 116. Forms of protection of the rights and interests of orphans, children left without parental care

1. Protection of the rights and interests of orphaned children, children left without parental care, is carried out by transferring them to a family for upbringing (adoption, guardianship or patronage, foster care, foster family, foster professional family), and in the absence of such an opportunity - in organizations of all types for orphans, children left without parental care.

Their relatives have the primary right to raise orphaned children and children left without parental care.

2. Ensuring protection of the rights and interests of orphans, children left without parental care, transferred for upbringing to the family (adoption, custody or guardianship, patronage)

is the minimum social standard in the family and children area in accordance with the Law of the Republic of Kazakhstan "On minimum social standards and their guarantees".

Footnote. Article 116 in the new wording of the Law of the Republic of Kazakhstan dated 19.05.2015 № 315-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 30.12.2024 № 148-VIII (for the procedure of entry into force, see art. 2).

Article 117. Detection and registration of children-orphans, children left without a parental custody

1. Detection of children-orphans, children left without a parental custody shall be carried out by all individuals and legal entities that came to knowledge about the absence of parental custody.

2. Individuals and legal entities shall be obliged to immediately inform bodies, carrying out the functions of trusteeship and guardianship about children-orphans, children left without a parental custody, at their location.

3. Officials of medical organizations and organizations performing functions to protect the rights of the child, within three working days from the date of abandonment of a newborn, admission and delivery of orphans and children left without parental care, are obliged to notify the body performing guardianship or trusteeship functions and the prosecutor's office of the relevant administrative-territorial unit.

4. The body performing the functions of guardianship or patronage, upon establishing the fact of absence of care from parents or other legal representatives, is obliged, within three working days from the date of receipt of information, to conduct an examination of the child's living conditions and ensure the protection of the rights and legitimate interests of the child until the issue of his placement is resolved.

5. The body performing the functions of guardianship or patronage enters information about orphaned children, children left without parental care, into the Republican Database (primary, centralized accounting) and ensures their placement in a family (adoption, guardianship or patronage, foster care, foster family).

The procedure for registration of orphans and children left without parental care and access to information about them is determined by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

6. Excluded by the Law of the Republic of Kazakhstan dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Footnote. Article 117 as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 05.07.2024 № 111-VIII (comes

into force sixty calendar days after the date of its first official publication); dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 118. Arrangement of children-orphans, children left without a parental custody

1. In the interests of the child, when placing orphaned children, children left without parental care, placed in a family for adoption, under guardianship or patronage, or under an agreement on the transfer of a child to a foster, foster professional or guest family, foster care, and in the absence of such an opportunity - in organizations of all types (educational, medical and others) his nationality, religion and culture, native language, and the possibility of ensuring continuity in education and training may be taken into account.

2. Before arrangement of children-orphans, children left without a parental custody in care of a family or in organizations, mentioned in paragraph 1 of this Article, the performance of obligations of a trustee or a guardian of children shall be temporary assigned on bodies, carrying out the functions of trusteeship or guardianship, at location of a child.

Footnote. Article 118 as amended by the Laws of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 30.12.2024 № 148-VIII (effective from 01.07.2025).

Chapter 15-1. Republican databank

Footnote. Section 4 is supplemented by chapter 15-1 in accordance with the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced from 01.01.2017).

Article 118-1. Requirements for formation and use of the Republican databank

1. The republican databank is formed by bodies that perform functions of guardianship or custody, local executive bodies of districts, towns of regional significance, oblasts, cities of republican significance, the capital at the location of orphans, children left without parental care, and the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

2. Information contained in the Republican databank is the state electronic information resources.

The bodies exercising the functions of guardianship or custodianship, local executive bodies of districts, cities of regional significance, regions, cities of republican significance, the capital and the authorized body in the field of protecting the rights of children of the Republic of Kazakhstan shall be obliged to take measures to protect state electronic information resources.

Footnote. Article 118-1 as amended by Law of the Republic of Kazakhstan № 292-VI dated December 27, 2019 (see Art. 2 for the enactment procedure).

Article 118-2. Formation of the Republican databank

1. Procedure for formation and use of the Republican databank shall be determined by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

2. The bodies that carry out the functions of guardianship or custody, providing mandatory information about children left without parental care, for formation of the Republican databank, do not lose their rights to use such information.

Provision of information on children left without parental care does not exempt the bodies performing functions of guardianship or custody from the responsibility to arrange or organize the placement of such children for the upbringing in the families of the citizens of the Republic of Kazakhstan permanently residing in the territory of the Republic of Kazakhstan.

3. A person who wishes to take up orphans, children left without parental care, for upbringing in his family, provides information about himself to the bodies that carry out the functions of guardianship or custody, local executive bodies of districts, towns of regional significance, oblasts, cities of republican significance, the capital at the location of orphans, children left without parental care, or to the Republican databank for subsequent registration.

A person who wishes to take up orphans, children left without parental care, for upbringing in his family, has the right to do this on the territory of any oblast, city of republican significance, the capital, regardless of their place of residence.

Article 118-3. Access to confidential information about orphans, children left without parental care

1. Access for persons, wishing to take up children for upbringing in their families, to confidential information on orphans, children left without parental care, is carried out if they are registered in the Republican databank and undertake obligations on non-disclosure of information of the Republican databank.

2. Confidential information about orphans, children left without parental care, may be used by the body that carries out the functions of guardianship or custody, local executive bodies of districts, towns of regional significance, cities of republican significance, the capital at the location of orphans, children, left without parental care, and the authorized body in the field of protection of children's rights of the Republic of Kazakhstan to create derivative information about orphans, children left without parental care.

The use of derivative information about orphans, children left without parental care, is not allowed for commercial purposes.

Information on sex, age, state of health, characteristics of the nature, the reasons for the absence of parental care, the presence of brothers and sisters, adult relatives, as well as the possible forms of placement for upbringing in families and photos of the children is related to the derivative information on orphans, children left without parental care, contained in the Republican databank.

Article 118-4. Cessation of registration of information about orphans, children left without parental care, and persons wishing to take up children for upbringing in their families, in the Republican databank

1. Grounds for cessation of registration of information about a child left without parental care in the Republican databank are:

- placement of a child left without parental care for upbringing in a family;
- return of a child left without parental care to his parents or parent;
- achievement by the child, left without parental care, of majority or obtaining by such child of full legal capacity before reaching the age of majority;
- death of a child left without parental care;
- recognition of a child in judicial order as missing, and declaring him dead.

2. Grounds for cessation of registration of information about a person wishing to take up a child for upbringing in his family, in the Republican databank are:

- taking up a child by the person for upbringing in his family;
- a statement in writing of a person wishing to take up a child for upbringing in his family, about cessation of registration of information about him in the Republican databank;
- change in circumstances that gave the person the opportunity to take up a child for upbringing in his family;
- death of a person wishing to take up a child for upbringing in his family.

Article 118-5. Responsibility for violation of procedure and deadlines for submitting data to the Republican databank and disclosing information about orphans, children left without parental care

Persons guilty of violating the procedure and deadlines for submitting data to the Republican databank and disclosing information about orphans, children left without parental care are liable in accordance with the laws of the Republic of Kazakhstan.

Chapter 16. ORDER OF ESTABLISHMENT OF TRUSTEESHIP OR GUARDIANSHIP Article 119. Persons, over whom the trusteeship or guardianship shall be established

1. Trusteeship or guardianship shall be established over children-orphans, children left without a parental custody, for the purpose of their maintenance, nurturing and education, as well as for their protection of property and personal non-property rights and interests.

2. The trusteeship or guardianship shall be also established for protection of property and personal non-property rights and interests of incapable and partially capable adult persons.

3. The trusteeship or guardianship of blood brothers and sisters, raised in a one family by different persons shall not be allowed, with the exception of cases, when such circumstances are in the interests of children.

Article 120. State functions on trusteeship or guardianship

1. The state shall exercise its functions of trusteeship or guardianship in relation to minors and incapable or partially capable adult persons through local executive bodies.

2. The coordination of activity and cooperation procedures of state bodies and organizations of trusteeship or guardianship over minor shall be carried out by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan.

3. The state functions of trusteeship or guardianship shall be exercised in the manner, prescribed by the Government of the Republic of Kazakhstan.

Footnote. Article 120 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 121. Establishment of trusteeship or guardianship

1. Trusteeship or guardianship shall be established by bodies, carrying out the functions of trusteeship or guardianship, at place of residence of a person, being in need of trusteeship or guardianship, or at location of a property, subject to trusteeship. In particular cases, the trusteeship or guardianship may be established at place of the residence of a trustee or a guardian.

2. The court shall be obliged to notify a body, carrying out the functions of trusteeship or guardianship about enforcement of decision on recognition of a person as incapable or partially capable, within three business days, at place of residence of this person for establishment a trusteeship or guardianship over him (her).

3. Guardianship or custodianship shall be established within twenty working days from the moment when the relevant authorities became aware of the need to establish guardianship or custodianship over a person or guardianship over property.

The standard for the staffing of specialists of the body performing the functions of guardianship or patronage of minors is determined based on the number of children in the district, town of regional significance, city of republican significance, the capital in the ratio of at least one specialist to five thousand children.

4. The appointment of a guardian or custody may be appealed by the persons concerned in accordance with the procedure established by the laws of the Republic of Kazakhstan.

Footnote. Article 121 as amended by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.06.2020 № 351-VI (shall enter into force from 01.07.2021); dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 122. Trustees or guardians

1. Trustees or guardians may be only the persons of majority age with the exception of:

- 1) persons, recognized incapable or partially capable by the court;
- 2) persons, deprived or restricted of parental rights by the court;
- 3) a trustee or a guardian, suspended from obligations for improper execution of duties assigned to him (her) by the Law of the Republic of Kazakhstan;
- 4) former adoptive parents, if their adoption is cancelled due to their fault;
- 5) persons who may not exercise the obligations of a trustee or a guardian due to their health condition;
- 6) persons who do not have a permanent place of residence;
- 7) persons who have an outstanding or unexpunged previous conviction for commission of an intentional crime at the time of establishment of guardianship (custody), as well as persons specified in subparagraph 12) of this paragraph;"
- 8) stateless persons;
- 9) males who are not in the registered marriage, except for cases of actual upbringing of a child for at least three years in connection with the death of the mother or deprivation of her parental rights;
- 10) persons who, at the time of establishment of guardianship or custody, do not have income that provides the fostering with a minimum living wage established by the legislation of the Republic of Kazakhstan;
- 11) persons who are registered at the narcological or psycho-neurological dispensaries;
- 12) persons who have or have been convicted, subject or subjected to criminal prosecution (with the exception of persons whose criminal prosecution was terminated on the basis of subparagraphs 1) and 2) of part one of Article 35 of the Criminal Procedure Code of the Republic of Kazakhstan) for criminal offenses: murder, deliberate harm to health, against health of the population and morality, sexual inviolability, for extremist or terrorist crimes, human trafficking;
- 13) citizens of the Republic of Kazakhstan permanently residing in the territory of the Republic of Kazakhstan who have not undergone psychological training in the manner prescribed by paragraph 4 of Article 91 of this Code (with the exception of close relatives of the child).

If a minor needs to immediately appoint a guardian or trustee in the person of a relative, stepfather (stepmother), the bodies performing the functions of custodianship or guardianship have the right to establish custodianship or guardianship without undergoing psychological training, provided that they undergo psychological training within one calendar year from the date of the child's admission to the family. If the guardian or trustee has not passed psychological training within the prescribed period, the body performing the functions of custodianship or guardianship initiates the issue of revocation of custodianship or guardianship.

2. A trustee or a guardian may be appointed only with his (her) agreement. If it is not inconsistent with the interests of a ward, a spouse, parents, relatives and other persons close to a ward shall have the priority right on appointment as a trustee or a guardian.

It is acceptable to appoint the only one trustee or guardian for several persons, if there are no contradictions between interests of wards.

3. In appointment of trusteeship or guardianship over minors, whose parents are capable and not deprived of parental rights, but may not exercise their nurturing, the trustees or guardians shall be appointed in recognition of the wish of the parents.

The moral and other qualities of a trustee or a guardian, his (her) capacity to perform the duties of a trustee or a guardian, the relations between a trustee or a guardian and a child, the relations of family members of a trustee or a guardian to a child, as well as if it is possible, a wish of a child himself (herself) shall be considered in appointment of a trustee or a guardian to a child.

If a person, appointed as a trustee or a guardian over a minor is married, the obligatory agreement of his (her) spouse shall be required.

4. Trustees or guardians of persons, being in need of trusteeship or guardianship and being in the relevant educational organizations, healthcare organizations, organizations of social protection of population shall be the administrations of these organizations.

The temporary placement of a child in this organization by a trustee or a guardian shall not terminate the rights and obligations of a trustee or guardian in respect of this child.

5. Trustees or guardians shall speak in defence of the rights and interests of their wards in respect of any persons, including in the court without the special confirmation of powers.

Footnote. Article 122 as amended by the Laws of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 292-VI dated December 27, 2019 (see Art. 2 for the enactment procedure); dated 03.05.2022 № 118-VII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 17. LEGAL STATUS OF TRUSTEES OR GUARDIANS AND WARDS Article 123.

Rights of persons, being under the trusteeship or guardianship

Beside the rights, provided by Articles 60-62 and 67 of this Code, the persons, being under the trusteeship or guardianship, also shall have the right to:

- 1) respect of their human dignity;
- 2) care from the side of a trustee or guardian;
- 3) joint residence with him (her), with the exception of cases, provided by paragraph 4 of Article 126 of this Code;
- 4) alimony, payable to them and other social insurance benefits;
- 5) retention of ownership of the housing and other property and (or) the right to use the housing and other property;

- 6) protection from the abuse on the side of a trustee or a guardian;
- 7) nurturing in the family of a trustee or a guardian;
- 8) securing of conditions for maintenance, nurturing, education and balanced growth;
- 9) receive a dwelling place in case of its absence in accordance with the housing legislation of the Republic of Kazakhstan.

Footnote. Article 123 as amended by the Law of the Republic of Kazakhstan dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 124. Rights of children-orphans, children left without a parental custody and being in educational, healthcare and other organizations

1. Beside the rights provided by Articles 60-62 and 67 of this Code, children-orphans, children left without a parental custody, being in educational, healthcare and other organizations, also shall have the right to:

- 1) maintenance, nurturing, education, balanced growth, respect of their human dignity, securing of their interests;
- 2) alimony, payable to them and other social insurance benefits;
- 3) retention of ownership of the housing and other property and (or) the right to use the housing and other property;
- 3-1) obtaining housing in case of its absence in accordance with the housing legislation of the Republic of Kazakhstan;
- 4) assistance of employment, carrying out by local executive bodies.

2. Protection of rights of graduates of these organizations shall be assigned to bodies, carrying out the functions of trusteeship or guardianship.

Footnote. Article 124 as amended by the Law of the Republic of Kazakhstan dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 125. Performance of obligations by trustees or guardians

1. Trustees shall be representatives of their wards by authority of the Law and shall make all reasonable transactions in their name and in their interests.

2. Guardians shall give their agreement on consummation of those transactions, which persons, being under the guardianship shall not have the right to consummate independently, shall provide assistance to wards in exercising of their rights and in performance of obligations, as well as protect them from the abuses on the side of third parties.

A trustee or a guardian shall not be obliged to maintain wards at his (her) expense. Maintenance of a ward shall be carried out at the expense of obtainable job wages, alimony

and other social insurance benefits of a ward, as well as at the expense of property, belonged to him (her).

In the absence of sufficient funds for the care of a ward, bodies, carrying out the functions of trusteeship or guardianship shall set an allowance for his (her) maintenance.

The procedure for assigning and the amount of payment of benefits to guardians or custodians for the maintenance of an orphan child (orphans) and a child (children) left without parental care shall be established by the authorized children rights protection body of the Republic of Kazakhstan.

3. Trustees or guardians shall be obliged to take charge on the maintenance of their wards, on provision of their care and medical treatment, protection of their rights and interests. The mentioned obligations shall not be assigned on guardians of adult persons, being recognized partially capable by the court, and minors, recognized entirely capable.

4. If the grounds in which a person was recognized incapable or partially capable revolted, a trustee or a guardian shall be obliged to petition the court on recognition of a ward as capable.

Footnote. Article 125 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 126. Rights and obligations of a trustee or a guardian of a child

1. A trustee or a guardian of a child shall be obliged to nurture a child under trusteeship or guardianship, to take care of his (her) health condition, physical, mental, moral and intellectual development.

The mentioned obligations shall not be assigned on guardians of adult persons, restricted in capacity by the court.

A trustee or a guardian shall have the right to independently determine the methods of nurturing of a child, being under trusteeship or guardianship, in recognition of the child's opinion and recommendations of a body, carrying out the functions of trusteeship or guardianship, as well as in compliance of requirements, provided by Article 72 of this Code.

A trustee or a guardian shall have the right to choose an educational organization and the modes of study of a child and shall be obliged to provide a receipt of compulsory secondary-level education, in recognition of child's opinion.

2. A trustee or a guardian shall have the right to demand return of a child, being under trusteeship or guardianship by a court action, from any persons, holding a child at his own place without legal basis, including the close relatives of a child.

3. A trustee or a guardian shall not have the right to prevent communication between a child and his (her) parents and other close relatives, with the exception of cases, when such communication is inconsistent with the interests of a child.

4. Trustees or guardians of minors shall be obliged to live in the same household with their wards, with the exception of cases, when the wards are in care or under treatment in an educational or healthcare organization. The separate residence of a guardian and a ward, attained sixteen years of age shall be allowed, upon authorization of a body, carrying out the functions of trusteeship or guardianship, upon condition that it will not affect adversely on the nurturing and protection of rights and interests of the ward.

Trustees or guardians shall be obliged to notify the bodies, carrying out the functions of trusteeship or guardianship about relocation.

5. Guardians or trustees who are citizens of the Republic of Kazakhstan, permanently residing in the territory of the Republic of Kazakhstan, as well as permanently residing outside the Republic of Kazakhstan, or foreign citizens, are required to submit at least once every six months to the body performing the functions of guardianship or patronage, a copy of the child's health passport in the form approved by the authorized body in accordance with the legislation of the Republic of Kazakhstan. in the field of healthcare, and reports on the work on his upbringing, the spending of money allocated for his maintenance, and the management of his property.

Footnote. Article 126 as amended by the Law of the Republic of Kazakhstan dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 127. Guardianship under capable citizens

1. Upon request of adult capable person that may not exercise and protect his (her) rights and perform obligations due to health condition, the guardianship may be established over him (her).

2. A guardian of an adult capable person may be appointed by a body, carrying out the functions of trusteeship or guardianship, only with the agreement of this person.

3. Disposition of property belonging to an adult capable ward shall be carried out by a guardian on the grounds of contract of agency or trust administration of property, concluded with the ward.

Consummation of domestic and other transactions, oriented for the care of a ward and the satisfaction of his (her) domestic needs shall be carried out by a guardian with the agreement of the ward.

4. The guardianship over an adult capable person may be terminated after demand of this person.

A guardian of a person, being under the guardianship shall be released from performance of obligations assigned to him (her) in cases, provided by Article 129 of this Code.

Article 128. Disposition of property of a ward

1. Incomes of a ward, including the incomes, accrued to the ward from his (her) estate administration, with the exception of the incomes, of which the ward shall have the right to use independently may be expended by a guardian or a trustee wholly in interests of the ward and upon a prior permission of a body, carrying out the functions of trusteeship or guardianship.

Without a prior permission of a body, carrying out the functions of trusteeship or guardianship, a trustee or a guardian shall have the right to incur expenses within minimum of subsistence at the expense of sums, accrued to the ward in capacity of his (her) income, required for maintenance of the ward.

Directors of organizations for children-orphans and children left without a parental custody shall not have the right to withdraw the funds from accounts of foster-children, received from alimony, benefits and other social insurance benefits.

2. A trustee shall not have the right to make a transaction without a prior permission of a body, carrying out the functions of trusteeship or guardianship, and a guardian shall not have the right to give agreement on consummation of transactions in the name of the ward on alienation, including the property exchange and enfeoffment of a ward, or make a contract of guarantee, letting of the property (lease) to uncompensated use or in a gage, the transactions, entailing the expropriation of the ward's rights of succession under the Law and under the will, the division of his (her) property or apportionment of participatory share from it, as well as any other transactions, entailing reduction of the ward's property. A body, carrying out the functions of trusteeship or guardianship shall determine whereby a trustee shall disburse the funds, received by a trustee in result of mentioned transactions.

The order of the ward's estate administration shall be determined by the legislation of the Republic of Kazakhstan.

3. A trustee or a guardian, their spouses and close relatives shall not have the right to make transactions with a ward, with the exception of transfer of property to the ward as a gift or for uncompensated use, as well as represent the ward during making transactions or case prosecution between a ward and a spouse of a trustee or a guardian and their close relatives.

Debts of a ward to a trustee or a guardian, his spouse or relatives, occurred before appointment of this person as a trustee or a guardian, shall be paid upon authorization of a body, carrying out the functions of trusteeship or guardianship.

Article 129. Dismissal and removal of trustees or guardians from performance of their obligations

1. A body, carrying out the functions of trusteeship or guardianship shall release a trustee or a guardian from performance of his (her) obligations, in case of return of a minor ward to his (her) parents or his (her) adoptive parents.

In the placement of a ward to the relevant educational, healthcare, medical and social and other specific organizations, a body, carrying out the functions of trusteeship or guardianship

shall release the previously appointed trustee or guardian from performance of his (her) obligations, if this is not inconsistent with the interests of the ward.

2. In existence of justifiable reasons (illness, change of property status, misunderstanding between a ward and others) a trustee or a guardian shall be released from performance of his (her) obligations upon his (her) request or at the instigation of a body, carrying out the functions of trusteeship or guardianship.

3. Improper execution of obligations by a trustee or a guardian shall be prohibited, including use of the trusteeship or guardianship for lucrative purposes or abandonment of a ward without care and necessary aid.

In cases, provided by the first part of this paragraph, a body, carrying out the functions of trusteeship or guardianship shall be obliged to dismiss a trustee or a guardian from performance of these obligations and use reasonable efforts.

Article 130. Termination of trusteeship or guardianship

1. The trusteeship or guardianship over adult persons shall be terminated in cases of rendering of decision by the court on recognition of a ward as capable or cancellation of his (her) legal capacity upon application of a trustee or a guardian, or a body, carrying out the functions of trusteeship or guardianship.

2. The trusteeship over a minor ward shall be terminated upon attainment of the age of fourteen years by him (her), and a person, performing the obligations of a trustee shall become a guardian of the minor without a supplementary decision.

3. The guardianship over minors shall be terminated, upon attainment of the age of eighteen years by a ward, as well as in his (her) entering into marriage (matrimony) without a special permission.

Article 131. Appeal against actions of guardians or custody

The actions of guardians or custody may be appealed to the body exercising the functions of guardianship or custody, the court at the place of residence of the ward in the interests of the latter in the order established by the Laws of the Republic of Kazakhstan.

Footnote. Article 131 in the wording of the Law of the RK dated 29.06.2020 № 351-VI (shall enter into force from 01.07.2021).

Article 132. Appeal against decisions of bodies exercising guardianship or custody functions

Decisions of bodies exercising guardianship or custody functions in all matters may be appealed by interested persons in accordance with the procedure established by the Laws of the Republic of Kazakhstan.

Footnote. Article 132 in the wording of the Law of the RK dated 29.06.2020 № 351-VI (shall enter into force from 01.07.2021).

Chapter 17-1. Foster family

Footnote. Section 4 is supplemented by chapter 17-1 in accordance with Law of the Republic of Kazakhstan № 501-V dated 09.04.2016 (shall be enforced from 01.01.2017).

Article 132-1. Foster family

1. Grounds for the transfer of orphans, children left without parental care, to a foster family are an agreement on the transfer of orphans, children left without parental care, to a foster family concluded between foster parents, the body that exercises the functions of guardianship or custody, and the organization of education at the location of orphans, children left without parental care.

A foster family can take up for upbringing at least four and not more than ten orphans, children left without parental care, with the exception of brothers and sisters.

2. Regulations on foster families are approved by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

Article 132-2. Agreement on transfer of orphans, children left without parental care, to a foster family

1. An agreement on transfer of orphans, children left without parental care, to a foster family must provide for the conditions of maintenance, upbringing and education of orphans, children left without parental care, the rights and duties of foster parents, the responsibilities of the body exercising the functions of guardianship or custody, and the education organization in which the orphans, children left without parental care were placed, in relation to foster parents, as well as the grounds and consequences of termination of such an agreement.

Orphans, children left without parental care are transferred to foster parents for the period specified in the said agreement.

For each orphan, a child left without parental care, transferred to a foster family, a separate agreement is drawn up.

In the event that the term of the contract for transfer of orphans, children left without parental care to the foster family expires, the extension of the stay in the family is made on the basis of a new agreement.

2. Procedure and amount of remuneration of labor and cash payments to foster parents shall be determined by the legislation of the Republic of Kazakhstan.

3. Early termination of the agreement on transfer of orphans, children left without parental care, to the foster parents is possible:

1) at the initiative of foster parents, if there are valid reasons (illness, change in family or financial situation, lack of understanding with the child, conflict relations between children and others);

2) at the initiative of the body exercising the functions of guardianship or custody, or the education organization in which the orphans, children left without parental care were placed, in the event of unfavorable conditions for the maintenance, upbringing and education of orphans, children left without parental care;

3) in cases of the child's return to parents, other legal representatives in coordination with the body performing the functions of guardianship or patronage, or the adoption of the child.

Footnote. Article 132-2 as amended by the Law of the Republic of Kazakhstan dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 132-3. Foster parents

1. Foster parents in relation to the orphans, children left without parental care, have the same rights and duties as guardians and custodians. They are subject to the requirements provided for by paragraph 1 of Article 122 of this Code.

2. Foster parents should have a dwelling on the basis of the right of ownership or on the basis of the right to use the dwelling to create favorable conditions for the maintenance, upbringing and education of orphans, children left without parental care, in the amount of not less than fifteen square meters per person.

3. Foster parents are required to submit, at least once every six months, to educational organizations where orphans and children left without parental care were, a copy of the child's health passport in the form approved by the authorized body in the field of healthcare, and to the bodies performing the functions of guardianship or patronage, reports on the work on their upbringing, the spending of money allocated for their maintenance, and the management of their property.

Footnote. Article 132-3 as amended by the Law of the Republic of Kazakhstan dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 132-4. Orphans, children left without parental care, who are transferred to a foster family

1. Pre-selection of orphans, children left without parental care, for the transfer of them under a contract for transfer to foster parents is carried out by persons wishing to take up orphans, children left without parental care, for upbringing in their families in agreement with the education organization in which orphans and children left without parental care are placed, and the body exercising the functions of guardianship or custody.

Separation of brothers and sisters is not allowed, except when it meets the interests of children and children do not know about their relationship, did not live and were not brought up together.

2. Transfer of orphans, children left without parental care, to the foster parents is carried out taking into account their opinion. Orphans, children left without parental care, who have reached the age of ten, can be transferred only with their consent.

3. When transferring orphans, children left without parental care, the moral and other personal qualities of foster parents, their ability to fulfill the duties of foster parents, the relationship between the adoptive parents and orphans, children left without parental care are taken into account.

4. Orphaned children, children left without parental care, transferred to foster parents, retain the right to alimony due to them, pension payments from parents from the unified pension savings fund and voluntary pension savings funds, allowances and other social benefits, as well as ownership of housing and other property and (or) the right to use housing and other property. In the absence of housing, the orphaned children, children left without parental care, transferred to foster parents, have the right to be provided with housing in accordance with the housing legislation of the Republic of Kazakhstan.

Safety of funds and other property belonging to orphans, children left without parental care, is assigned to foster parents for the duration of the agreement on transfer of orphans, children left without parental care, to foster parents.

Orphans, children left without parental care, transferred to foster parents, also have the rights provided for by Articles 60, 61, 62 and 67 of this Code.

Footnote. Article 132-4 as amended by the Law of the Republic of Kazakhstan dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 132-5. Financing of maintenance of orphans, children left without parental care, transferred to foster parents

Financing of maintenance of orphans, children left without parental care, transferred to foster parents, is carried out in the manner and amount established by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

Chapter 17-2. Foster professional family

Footnote. The Law was supplemented by Chapter 17-2 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2024 № 148-VIII (effective from 01.07.2025).

Article 132-6. Foster professional family

1. The basis for the transfer of children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan to a foster professional family is an agreement on the transfer of children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the

Republic of Kazakhstan, into a foster professional family, concluded between foster professional educators and the body performing the functions of guardianship or patronage.

A foster professional family accepts no more than four children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, with the exception of brothers and sisters.

2. The regulations on foster professional families are approved by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

3. The body performing the functions of guardianship or patronage has the right to visit foster professional families at their place of residence without prior notice.

4. The body performing the functions of guardianship or patronage is obliged, as a matter of priority, to take measures to return to the parents the children in need of special social services on the grounds provided for in subparagraphs 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, and if it is impossible to return to the parents the children in need of special social services on the grounds provided for in subparagraphs 1) and 2) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, – by transferring them to a family for upbringing (adoption, guardianship or patronage, foster care, foster family).

Article 132-7. An agreement on the transfer of children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan to a foster professional family

1. An agreement on the transfer of children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan to a foster professional family (hereinafter referred to as the agreement on the transfer of children to a foster professional family) must provide for the conditions of maintenance, upbringing and education of children, the rights, duties and responsibilities of foster professional educators, the rights and obligations of the body performing the functions of guardianship or patronage, as well as the grounds and consequences of termination of such an agreement.

The agreement on the transfer of children to a foster professional family is concluded for a period of six months with the right to extend for the same period no more than once.

A separate agreement on the transfer of children to a foster professional family is drawn up for each child in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, transferred to a foster professional family.

2. Early termination of the agreement on the transfer of children to a foster professional family is possible:

1) at the initiative of foster professional caregivers, if there are valid reasons (illness, change in family or financial situation, lack of mutual understanding with the child, conflict relations between children, etc.);

2) at the initiative of the body performing the functions of guardianship or patronage, in the event of unfavorable conditions for the maintenance, upbringing and education of children
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3) in cases of the child's return to parents, other legal representatives in coordination with the body performing the functions of guardianship or patronage, or the adoption of the child.

Article 132-8. Foster professional caregivers

1. Citizens of the Republic of Kazakhstan who have reached the age of thirty, but not older than sixty-three, who meet the requirements provided for in paragraph 1 of Article 122 of this Code, and who are recognized as foster professional caregivers in accordance with the procedure established by the regulations on foster professional families, may be foster professional caregivers.

Foster professional caregivers have the same rights and duties as guardians and custodians in relation to adopted children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan.

2. Foster professional caregivers must have on the basis of the right of ownership or use the housing in order to create favorable conditions for the maintenance, upbringing and education of children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, in the amount of at least fifteen square meters per person.

3. Foster professional caregivers assist the body performing guardianship or patronage functions in returning children in need of special social services to their parents on the grounds provided for in subparagraphs 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, and if it is impossible to return children in need of special social services to their parents on the grounds provided for in subparagraphs 1) and 2) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, – in transferring them to a family for upbringing (adoption, guardianship or patronage, foster care, foster family).

4. The procedure for the selection, training, issuance of an opinion on the recognition of foster professional caregivers, as well as the remuneration of foster professional caregivers is determined by the regulations on foster professional families.

5. Foster professional caregivers are required to submit quarterly to the bodies performing guardianship or patronage functions a copy of the health passport of children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, in the form

approved by the authorized body in the field of healthcare, and reports on the work on their upbringing, the spending of money allocated for their maintenance, and the management of their property.

Foster professional caregivers do not have the right to withdraw money from the bank accounts of children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan.

Article 132-9. Children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, who are transferred to a foster professional family

1. The transfer of children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan to a foster professional family is carried out by the bodies performing guardianship or patronage functions in accordance with the procedure established by the regulations on foster professional families.

The preliminary selection of children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan for their transfer to a foster professional family by foster professional caregivers is not carried out.

2. Separation of brothers and sisters is not allowed, except in cases where it is in the legitimate interests of the children and the children do not know about their relationship, did not live and were not raised together.

3. The transfer of children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan to foster professional caregivers is carried out taking into account their opinion. Children who have reached the age of ten can only be transferred with their consent.

4. When transferring children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, the moral and other personal qualities of foster professional caregivers and their ability to perform the duties of foster professional caregivers are taken into account.

5. Children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, transferred to foster professional caregivers, retain the right to alimony payments due to them, pension payments from parents from the unified pension savings fund and voluntary pension savings funds, allowances and other social benefits, as well as the right of ownership of housing and other property and (or) the right to use housing and other property. In the absence of housing, orphaned children, children left without

parental care, transferred to foster professional caregivers, have the right to be provided with housing in accordance with the housing legislation of the Republic of Kazakhstan.

The safety of money and other property belonging to children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan is entrusted to the body performing the functions of guardianship or patronage.

It is not allowed to make transactions on alienation, including exchange or donation, of the homes of children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, transferred to foster professional caregivers, or the conclusion of a guarantee agreement on their behalf, transactions involving the giving of a housing for free use or as collateral, transactions involving the renunciation of their inheritance rights under the law, will, division of their housing or allocation of a share from it.

Children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, transferred to foster professional caregivers, also have the rights provided for in Articles 60, 61, 62 and 67 of this Code.

Article 132-10. Maintenance of children in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, transferred to foster professional caregivers

For the maintenance of each child in need of special social services on the grounds provided for in subparagraphs 1), 2), 3) and 9) of paragraph 1 of Article 133 of the Social Code of the Republic of Kazakhstan, transferred to foster professional caregivers, the money is paid monthly in accordance with the regulations on foster professional families.

Chapter 18. FOSTER CARE Article 133. Foster care

1. The trusteeship or guardianship in the form of foster care shall be established over minor children-orphans, children left without a parental custody, including children located in educational, healthcare and other organizations.

2. The ground for origin of foster care shall be the agreement on transfer of a child into foster care, concluded between a person, willing to take care of a child, and a body, carrying out the functions of trusteeship or guardianship.

3. Regulation on foster care is approved by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

Footnote. Article 133 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 134. Agreement on transfer of a child into foster care

1. Agreement on transfer of a child into foster care shall provide the conditions of maintenance, nurturing and education of a child, the rights and obligations of foster parents, the obligations of a body, carrying out the functions of trusteeship or guardianship, in respect of foster parents, as well as the grounds and consequences of termination of this agreement.

A child shall be transferred into foster care to a foster parent for the term, provided by mentioned agreement.

An individual agreement shall be drafted for each child transferred into foster care.

In case of expiration of agreement on transfer of a child into foster care, the extension of his (her) stay in a family shall be performed on the grounds of new agreement.

2. The order and amount of payments for labour and money payments to foster parents shall be determined by the legislation of the Republic of Kazakhstan.

3. The early dissolution of agreement on transfer of a child into foster care shall be possibly as follows:

1) at the instigation of foster parents, in existence of justifiable reasons (disease, change of family status or material condition, absence of mutual understanding with a child, conflicts between children and others);

2) at the instigation of a body, carrying out the functions of trusteeship or guardianship upon incurrance of unfavourable conditions for maintenance, nurturing and education of a child;

3) in cases of the child's return to parents, other legal representatives in coordination with the body performing the functions of guardianship or patronage, or the adoption of the child.

Footnote. Article 134 as amended by the Law of the Republic of Kazakhstan dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 135. Foster parents

1. Foster parents shall have the same rights and obligations as trustees or guardians in respect of a child, taken in care. The claims, provided by Article 122 of this Code shall be laid to them.

2. Selection of foster parents shall be performed by bodies, carrying out the functions of trusteeship or guardianship, in accordance with rules on requirements to foster parents, approved by an authorized body in the scope of protection of children's rights of the Republic of Kazakhstan.

Article 136. A child over whom the foster care shall be established

1. Preselecting of a child for his (her) transfer into foster care under agreement on transfer into foster care shall be carried out by persons, willing to adopt a child in a family, in

concurrence with a body, carrying out the functions of trusteeship or guardianship, and the administration of organizations in which a child is maintained.

Separation of brothers and sisters shall not be allowed, with the exception of cases, when it is in the interests of children and when they do not know about their kinship, didn't live together and were not nurtured jointly.

2. Transfer of a child into foster care shall be carried out in recognition of his (her) opinion. A child, attended the age of ten years may be transferred only with his (her) agreement.

3. A child transferred to foster caregivers retains the right to alimony due to him, pension payments from the parents from the unified pension savings fund and voluntary pension savings funds, allowances and other social benefits, as well as the right for ownership of housing and other property and (or) the right to use housing and other property. In the absence of a home, a child transferred to foster caregivers has the right to be provided with a home in accordance with the housing legislation of the Republic of Kazakhstan.

Preservation of monetary funds and other property, belonging to a foster child shall be assigned on a foster parent for the period of validity of agreement on a transfer of a child into foster care.

A child, transferred into foster care shall have the rights, provided by Articles 60-62 and 67 of this Code.

Footnote. Article 136 as amended by the Law of the Republic of Kazakhstan dated 21.06.2013 № 106-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

Article 137. Maintenance of a child, transferred into foster care

1. Funds shall be paid monthly for the maintenance of each child transferred to foster care in the manner and amount established by the authorized children rights protection body of the Republic of Kazakhstan.

2. A body, carrying out the functions of trusteeship or guardianship shall be obliged to provide assistance to foster parents, contribute creation of normal conditions for child living and nurturing, as well as obliged to carry out control of compliance with the obligations, assigned on foster parents on maintenance, nurturing and education of a child.

Footnote. Article 137 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 18-1. Guest family

Footnote. Раздел 4 is supplemented by chapter 18-1 in accordance with the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 137-1. Guest family

1. Grounds for transfer of a child to a guest family is the agreement on transfer of a child to a guest family, concluded between the persons wishing to take up a child to the guest family, and the organization where the child is placed, and the body that exercises the functions of guardianship or custody at the place of residence of the child.

A guest family may take up several orphans, children left without parental care.

2. Regulation on a guest family is approved by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

Article 137-2. Agreement on transfer of a child to a guest family

1. An agreement on transfer of a child to a guest family should provide for the conditions of the child's maintenance and upbringing, the rights and duties of the persons who take up the child in the guest family, the responsibilities of the body that exercises the functions of guardianship or custody, the organization in which the child is placed, and the grounds and consequences of termination of such an agreement.

A child is transferred to the guest family for the period stipulated by the said agreement.

For each child, transferred to a guest family, a separate contract is drawn up.

2. In the case of guest upbringing, a cash payment for the maintenance of the child and remuneration of labor of the person who takes up the child to the guest family is not made.

3. Early termination of the agreement on transfer of a child to the guest family is possible:

1) at the initiative of persons who took up the child to a guest family, if there are valid reasons (illness, change in family or financial situation, lack of understanding with the child, conflict relations between children and others);

2) at the initiative of the body exercising the functions of guardianship or custody, the education organization in which the child is placed, in the event of unfavorable conditions for the maintenance and upbringing of the child;

3) in cases of transfer of a child for guardianship or custody to the foster family, patronage or adoption of the child.

Article 137-3. Person who took up a child to a guest family

1. Transfer of a child to the person who takes up a child to the guest family is carried out upon condition of his registration in the Republican databank.

2. A person who has taken up a child to a guest family is not his legal representative and does not have the right:

1) to carry out the child's export outside the territory of the Republic of Kazakhstan;

2) to leave the child under the supervision of third parties (individual and (or) legal entities), except for cases when the child is placed in a medical organization for medical assistance or delivery to the internal affairs bodies;

3) to violate other conditions of the agreement on transfer of the child to the guest family.

3. A person who has taken up a child to a guest family is obliged to:

1) bear responsibility for the life and health of the child during his / her temporary stay in the family;

2) after expiration of the contract on transfer to the guest family, immediately return the child to the organization where the child is placed;

3) within twenty-four hours to inform the bodies exercising the functions of guardianship or custody or the organization in which the child is placed about the occurrence of a situation that threatens the life and / or health of the child, his illness, injury to him, placing him in a medical organization or to the internal affairs bodies;

4) comply with other requirements of the Regulation on a guest family.

Article 137-4. A child transferred to a guest family

1. Preliminary selection of a child for transferring under the contract to the guest family is carried out by the person wishing to take up a child to the guest family, in agreement with the education organization in which the child is placed and the body exercising the functions of guardianship or custody.

Separation of brothers and sisters is not allowed, except when it meets the interests of children and children do not know about their relationship, did not live and were not brought up together.

2. Transfer of a child to the person wishing to take up a child to the guest family is carried out taking into account his opinion. A child who has reached the age of ten can be transferred only with his consent.

SECTION 5. ALIMENTARY RELATIONSHIPS OF FAMILY MEMBERS

Chapter 19. ALIMENTARY OBLIGATIONS OF PARENTS AND CHILDREN Article 138.

Obligations of parents on maintenance of minors

1. Parents shall be obliged to maintain their minors. Order and form of provision of maintenance of minors shall be established independently by parents.

Parents shall have the right to conclude an agreement on maintenance of their minors as well as adult children, studying at the system of general secondary, technical and vocational, post-secondary education, at the system of higher education on an intramural basis (agreement of alimony payment).

2. In case, if parents don't provide the funds in their own free will on maintenance of their minors, as well as adult children studying at the system of general secondary, technical and

vocational, post-secondary education, at the system of higher education on an intramural basis at the age to twenty one year, these funds shall be recovered from him (her) in a judicial proceeding.

3. In the absence of parents' agreement on alimony payment, in case of non-provision of maintenance to minors and in the non-presentation of the suit to the court, a body, carrying out the functions of trusteeship or guardianship shall have the right to bring the suit on alimony recovery on minors against their parents.

Article 139. Amount of alimony, recovered on maintenance of minors in a judicial proceeding

1. In the absence of agreement on alimony payment, the alimony for minors shall be recovered by the court from their parents on a monthly basis in amount: for one child - one fourth, for two children - one third, for three and more children - a half of salary and (or) other income of parents.

2. Amount of these shares may be decreased or increased by the court in recognition of financial and family condition of parties and other noteworthy circumstances.

Article 140. Types of wages and (or) other income, from which maintenance deduction is made for minor children

The list of types of wages and (or) other income that parents receive and from which maintenance deduction is made, is approved by the Ministry of Justice of the Republic of Kazakhstan.

Footnote. Article 140 in the new wording of the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 141. Alimony recovery for children in a lump sum of money

1. In the absence of parents' agreement on alimony payment for minors and in cases, when the alimony recovery in a shared proportion to the salary and (or) other income of a parent is impossible, difficult or significantly violates the interests of one of parties, the court shall have the right to determine the amount of alimony, recovered on a monthly basis in a lump sum of money or both in shares and in a lump sum of money, at the same time.

Such cases include the alimony recovery from parents, having irregular, varying earnings and (or) other income, or if a parent receives a salary and (or) other income specifically in full or in part.

2. Recovery of maintenance on a child, studying at the system of general secondary, technical and vocational, post-secondary education, at the system of higher education on an intramural basis at the age to twenty one year, in the absence of agreement on alimony payment shall be performed in a judicial proceeding in a lump sum of money.

3. Amount of a lump sum of money shall be determined by the court proceeding from monthly calculation index in the volume of the highest possible preservation of the former level of his (her) support, in recognition of the financial condition and family status of parties and other noteworthy circumstances.

4. If each of parents keeps children, the amount of alimony from one of parents in favour of the other less self-sufficient parent, shall be determined in a lump sum of money, recovered on a monthly basis and determined by the court in accordance with paragraph 3 of this Article

Article 142. Recovery and use of alimony for children left without a parental custody

Alimony shall be recovered for children left without a parental custody, in accordance with Articles 138-141 of this Code and shall be paid to a trustee or a guardian of children or their foster parents.

The sums of alimony payments for children, transferred under the trusteeship or guardianship, foster care, shall be put on deposit accounts of these children, opened in the second-tier banks.

Article 143. Right for receipt of alimony by disabled adult children

1. Ablebodied parents shall be obliged to maintain their disabled adult children, being in need of care.

2. In the absence of agreement on alimony payment, the amount of alimony for disabled adult children shall be determined by the court in a multiple ratio to the monthly calculation index, acting at the moment of alimony payment, based on the financial condition and family status and other noteworthy interests of parties.

Article 144. Participation of parents in additional expenses on maintenance of children

1. In the absence of agreement on alimony payment and in existence of exceptional circumstances (serious illness, injuries of minors or disabled adult children, being in need of care, necessity of payment for their external care and other circumstances) each of parents may be involved by the court to participate in incurring additional expenses, induced by these circumstances.

2. If the order of parents' participation in incurring additional expenses and amount of these expenses is not determined by mutual agreement, they shall be determined by the court, based on financial condition and family status of parents, other children and noteworthy interests of parties in a multiple ratio to the monthly calculation index, at the moment of alimony payments which shall be subject to be paid every month.

3. The court shall have the right to compel parents to take participation both in the factual incurred additional expenses, and in additional expenses which shall be performed on maintenance of children in the future.

Article 145. Obligations of adult children on the parents' maintenance

1. The ablebodied adult children shall be obliged to maintain their disabled parents, being in need of care and take care of them.

2. In the absence of agreement on alimony payment, the alimony for disabled parents, being in need of care shall be recovered from ablebodied adult children in a judicial proceeding.

3. The amount of alimony, recovered from each of children shall be determined by the court based on financial condition and family status of parents and children and other noteworthy interests of parties in a multiple ratio to the monthly calculation index at the moment of alimony payment.

4. During determination of amount of alimony, the court shall have the right to consider all the ablebodied adult children of this parent, independently from whether the request was submitted to all children, to one child or some of them.

5. Children may be released from the obligations on maintenance of their disabled parents , being in need of care, if the court establishes that the parents, previously evaded from the performance of their parental obligations in respect of these children.

Children shall be released from alimony payment to parents, deprived of parental rights.

6. The obligations of adopted children, attained the age of majority on maintenance of adoptive parents shall be determined in the same manner as the obligations of children in respect of their parents.

Article 146. Participation of adult children in additional expenses for the parents

1. In the absence of care of adult children for disabled parents and in existence of exceptional circumstances (serious illness, parent's injury, necessity of payment for their external care, placement in a medical and social agency and others), adult children may be involved by the court to participate in incurring additional expenses, induced by these circumstances.

2. The order of incurring additional payments by each of adult children and amount of these expenses shall be determined by the court in recognition of financial conditions and family status of parents, children and other noteworthy interests of parties in compliance with requirements, established by paragraphs 3, 4 and 5 of Article 145 of this Code.

3. The order of incurring additional payments and amount of these expenses may be determined by the agreement of parties, and in case of absence of such agreement, the dispute shall be solved in a judicial proceeding.

Chapter 20. ALIMENTARY OBLIGATIONS OF SPOUSES AND FORMER SPOUSES Article

147. Marriage and family obligations on mutual maintenance

1. Spouses shall be obliged to provide financial support to each other.
2. In case of a refusal from such support and absence of the agreement on alimony payment between spouses, the following persons shall have the right to claim alimony payment from other spouse, having necessary funds, in a judicial proceeding:
 - 1) a disabled spouse, being in need;
 - 2) a wife across pregnancy and within three years from the date of common child's birth;
 - 3) a spouse in need who takes care of a common child with a disability until he reaches the age of eighteen, as well as in the case a common child with a disability upon reaching the age of eighteen years receives the first or second disability category.

Footnote. Article 147 as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 148. Right of a former spouse to receive alimony after dissolution of marriage (matrimony)

1. The following persons shall have the right to claim alimony payments from a former spouse, having necessary funds, in a judicial proceeding:
 - 1) a former wife across pregnancy and until attainment of the age of three years by their common child;
 - 2) a former spouse in need caring for a common child with a disability until he reaches the age of eighteen, as well as in the case a common child with a disability upon reaching the age of eighteen years receives the first or second disability category;
 - 3) disabled former spouse, being in need, who became disabled before the dissolution of marriage (matrimony).

2. The amount of alimony and order of its provision to a former spouse after dissolution of marriage (matrimony) may be determined by the agreement between former spouses, or by the court.

Footnote. Article 148 as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 149. Amount of alimony, recovered on spouses and former spouses in a judicial proceeding

In the absence of agreement on alimony payment between spouses (former spouses), the amount of alimony, recovered on a spouse (former spouse) in a judicial proceeding shall be determined by the court, based on financial condition and family status of spouses (former spouses) and other noteworthy interests of parties in a multiple ratio to the monthly calculation index, acting as from the date of alimony payment.

Article 150. Release of spouse from the obligation on maintenance of other spouse or restriction of this obligation by the term

1. The court may release a spouse from the obligation to maintain the other disabled spouse, being in need of care or restrict this obligation by a specified term both during the marriage (matrimony) and after its dissolution in the following cases:

1) if the disability of the spouse in need of assistance occurred as a result of abuse of gambling, betting, alcohol, narcotic drugs, psychotropic substances, their analogues or as a result of the commission of a deliberate criminal offense;

2) a short duration (up to five years) of marriage (matrimony);

3) a disgraceful behavior in family of a spouse, requiring alimony payment.

2. The obligation to maintain a former spouse shall be terminated by the court decision in the following cases:

1) new marriage (matrimony) of a spouse, having the right on maintenance provided by Article 148 of this Code.

2) disruption of circumstances, provided by Article 148 of this Code.

Footnote. Article 150 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 02.07.2020 № 356-VI (shall enter into force upon the expiry of ten calendar days after the day of first official publication).

Chapter 21. ALIMENTARY OBLIGATIONS OF OTHER FAMILY MEMBERS Article 151. Obligations of ablebodied brothers and sisters on maintenance of their blood minor brothers and sisters

Minor brothers and sisters, being in need of care shall have the right to receive alimony from their ablebodied adult blood brothers and sisters in a judicial proceeding, having necessary funds for this, if it is found impossible to receive maintenance from their parents.

Article 152. Obligations of a grandfather and a grandmother on maintenance of grandchildren

Minor grandchildren, being in need of care shall have the right to receive alimony from a grandfather and a grandmother in a judicial proceeding, having necessary funds for this, if it is found impossible to receive maintenance from their ablebodied parents, ablebodied adult blood brothers and sisters.

Article 153. Obligations of grandchildren on maintenance of a grandfather and a grandmother

Disabled grandfather and grandmother, being in need of care shall have the right to seek the receipt of alimony in a judicial proceeding from their ablebodied adult grandchildren, having necessary funds for this, if it is found impossible to receive maintenance from their adult ablebodied children or a spouse (former spouse).

Article 154. Obligations of foster children to maintain the persons, nurtured them in fact

1. Disabled persons, being in need of care, nurtured and maintained minor children in fact shall have the right to seek the receipt of maintenance from their ablebodied foster children, attained the age of majority in a judicial proceeding, if they may not receive the maintenance from their adult ablebodied children or grandchildren, or from spouses (former spouses).

2. Court shall have the right to release foster children from the obligation to maintain the persons, nurtured them in fact, if the latter maintained and nurtured them for less than five years, as well as if they maintained and nurtured their foster children unduly.

3. Obligations provided by paragraph 1 of this Article shall not be assigned on the persons under trusteeship or guardianship or foster care.

Article 155. Obligations of stepsons and stepdaughters on maintenance of a stepfather and a stepmother

1. Disable stepfather or stepmother, being in need of care that nurtured and maintained their stepsons or stepdaughters shall have the right to seek the receipt of maintenance from ablebodied adult stepsons or stepdaughters, having necessary funds for this, if they may not receive maintenance from their adult ablebodied children or grandchildren or from spouses (former spouses).

2. Court shall have the right to release stepsons and stepdaughters from the obligations to maintain a stepfather or a stepmother, if the latter nurtured and maintained them for less than five years, as well as if they performed their obligations on nurturing and maintenance of stepsons and stepdaughters unduly.

Article 156. Amount of alimony, recovered on other family members in a judicial proceeding

1. Amount and order of alimony payment for persons, mentioned in Articles 151-155 of this Code may be determined by the agreement of parties.

2. In the absence of agreement between parties, the amount of alimony, recovered in a judicial proceeding shall be established by the court, based on financial condition and family status of a payer and a recipient of alimony and other noteworthy interests of parties in the each specific case, in a multiple ratio to the monthly calculation index, acting as from the date of alimony payment.

3. If several persons shall be concurrently obliged to maintain a family member, requiring for alimony, the court shall determine the amount of participation of each of them in performance of obligation on alimony payment, depending on their financial condition and family status. During determination of amount of alimony payments, the court shall have the right to consider all the persons, obliged to pay alimony, independently of whether the suit is brought to one or all these persons, or some of them.

Chapter 22. AGREEMENT ON ALIMONY PAYMENT Article 157. Conclusion of agreement on alimony payment

Agreement on alimony payment (amount, condition and order of alimony payment) shall be concluded between a person, obliged to pay alimony, and their recipient, and if a person, obliged to pay alimony and (or) a recipient of alimony is disabled, the alimony payment agreement shall be concluded between legal representatives of these persons.

Article 158. The form of an agreement on payment of alimony

An agreement on the payment of alimony, concluded out of court, is drawn up in writing in the form of:

- 1) an agreement on the payment of alimony – by a notary;
- 2) an agreement on the settlement of a dispute (conflict) by a mediator;
- 3) an agreement on the settlement of a dispute on the payment of alimony in a participatory procedure – by lawyers, persons who are members of the Chamber of Legal Advisers.

Footnote. Article 158 – as amended by the Law of the Republic of Kazakhstan dated 20.12.2021 № 84-VII (effective ten calendar days after the date of its first official publication).

Article 159. Procedure for conclusion, execution, modification, dissolution and invalidation of agreement on alimony payment

1. Regulations of the Civil Code of the Republic of Kazakhstan, regulating conclusion, execution, modification, dissolution and invalidation of the civil transactions shall be applied to conclusion, execution, modification, dissolution and invalidation of agreement on alimony payment.

2. The unilateral refusal from execution of agreement on alimony payment or the unilateral alteration of its conditions shall be prohibited.

3. In case of essential change of financial condition or family status of parties and in case of failure to reach the agreement on modification or dissolution of agreement on alimony payment, an interested party shall have the right to file a claim in the court for modification or dissolution of this agreement. During deciding the issue on modification or dissolution of agreement on alimony payment, the court shall have the right to consider any noteworthy interest of parties.

Article 160. Invalidation of agreement on alimony payment, violating the interests of alimony recipient

If conditions of provision of maintenance for a minor or adult incapable family member, provided by agreement on alimony payment, essentially violate their interests, particularly in

case of non-conformity of requirements of paragraph 2 of Article 161 of this Code, such agreement may be recognized invalid in a judicial proceeding upon request of a legal representative of a minor or adult incapable family member, as well as upon request of authority body, carrying out the functions of trusteeship or guardianship, or a prosecutor.

Article 161. Amount of alimony, paid under agreement on alimony payment

1. Amount of alimony, paid under agreement on alimony payment shall be determined by parties of this agreement.

2. Amount of alimony, established under agreement on alimony payment for minors may not be lower than the amount of alimony, which they could receive at the alimony recovering in a judicial proceeding.

Article 162. Methods and procedure for alimony payment under agreement on alimony payment

1. Methods and procedure for alimony payment under agreement on alimony payment shall be determined by this agreement.

2. Alimony may be paid in participatory shares to earning and (or) other income of a person, obliged to pay the alimony in a lump sum of money, paid on a periodic basis; in a lump sum of money, paid non-recurrently; through the granting of property, as well as other methods relative to which the agreement is reached.

The agreement on alimony payment may provide a combination of different methods of alimony payments.

Chapter 23. PROCEDURE FOR PAYMENT AND RECOVERY OF ALIMONY IN A JUDICIAL PROCEEDING

Article 163. Alimony recovery under court decision

In the absence of agreement on alimony payment, the family members, mentioned in Articles 143-155 of this Code shall have the right to go to the court with request on alimony recovery.

Article 164. Terms to apply for alimony application

1. A person, having the right to receive alimony shall have the right to go to the court with the application on alimony recovery irrespective of the term, expired from the moment of creation of a right on alimony, if the alimony was not previously paid under agreement on alimony payment.

2. Alimony shall be adjudged from the date of reference to the court.

Alimony for the previous period may be recovered within three years from the date of reference to the court, if the court establishes that the measures to receive the funds for maintenance were taken before going to the court, but alimony was not received as a consequence of evasion from its payment by a person, obliged to pay it.

Article 165. Obligation of a civil servant of organization to deduct alimony

The official of the organization at the place of work of the person obliged to pay alimony, on the basis of an agreement on the payment of alimony provided for in Article 158 of this Code, or on the basis of an executive document, is obliged to withhold alimony monthly from his salary and other income to be received from the date of their payments in favor of the person receiving alimony, and pay or transfer they are paid at the expense of the person obliged to pay alimony, no later than three days from the date of payment of wages and other income.

Responsibility for detention of alimony payment, deducted from a payer, but not transferred to a recipient in proper time shall be assigned on a civil servant of organization.

Footnote. Article 165 as amended by the Law of the RK dated 26.06.2020 № 349-VI (shall enter into force upon the expiry of ten calendar days after the day of first official publication); dated 20.12.2011 № 84-VII (effective ten calendar days after the date of its first official publication).

Article 166. Alimony deduction on the basis of agreement on alimony payment

Withholding of alimony on the basis of an agreement on the payment of alimony provided for in Article 158 of this Code is carried out if the total amount of deductions on the basis of such an agreement and executive documents does not exceed fifty percent of the salary and other income of the person obliged to pay alimony.

Footnote. Article 166 as amended by the Law of the Republic of Kazakhstan dated 20.12.2011 № 84-VII (effective ten calendar days after the date of its first official publication).

Article 167. Obligation to inform on a change of place of work or place of residence of a person, obliged to pay the alimony

1. An official of an organization who withheld alimony on the basis of a court decision or an agreement on the payment of alimony provided for in Article 158 of this Code shall, within three days, inform the bailiff at the place of execution of the decision on the recovery of alimony and the person receiving alimony, about the dismissal of the person obliged to pay alimony, as well as about his new place of work or residence, if he knows it.

2. A person, obliged to pay the alimony shall notify an officer of justice and take acknowledgement on notification, as well as a person, receiving the alimony on change of place of work and place of residence within the period, specified by an officer of justice, and in paying the alimony to minors - shall notify on existence of additional earnings or other income.

Footnote. Article 167 as amended by the Law of the Republic of Kazakhstan dated 20.12.2011 № 84-VII (effective ten calendar days after the date of its first official publication).

Article 168. Levy of execution on property of a person, obliged to pay the alimony

1. The alimony recovery in amount, established by the agreement on alimony payment or the court decision as well as the alimony debt recovery shall be performed from the earnings or other income of a person, obliged to pay the alimony; at insufficiency of earnings or other income, the alimony shall be deducted from the monetary funds in bank accounts and other financial institutions, carrying out specific types of banking activity of a person, obliged to pay the alimony. At insufficiency of these earnings the alimony recovery shall be levied upon any property of a person, obliged to pay the alimony on which the execution may be levied in accordance of the Law.

2. Levy of execution upon monetary funds on accounts of a person, obliged to pay the alimony, and upon his (her) other property shall be performed in the manner, provided by the legislation of the Republic of Kazakhstan.

Article 169. Determination of alimony debt amount

1. The recovery of alimony for the past period on the basis of an agreement on the payment of alimony or on the basis of an enforcement document shall be carried out within the three-year period preceding the presentation of the enforcement document, or an agreement on the payment of alimony provided for in Article 158 of this Code.

If it is impossible to recover alimony payments from wages or other income for three consecutive months, the recovery is applied to the debtor's property, except for property that cannot be levied in accordance with the legislation of the Republic of Kazakhstan.

2. In cases where the withholding of alimony on the basis of an enforcement document or on the basis of an agreement on the payment of alimony provided for in Article 158 of this Code has not been carried out in connection with the search for a person obliged to pay alimony, the recovery of alimony is carried out for the entire period, regardless of the period established by paragraph 1 of this Article, and the person reaching the age of majority, for the maintenance of which alimony was awarded.

3. The amount of maintenance debt paid for minor children in accordance with Article 139 of this Code is determined by the bailiff based on the wages and other income of the person obliged to pay alimony for the period during which the recovery of alimony was not made. In cases where a person obliged to pay alimony has not worked during this period or if documents confirming his salary and other income have not been submitted, monthly payments and/or alimony arrears shall be determined based on the average monthly salary in the Republic of Kazakhstan at the time of collection of arrears.

For persons, serving a sentence in places of deprivation of freedom, if a debtor didn't work during this period, the alimony debt shall be determined in amount of one monthly calculation index.

For debtors who are persons with disabilities, the monthly payment or alimony arrears is determined from their monthly salary and other income, and if they do not work, it is determined from monthly benefits and (or) social benefits paid from budgetary funds and (or) the State Social Insurance Fund.

4. In case of disagreement with determination of alimony debt by an officer of justice, the either party may appeal the actions of the officer of justice in the manner, provided by the legislation of the Republic of Kazakhstan.

5. The amounts of the monthly child benefits established by the Social Code of the Republic of Kazakhstan, paid during the period of the search for his parents who evade payment of alimony, shall be recovered from these parents with the charge of ten percent of the amounts paid to the budget revenue.

Footnote. Article 169 as amended by the Law of the Republic of Kazakhstan dated 15.01.2014 № 164-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 26.06.2020 № 349-VI (shall enter into force upon the expiry of ten calendar days after the day of first official publication); dated 20.12.2021 № 84-VII (effective after ten calendar days after the date of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 170. Release from alimony debt payment

1. During payment of alimony under agreement of parties, the release from alimony debt or decrease of this debt shall be possible by the mutual agreement of parties, with the exception of cases of alimony payment for minors.

2. The court shall have the right to release a person, obliged to pay alimony wholly or partially from the alimony debt payment, upon his (her) claim, if he (she) establishes that alimony non-payment had the place due to illness of this person or other justifiable reasons and his (her) financial condition and family status preclude his (her) ability to discharge the formed alimony debt.

Article 171. Delayed alimony payment

1. In creation of the debt due to the fault of a person, obliged to pay the alimony under agreement on alimony payment and (or) a person, obliged to pay the alimony by the court decision, the guilty person shall pay a penalty in amount of one tenth percent from the sum of unpaid alimony for each day of delay to alimony recipient.

2. An alimony recipient shall have right to recover all the losses, caused by delay in performances of alimentary obligations in the part, not covered by the penalty from a person, guilty in delayed alimony payment.

Article 172. Inadmissibility of offset and reverse recovery of alimony

1. Alimony may not be offset by other counter requirements.
2. Paid alimony sums may not be demanded back, with the exception of cases:
 - 1) provided by the Civil Procedure Code of the Republic of Kazakhstan;
 - 2) recognition of the agreement on alimony payment invalid due to its conclusion under the influence of deceit, threats or violence from the side of alimony recipient.
3. If the actions, listed in subparagraph 2) of paragraph 2 of this Article are performed by a representative of a minor or adult incapable alimony recipient, the reverse alimony recovery shall not be performed, and sums of paid alimony shall be recovered from the guilty representative at the suit of a person, obliged to pay alimony.

Article 173. Alimony indexation

Alimony indexation, recovered by the court decision in a lump sum of money shall be performed by the administration of organization at the place of alimony deduction proportionally to the rate of monthly calculation index.

Article 174. Alimony payment in case of temporary departure or departure for a permanent place of residence beyond the borders of the Republic of Kazakhstan of a person, obliged to pay the alimony

1. In case of temporary departure or departure for a permanent place of residence beyond the borders of the Republic of Kazakhstan of a person, obliged to pay the alimony, the person shall have the right to conclude the agreement on alimony payment with family members to whom he (she) is obliged to provide maintenance in accordance with Articles 157-162 of this Code.
2. In case of failure to reach the agreement, an interested person shall have the right to go to the court with request on determination of alimony amount in a lump sum or on immediate alimony compensation or on granting particular property on account of alimony, or on alimony payment by other means.
3. In the absence of documents, confirming the alimony payment, a debtor shall not be allowed to leave for a permanent place of residence beyond the borders of the Republic of Kazakhstan.

Article 175. Change of the previously established alimony amount by court and release from alimony payment

1. If in the absence of agreement on alimony payment after establishment of alimony amount in a judicial proceeding, the financial condition and family status of one of parties was changed, the court shall have the right to change the established alimony amount or release a person, obliged to pay alimony from its payment, upon request of either party.

In change of alimony or release from its payment, the court shall have the right to consider any noteworthy interest of parties.

2. The court has the right to refuse to collect alimony for an adult capable person if it has been established that it committed an intentional criminal offense in respect of a person obliged to pay alimony, or in the case of an unworthy behavior of an adult capable person in the family.

Footnote. Article 175 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

Article 176. Termination of obligation on alimony payment

1. Obligations on alimony payment, established by the agreement on alimony payment shall be terminated with the expiration of validity of this agreement or on the grounds, provided by this agreement, as well as in case of death of one of parties.

2. Alimony payment, recovered in a judicial proceeding shall be terminated:

1) upon attainment of the age of majority by a child or in case of acquisition of full capacity by minors before their attainment of the age of majority or the age, mentioned in the agreement on alimony payment;

2) during adoption of a child, on maintenance of whom the alimony was recovered;

3) when the court recognizes the rehabilitation of earning capacity or termination of need of a alimony recipient;

4) in case of re-marriage of disabled former spouse, being in need of care- an alimony recipient;

5) due to death of a person, receiving the alimony, or a person, obliged to pay alimony.

SPECIAL PART

SECTION 6. ACTS OF CIVIL STATUS

Chapter 24. GENERAL PROVISIONS

Article 177. Acts of civil status, subject to state registration

Birth, death, marriage (matrimony), dissolution of marriage (matrimony) (except for the dissolution of marriage (matrimony) by a court decision on the dissolution of marriage (matrimony)) are subject to mandatory state registration with the registration authorities within the time limits established by this Code.

The events and facts of adoption and establishment of paternity shall be reflected in the vital record on state registration of birth by making appropriate changes and additions.

Dissolution of marriage (matrimony) by a court decision shall be reflected in the vital record on the conclusion of marriage (matrimony) by putting a mark on the dissolution of marriage (matrimony) in it.

In respect of deceased persons, it is prohibited to register, restore acts of civil status, make changes, corrections and additions to the personal data of the deceased, as well as issue repeated certificates of state registration of acts of civil status, with the exception of death certificates and other cases provided for by the marriage and family legislation of the Republic of Kazakhstan.

Footnote. Article 177 as reworded by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 178. Issuance of primary, repeated certificates and certificates of state registration of acts of civil status

1. Certificates and certificates of state registration of acts of civil status shall be issued after the state registration of acts of civil status to persons in respect of whom an act record has been made, in electronic form or on paper at their request.

The certificate, certificate of state registration of acts of civil status, issued in electronic form, are certified by means of an electronic digital signature of the head of the registering authority that issued the document.

The certificate, certificate of state registration of acts of civil status, issued on paper, are sealed with the signature of the head of the registering authority, the stamp of the registering authority that issued the document.

Certificate, certificate of state registration of acts of civil status outside the Republic of Kazakhstan, signed by an official of a foreign institution of the Republic of Kazakhstan and the stamp of the foreign institution of the Republic of Kazakhstan that issued the document, are issued on paper.

In case of loss or unsuitability for use of the primary certificate of state registration of the act of civil status on paper on the basis of the act record the registration authorities, the foreign institution of the Republic of Kazakhstan shall issue a repeated certificate of state registration of the act of civil status.

2. Parents shall not be issued repeated birth certificates of children in respect of whom they have been deprived of parental rights until their restoration.

Repeated marriage (matrimony) certificates are not issued to spouses who have dissolved their marriage (matrimony) or whose marriage (matrimony) has been declared invalid, or after the death of one of the spouses.

If necessary, after the dissolution of the marriage (matrimony) or its invalidation or the death of one of the spouses, a certificate of marriage (matrimony) is issued, which indicates the basis for its termination.

3. Certificates, certificates of state registration of acts of civil status are filled in Kazakh or Russian.

Information about citizens (parents, spouses, adoptive parents, deceased) is filled in according to their identity documents.

4. In cases stipulated by the legislation of the Republic of Kazakhstan, certificates, certificates of state registration of acts of civil status may be issued by a notarized power of attorney.

Footnote. Article 178 – as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 179. Bodies performing state registration of acts of civil status

1. State registration of acts of civil status is carried out on the territory of the Republic of Kazakhstan by registration authorities, outside the Republic of Kazakhstan – by foreign institutions of the Republic of Kazakhstan.

2. In villages, settlements, rural districts, the akim of a village, settlement, rural district receives documents for the state registration of civil status acts of citizens living in the territory of the corresponding village, settlement, rural district, and submits them to the appropriate registration authority of the district or town of regional significance for state registration of civil status acts and entering information into the State Database on individuals within the time limits provided for by this Code, as well as issues and delivers certificates, if necessary, certificates of state registration of acts of civil status.

3. An employee of the registering body, an employee of a foreign institution of the Republic of Kazakhstan shall not have the right to carry out the state registration of acts of civil status in respect of himself, his spouses and close relatives.

The state registration of civil status acts in respect of an employee of the registering authority, an employee of a foreign institution of the Republic of Kazakhstan, his spouse and a close relative is carried out by another employee of the registering authority, an employee of a foreign institution of the Republic of Kazakhstan or in another registering body, a foreign institution of the Republic of Kazakhstan.

Footnote. Article 179 – as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 180. Rules and procedure for state civil registration

1. Rules of state civil registration, as well as procedure for mutual report of those, entering into marriage (matrimony) on their health condition and family status, explanation of their

rights and obligations as future spouses and parents shall be established in accordance with this Code.

2. The procedure for organizing the state registration of acts of civil status, making changes, corrections, additions, cancellation and restoration of acts of civil status shall be developed and approved by the Ministry of Justice of the Republic of Kazakhstan.

Footnote. Article 180 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 181. Act books, act records, certificates and certificates of state registration of acts of civil status

Footnote. The title of Article 181 - in the wording of the Law of the Republic of Kazakhstan dated 14.07.2022 № 141–VII (shall be enforced ten calendar days after the date of its first official publication).

1. Act books are formed in two copies from two hundred identical act records, laced and numbered in strict sequence, sealed with the signature of the head and the stamp of the registering authority that compiled them. The identity of the act records is ensured by the employees of the registering authority.

The first copies of the act books are stored at the place of primary state registration of the civil status act in the archive of the registering authority of the district (town), the second copy - in the archive of the registering authority of the region, the city of republican significance, the capital.

2. Forms of act records, certificates and certificates of state registration of acts of civil status in electronic form and on paper are approved by the Ministry of Justice of the Republic of Kazakhstan.

3. Keeping of the first and second copies of register books in one premise (building) shall be prohibited.

4. The storage of electronic versions of the act records registered with the registration authorities in the territory of the Republic of Kazakhstan and in foreign offices of the Republic of Kazakhstan shall be carried out on the central server of the State Database on individuals in the authorized body determined by the legislation of the Republic of Kazakhstan.

5. Register books at the place of the primary registration shall be kept within seventy five years, and then shall be submitted to the relevant Public Record Office.

6. Register books from the second copies shall be subject to be destructed upon expiry of established term.

Footnote. Article 181 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 272-VI dated November 25, 2019 (shall be enforced upon expiry of

ten calendar days after the day of its first official publication); dated 14.07.2022 № 141–VII (shall be enforced ten calendar days after the date of its first official publication).

Article 182. Payment for state civil registration services

1. The amount of payment for state civil registration services shall be established by the authorized public services body in agreement with the Ministry of Justice of the Republic of Kazakhstan and the antimonopoly body.

2. The following persons shall be exempted from payment for state civil registration services:

1) veterans of the Great Patriotic War, veterans equated in benefits to veterans of the Great Patriotic War, and veterans of military operations on the territory of other states, persons awarded orders and medals of the former USSR for dedicated work and exemplary military service in the rear during the Great Patriotic War, persons who worked (served) for at least six months from June 22, 1941 to May 9, 1945 and were not awarded orders and medals of the former USSR for dedicated work and exemplary military service in the rear during the Great Patriotic War, persons with disabilities, and also one of the parents of a person with a disability since childhood, a child with a disability, guardians (custodians) upon presentation of supporting documents - for state civil registration and issuance of duplicate certificates and statements of state civil registration;

2) state organizations - for the issuance of duplicate birth certificates;

3) individuals - for the state registration of the birth of a child and the issuance of a birth certificate;

4) individuals - for state registration of death and for the issuance of certificates, duplicate certificates, certificates and notifications of death;

5) individuals - for the annulment of civil registration deeds;

6) individuals - for issuing certificates to them when changing, supplementing, restoring and correcting civil status records in connection with errors made during the state registration of civil acts;

7) individuals - for changes, additions to the records on state registration of birth in connection with the establishment of paternity, adoption of a child by citizens of the Republic of Kazakhstan and the issuance of duplicate birth certificates in connection with adoption and establishment of paternity.

Footnote. Article 182 as amended by the Law of the Republic of Kazakhstan dated 06.02.2023 № 194-VII (shall be enforced from 01.07.2023).

Article 183. Procedure for amendments, additions and corrections of registers for acts of civil status

1. Introduction of changes, additions and corrections in the acts of civil status in the presence of the primary record of registration, as well as sufficient grounds and in the absence of a dispute between the interested persons, is made by the registering authority. In the

presence of a dispute between interested parties, the issues of making changes, additions and corrections to the acts of civil status are resolved in the mediation or judicial procedure.

2. Applications for amendments, additions and corrections to the existing civil status records shall be submitted to any registering body in the territory of the Republic of Kazakhstan upon the request of the applicant.

3. Citizens of the Republic of Kazakhstan permanently residing abroad, as well as foreign persons and stateless persons, registered the acts of civil status in registering bodies of the Republic of Kazakhstan shall submit the applications through the foreign establishments of the Republic of Kazakhstan to a registering body at the place of keeping of the primary record

4. Introduction of amendments, additions and corrections to existing civil registration records shall be made by the registration authority at the location of the record. The refusal to introduce amendments, additions and corrections to the civil registry may be appealed in accordance with the procedure established by the Laws of the Republic of Kazakhstan.

Footnote. Article 183 as amended by the Law of the Republic of Kazakhstan dated 17.11.2014 № 254-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.06.2020 № 351-VI (shall enter into force from 01.07.2021).

Article 184. Restoration of registers for acts of civil status

1. Applications for the restoration of lost civil status records shall be submitted to any registering authority on the territory of the Republic of Kazakhstan upon the request of the applicant, and by citizens of the Republic of Kazakhstan permanently residing abroad, as well as foreigners and stateless persons who registered civil status acts with the registering authorities of the Republic of Kazakhstan, through the foreign establishments of the Republic of Kazakhstan to the registering authority at the place of state registration (loss) of the primary record.

2. Restoration of registers for acts of civil status shall be performed in existence of the documents, confirming that the relevant register occurred previously, or on the basis of the court decision on restoration of register act, specifying the place and time of the state registration.

3. The restoration of the records of the acts of civil status in respect of persons who have returned to their historical homeland is carried out if there are sufficient grounds and only if it is possible to document this fact (certificate or notification of the absence (loss) of an act record) or confirmation by the internal affairs bodies of the legal entry into the Republic of Kazakhstan of these persons and their application for citizenship of the Republic of Kazakhstan.

4. The loss of registers for acts of civil status shall be confirmed by oblast (municipal) archival repository of register for acts of civil status at the place where the lost register located.

5. If it is impossible to restore the lost register by a registering body, the fact of the civil state registration shall be established in a judicial proceeding by the rules, established by the Civil Procedure Code of the Republic of Kazakhstan.

6. The state registration of restoration of the civil status act shall be carried out by the registering authority at the place of filing the application.

Footnote. Article 184 as amended by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 185. Cancellation of the registers for acts of civil status

1. Register for acts of civil status may be cancelled:

1) on the basis of court decision;

2) upon application of interested persons;

3) at the instigation of a registering body, detected the primary, restored or repeated record, which is subject to cancellation.

2. Applications for the cancellation of civil status records shall be submitted to the court or to any registering body on the territory of the Republic of Kazakhstan upon the request of the applicant, and by citizens of the Republic of Kazakhstan permanently residing abroad, foreigners and stateless persons who registered civil status acts with the registering authorities of the Republic of Kazakhstan and permanently residing abroad, through the overseas establishments of the Republic of Kazakhstan to the registering authority at the place of storage of the act record to be canceled.

3. Cancellation of records of acts of civil status shall be carried out in any registering body on the territory of the Republic of Kazakhstan upon the request of the applicant.

Footnote. Article 185 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 186. Obligation to comply with procedure for the state civil registration by individuals

1. Individuals shall be obliged to comply with procedure for the state civil registration, established by this Code.

2. The obligation of the state civil registration in registering bodies shall be assigned on citizens within the terms, established by the legislation of the Republic of Kazakhstan.

3. During the civil registration, the hiding of circumstances, preventing marriage (matrimony), or presentation of false statements shall be prohibited.

4. Registration of the conclusion of marriage (matrimony), dissolution of marriage (matrimony) on the basis of a joint application of the spouses, change of surname, first name, patronymic and amendments, additions to the act record on state registration of birth when paternity is established on the basis of a joint application of the child's parents through a representative shall be prohibited.

Footnote. Article 186 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 24. STATE REGISTRATION OF BIRTH OF A CHILD

Article 187. Ground for state registration of the birth of a child

Footnote. The title of Article 187 - in the wording of the Law of the Republic of Kazakhstan dated 14.07.2022 № 141–VII (shall be enforced ten calendar days after the date of its first official publication).

1. The ground for the state registration of a child's birth is a medical birth certificate or a copy of a court decision on establishment of the fact of birth.

In the case of childbirth outside a medical organization, including at home, a medical birth certificate is issued in accordance with the documents certifying the identity of the mother by the responsible medical worker of the organization of maternity care, where she applied after childbirth.

If there are no documents proving the identity of the parents, at the time of the state registration of the child's birth, information about the child's parents is filled in according to the information system of civil status acts.

In cases of the birth of a child in a medical organization and the absence of documents certifying the identity of the mother, at the time of state registration of the fact of birth, the surname, first name, patronymic (if any) of the mother are filled in according to the medical birth certificate, in which there is a note that the information about the mother is recorded from her words.

In the future, information about the child's mother in the act record of the birth certificate is supplemented in accordance with the procedure established by the marriage and family legislation of the Republic of Kazakhstan.

In the absence of a medical birth certificate, the state registration of the birth of a child is carried out on the basis of a copy of the court decision on the establishment of the fact of birth

The name, patronymic (if any), surname, nationality of the parents are recorded in the civil status acts in accordance with Articles 50, 51 and 63 of this Code.

In the case of the birth of a child by a surrogate mother, the ground for the state registration of the birth of a child is a medical birth certificate.

2. The child's medical birth certificate must contain all necessary information about the child's mother, including the surname, first name, patronymic (if any), as well as the date of birth, gender and individual identification number of the child, the date of issue of the document. A medical birth certificate of a child issued in the territory of the Republic of Kazakhstan on paper must be certified by the signature of an official and the seal of a medical organization, and in electronic form must be certified by an electronic digital signature of an official of a medical organization.

Information about the fact of the birth of a child in a medical organization is submitted to the information system of civil status acts within one working day from the moment of delivery.

3. The state registration of birth of a child of minor parents, as well as a child, born by a surrogate mother shall be performed according to the standard order.

4. Excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Footnote. Article 187 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication); dated 21.05.2024 № 86-VIII (effective sixty calendar days after the date of its first official publication).

Article 188. Place of state registration of the birth of a child

1. State registration of the birth of a child shall be carried out in any registering body on the territory of the Republic of Kazakhstan upon the request of the parents or one of them.

2. If the parents are not married to each other, simultaneously with the application for state registration of the child's birth, an application for establishing paternity shall be submitted.

3. In the act record on state registration of birth, the place of birth of the child shall indicate the name of the place of actual birth of the child in accordance with the name of the administrative-territorial unit of the Republic of Kazakhstan adopted at the time of state registration of the birth of the child.

The administrative-territorial unit where the state registration of the child's birth is made shall indicate the place of birth of a child born on expeditions and in remote areas, as well as while the mother is on a sea, river, aircraft or train.

The place of birth of a child born outside the Republic of Kazakhstan shall indicate the name of the place of actual birth of the child.

4. State registration of the birth of a child born outside the Republic of Kazakhstan shall be carried out in foreign establishments of the Republic of Kazakhstan or in any registering authority on the territory of the Republic of Kazakhstan upon the request of the parents or one

of them within the time limits established by this Code, regardless of registration with foreign registering authorities upon presentation of one of following documents:

- 1) the original birth certificate;
- 2) copies of the birth certificate;
- 3) the original medical birth certificate.

In the absence of the documents specified in part one of this paragraph, a copy of the court decision on establishing the fact of birth shall be submitted.

Footnote. Article 188 as reworded by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 189. Terms for submission of application on birth of a child

An application on the birth of a child must be submitted by his parents or other interested persons to the registering authorities not later than three working days from the date of his birth, and in case of the birth of a dead child, the application must be submitted by the responsible official of the medical organization not later than one working day from the moment of delivery.

In the case of the birth of a child outside the Republic of Kazakhstan, the application on the birth of a child must be submitted by parents or other interested persons to a foreign institution of the Republic of Kazakhstan not later than two months from the date of its birth.

Footnote. Article 189 as amended by the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 190. Application on state registration of birth of a child

1. An application for state registration of the birth of a child shall be submitted by the parents or one of them, and in the event of their death, illness or impossibility for other reasons, to make a statement - by interested persons or the administration of the medical organization in which the mother was at the birth of the child. Copies of the identity document of a foreigner or stateless person shall be attached to the application for state registration of the birth of a child, if the parents or one of them is a foreigner or a stateless person, of the marriage (matrimony) certificate, if the marriage (matrimony) was concluded outside the Republic of Kazakhstan.

If not the parents, but other persons applied for the state registration of the child's birth, then these persons must present an identity document of the applicant, as well as a document confirming his/her authority to register the birth of the child.

In case of state registration of two or more children, an application shall be submitted for each separately.

Submission of an application for state registration of the birth of a child shall not be required in the implementation of state registration of the birth of a child through a proactive service at the choice of the applicant in accordance with the Law of the Republic of Kazakhstan "On Public Services".

A foreigner, a stateless person permanently residing in the territory of another state, along with the presentation of identity documents, shall present a notarized translation of their text in Kazakh or Russian.

The accuracy of the translation of the text of the documents proving the identity of a foreigner, stateless person, can be certified at a diplomatic mission or consular office or in the foreign policy department of the state of which the foreigner is a citizen, or the state of permanent residence of the stateless person.

2. When contacting the State Corporation "Government for Citizens" or through the "electronic government" web portal, an application for state registration of the birth of a child shall be submitted in accordance with a by-law regulatory legal act that determines the procedure for rendering public services.

Footnote. Article 190 is in the wording of the Law of the Republic of Kazakhstan dated 08.01.2013 № 64-V (shall be enforced from 01.01.2013); as amended by the Law of the Republic of Kazakhstan dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016); № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 191. State registration of birth of a child, born after father's death or dissolution of marriage (matrimony) or its recognition as invalid

The state registration of birth of a child, conceived during the marriage (matrimony) and born after father's death or dissolution of marriage (matrimony) or its recognition as invalid, shall be performed on common basis, if from the date of father's death or dissolution of marriage (matrimony) or its recognition as invalid two hundred and eighty days passed.

Article 192. Procedure for introduction of information on parents in birth statement

1. A father and mother married together shall be registered as the parents of a child in the register of births upon application of either of them. The basis for such register shall be a marriage (matrimony) certificate.

2. Married persons that gave a written agreement for application of assisted reproductive methods and technologies, in case of birth of a child in the result of application of these, methods shall be registered as the parents of this child in the birth statement.

In case of birth of a child, spouses shall be registered as his (her) parents in a register of births, according to the surrogacy contract.

3. When registering the birth of a child, if the marriage (matrimony) between the parents is dissolved, declared invalid by the court, or the spouse has died, but no more than two hundred and eighty days have passed since the dissolution of the marriage (matrimony), invalidation or death of the spouse, information about the mother shall be entered on the basis of the documents specified in Article 187 of this Code, information about the child's father - on the basis of a certificate or act record on the conclusion or dissolution of marriage (matrimony), a certificate or act record on the death of the father.

If the child was born after two hundred and eighty days from the date of dissolution of the marriage (matrimony), its recognition as invalid, the former spouse may be registered as the child's father only on the basis of establishing paternity.

In the case of a written recognition by a person who is not the spouse of the woman who gave birth, and with the written consent of her husband, this person shall be recorded as the father of the child, when registering the birth.

The consent of the spouse or ex-spouse of the woman who gave birth to the establishment of paternity from another person shall not be necessary if there is a supporting document on the conduct of operational-search activities issued by the internal affairs body, or on the entry into force of a court decision on recognizing him as missing or incompetent.

4. In the event that the parents of the child are not married to each other, information about the mother shall be entered on the basis of the documents specified in Article 187 of this Code.

Information of father in this case shall be introduced:

1) on the grounds specified in paragraph 1 of Article 192-1 of this Code, in the event that paternity is established simultaneously with the state registration of the birth of a child;

2) upon application of a sole mother, if paternity is not established.

In register of births, the last name of the father of a child shall be registered according to the last name of the mother, and the first name and patronymic of the child's father shall be registered by her order. The introduced information shall not be an obstacle for decision of issue on establishment of paternity.

At will of a mother, information on a child's father may not be introduced into the birth statement;

3) upon application of a person, recognized himself as the father of a child, in existence of agreement of a mother of a child.

Information of a mother shall be introduced on the basis of documents, mentioned in Article 187 of this Code, information of a father shall be introduced by the order of this person.

In the following, in case of disagreement of a mother of a child with the introduced information about a father of a child in the birth statement, the corrections shall be performed in established manner.

Footnote. Article 192 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 192-1. Amendments, additions to the vital record on the state registration of the birth of a child when establishing paternity

1. Changes, additions to the act record on the state registration of the birth of a child when establishing paternity shall be made on the basis of:

- 1) a joint statement of parents on the establishment of paternity;
- 2) statements by the father in cases of the death of the mother, the declaration of the mother as deceased, the recognition of the mother as missing, the recognition of the mother as incompetent, the deprivation or restriction of the mother in parental rights, the impossibility of establishing the mother's place of residence;
- 3) a court decision on establishing paternity, as well as establishing the fact of recognition of paternity and the fact of paternity.

2. If the applicant is a person recognized by the court as incapable, as well as the guardian of this incapacitated person, it shall be refused to make changes, additions to the record on state registration of the birth of a child.

Footnote. Chapter 25 as supplemented by article 192-1 in accordance with Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 193. Procedure for registration of nationality of child's parents

If during the registration of birth, an applicant expresses a wish to specify the nationality of parents, the nationality of parents-citizens of the Republic of Kazakhstan shall be stated in birth statement, in accordance with nationality, specified in documents, certifying identity of the citizens of the Republic of Kazakhstan.

Information on nationality of a parent, being a foreigner shall be stated in accordance with his (her) foreign passport.

In the absence of information about nationality in foreign passport of a foreign person, the latter may be determined in accordance with the document, issued by a competent body of a foreign state, of which he (she) is a citizen.

Footnote. Article 193 as amended by the Law of the Republic of Kazakhstan dated 29.01.2013 № 74-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 194. Procedure for giving the last name, first name, patronymic to a child during the state registration of his (her) birth

1. During the state registration of birth, the last name of a child shall be determined by the last name of parents. In different last names of parents, the last name of a father or mother shall be given to this child, under their agreement. At the wish of parents, the last name of a child shall be performed from the name of a father or grandfather of a child, in recognition of national traditions. Disagreements, arising between parents in respect of the last name of a child shall be resolved in a judicial proceeding.

2. At the wish of citizens, the affixes that alien to Kazakh language shall be excluded from the usage in writing of last names and patronymics of persons of Kazakh origin: -ov, -yev, -ova, -yeva, -in, -n, -iny, -na, -ovna, -yevna, -ovich, -yevich, and instead of them: -uly, -kyzy shall be used in patronymics as a solid word.

It shall not be allowed to write the last names of an individual with addition of words "tegy", "urpagy", "nemeresy", "shoberesy", "kelyny" and others.

3. It is allowed to write the name of persons of Kazakh nationality in the order when the father's name replaces the surname, which necessarily comes first, then the name, and the patronymic is recorded at will.

In cases where the father's name replaces the surname with the addition of the endings -uly, -kyzy, the patronymic is not recorded.

4. Writing of the last names, first names and patronymics by persons of other nationalities may be performed in accordance with their national features, at their wish.

Footnote. Article 194 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 195. State registration of birth of a child, born beyond the borders of the Republic of Kazakhstan

The state registration of birth of a child, born beyond the borders of the Republic of Kazakhstan shall be performed in the foreign establishments of the Republic of Kazakhstan, located in the territory of receiving country, or pluralistically in the foreign establishments of the Republic of Kazakhstan in the other country.

Article 196. Procedure for state registration of birth of a found, neglected (abandoned) child

1. Birth of a found, neglected (abandoned) child shall be registered upon the application of law enforcement bodies, a body, carrying out the functions of trusteeship or guardianship, administration of an education or healthcare organization, where a child is placed, not later than seven days of detection, denial or abandonment.

The application shall be accompanied with a protocol or act, made by the law enforcement body or a body, carrying out the functions of trusteeship or guardianship, specifying time, place and circumstances at which a child was found; a document, issued by a healthcare organization, confirming the age and gender of a found child, and other personal information about a child.

2. In case of surrender of a child in a healthcare organization, the administration of this organization shall take measures on execution of written application of the mother in the form, established by the legislation of the Republic of Kazakhstan.

3. In case of abandonment of a child by unknown mother, the administration of a healthcare organization shall draw up a protocol in the presence of two witnesses. During the state registration of birth, the protocols shall be accompanied to the application of an civil servant of a healthcare organization on registration of neglected (abandoned) child.

Article 197. State registration of a child, born dead or died during the first week of life

1. The state registration of a child, born dead, and a child died during the first week of life shall be performed in a registering body not later than five days from the date of childbearing or death of a child.

2. Birth of dead child shall be registered on the basis of medical certificate on perinatal death, issued by a healthcare organization or a physician in private practice.

The birth certificate of a stillborn child is not issued. In respect of a stillborn child, a certificate of state registration of a stillborn child is issued.

3. In case of death of a child during the first week of life, the state registration of his (her) birth shall be performed on the basis of medical birth certificate, and the state registration of his (her) death - on the basis of certificate of perinatal death.

On the basis of the compiled records of birth and death certificates, a death certificate or notification is issued. At the request of parents, a certificate of state registration of the birth of a child is issued.

In the following, repeated certificates of death shall be issued as well.

4. Obligation on notification of registering bodies on still-born child or on birth and death of a child during the first week of life shall be assigned on:

1) administrator of a healthcare organization in which a childbearing was performed or in which a child died;

2) administrator of a healthcare organization, a doctor of which established the fact of still-born child, death of a child during the first week of life;

3) physician in private practice in case of childbearing out of a healthcare organization.

Footnote. Article 197 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 198. State registration of birth of a child, attained the age of one or more years

1. State registration of the birth of a child who has reached one year of age or more, if there are grounds for state registration of birth specified in Article 187 of this Code, shall be carried out upon a written application from parents or other interested persons.

Upon attainment of the age of majority by a child, the state registration of birth shall be performed upon his (her) written application.

2. State registration of the birth of a child who has reached one year or more shall be carried out by the registering body of a district, city on the basis of the conclusion of the registering body.

Footnote. Article 198 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 199. State registration of birth of foreign persons' children

The state registration of birth of foreign persons' children, permanently or temporary residing in the territory of the Republic of Kazakhstan shall be performed in diplomatic representations or consular institutions of relevant foreign states, located in the territory of the Republic of Kazakhstan or pluralistically in the foreign establishments, if there are no such in the Republic of Kazakhstan.

The state registration of the birth of children of foreigners, including foreigners whose legality of stay in the territory of the Republic of Kazakhstan has not been confirmed, is carried out at their request in the registration authorities at the place of their permanent or temporary residence.

Footnote. Article 199 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 200. State registration of birth of a child in ceremonial surroundings

At the wish of parents, a registering body shall conduct the state registration of birth of a child in ceremonial surroundings in own premises or in especially intended state marriage palaces.

Article 201. Information, introduced into register of births

The following data shall be introduced into register of births:

- 1) date of state registration of birth of a child;
- 2) personal identification number assigned to a child;
- 3) number of birth statement of a child;
- 4) last name, first name, and optional patronymic, gender, date, birth place of a child;
- 5) number of born children (one, twins or more children);
- 6) note of live birth or birth of a dead child;
- 7) information of a document, confirming the fact of birth of a child;

8) excluded by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

9) last names, first names, patronymics (in existence of them), dates of births, age, permanent residence, legal address, citizenship, income source or place of work, education of parents and their nationality, if it is indicated in documents, certifying the identity;

- 10) information of document on the basis of which information of a father is introduced;
- 11) information about an applicant;
- 12) serial number of the issued birth certificate.

Footnote. Article 201 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 202. Issuance of certificate on state registration of birth of a child

On the basis of act register on the state registration of birth of a child, the birth certificate of standard form shall be issued.

Birth certificate shall be issued to parents of newly-born child, other authorized persons or representatives of organizations in which a child is located.

In case of birth of two or more children, the birth certificate shall be issued to each of a child.

Article 203. Birth certificate

Birth certificate shall contain the following information:

- 1) last name, first name, patronymic (in existence of it), date and place of birth of a child;
- 2) date of making and number of act register;
- 3) personal identification number;
- 4) last names, first names, patronymics (in existence of them), nationality of parents, if it is specified in documents, certifying the identity;
- 5) citizenship of parents;
- 6) place of state registration (name of a registering body);

7) date of issuance of birth certificate;

8) the name of the registering authority that issued the document.

Footnote. Article 203 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 26. STATE REGISTRATION OF ESTABLISHMENT OF PATERNITY

Footnote. Chapter 26 is excluded by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 27. STATE REGISTRATION OF CONCLUSION OF MARRIAGE (MATRIMONY)

Article 220. Ground for state registration of marriage (matrimony)

The state registration of marriage (matrimony) is carried out by registration authorities, a foreign institution of the Republic of Kazakhstan on the basis of a joint application for marriage (matrimony) of persons entering into marriage (matrimony).

Footnote. Article 220 – as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 221. Place of state registration of conclusion of marriage (matrimony)

The state registration of marriage (matrimony) conclusion shall be performed in any registering body in the territory of the Republic of Kazakhstan at the wish of persons, entering into marriage (matrimony).

Article 222. The term for filing an application for marriage (matrimony) and the term for state registration of marriage (matrimony)

1. An application for marriage (matrimony) is submitted to the registration authority, a foreign institution of the Republic of Kazakhstan fifteen calendar days before the state registration of marriage (matrimony).

2. The state registration of marriage (matrimony) is carried out by the registering body, the foreign institution of the Republic of Kazakhstan on the fifteenth calendar day, which is calculated from the next working day after the filing of a joint application for marriage (matrimony).

If the end of the term falls on a non-working day, then the day of the end of the term is considered to be the next working day.

The time of state registration of marriage (matrimony) is appointed by the registering body, the foreign institution of the Republic of Kazakhstan in consultation with persons wishing to marry (matrimony). The time of state registration should be appointed in such a

way that it does not coincide with the time of state registration of death and dissolution of marriage (matrimony) in the same room.

3. If the presence of both persons entering into marriage (matrimony) at the registration authority, foreign institution of the Republic of Kazakhstan when submitting an application for marriage (matrimony) is impossible or extremely difficult (remoteness of residence from each other, serious illness, disability associated with difficulties in movement, military service, etc.), the application for marriage (matrimony), completed in accordance with the prescribed form and signed by both persons entering into marriage (matrimony), may be submitted by one of them.

The signature of an absent person may be attested by the head of the registering authority, an employee of a foreign institution of the Republic of Kazakhstan and sealed with the seal of the registering authority, a foreign institution of the Republic of Kazakhstan at the location of the citizen, a notary or other official who, in accordance with the laws of the Republic of Kazakhstan, is granted the right to perform notarial acts, as well as in the following order:

- 1) military personnel – the commander of the corresponding military unit;
- 2) citizens of the Republic of Kazakhstan who are sailing on sea vessels or inland navigation vessels sailing under the State flag of the Republic of Kazakhstan – captains of these vessels;
- 3) persons who are on expeditions – the heads of these expeditions;
- 4) persons who are in inpatient medical organizations – the chief physicians of these organizations;
- 5) persons held in institutions serving sentences of arrest and deprivation of liberty – by the heads of the relevant institutions;
- 6) persons with disabilities who have difficulties in movement – the chairman of the medical advisory commission.

Footnote. Article 222 – as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 223. Reduction and extension of terms of state registration of conclusion of marriage (matrimony)

1. Based on a joint application of persons entering into marriage (matrimony), if there are valid reasons (pregnancy, birth of a child, immediate threat to the life of one of the parties and other special circumstances), confirmed by relevant documents (certificate of the medical qualification commission on pregnancy, certificate of health, certificates confirming other special circumstances), the head of the registering authority, an employee of a foreign institution of the Republic of Kazakhstan at the place of state registration of marriage (

matrimony) reduces the period of state registration of marriage (matrimony) before the expiration of fifteen calendar days or increases this period, but not more than fifteen calendar days.

The time on which the term may be reduced shall be determined in each particular case, depending on specific circumstances.

2. In some cases, an increase in the waiting period for the state registration of marriage (matrimony) is possible at the initiative of the registering authority, a foreign institution of the Republic of Kazakhstan only if there are circumstances preventing the state registration of marriage (matrimony). Prior to making a record of marriage (matrimony), an employee of the registering authority, an employee of a foreign institution of the Republic of Kazakhstan are obliged to suspend the record and require the applicant to submit relevant documentary evidence within the prescribed period, which may not exceed fifteen calendar days.

The registration authority, the foreign institution of the Republic of Kazakhstan, at the request of interested persons or on their own initiative, carry out the necessary verification. Persons who have submitted an application for marriage (matrimony) are notified of the postponement of the state registration of marriage (matrimony). If there are legal obstacles to the conclusion of marriage (matrimony), the registering authority, the foreign institution of the Republic of Kazakhstan refuse to register it.

If the information about such obstacles is not confirmed, the state registration of marriage (matrimony) is carried out on a general basis. The verification of these circumstances must be completed within fifteen calendar days.

Permission to reduce or increase fifteen calendar days is issued in the form of a resolution on the application for marriage (matrimony) by the head of the registering authority, an employee of a foreign institution of the Republic of Kazakhstan, and in their absence – by the person performing their duties.

If those wishing to enter into marriage (matrimony) for valid reasons cannot appear at the registration authority or at a foreign institution of the Republic of Kazakhstan on the prescribed day, the time for state registration of marriage (matrimony) at their request is postponed to another time.

Footnote. Article 223 as amended by the Laws of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 224. Application on entering into marriage (matrimony)

1. The application for marriage (matrimony) is submitted in the form established by the Ministry of Justice of the Republic of Kazakhstan. In the absence of a standard application form, the text of the application in any form must contain all the information provided.

For all the issued, contained in the form of application, the full and exact answers shall be given.

2. In submitting the application on entering into marriage (matrimony) it is necessary to present:

1) a citizen of the Republic of Kazakhstan permanently residing in the Republic of Kazakhstan or temporary staying abroad shall present certificate of identity or passport; a citizen of the Republic of Kazakhstan permanently residing abroad, - passport of the citizen of the Republic of Kazakhstan with a mark of a consular institution in foreign countries on registration as a citizen of the Republic of Kazakhstan permanently residing abroad; a foreign person permanently residing in the Republic of Kazakhstan shall present the registration certificate of a foreign person in the Republic of Kazakhstan. A foreign person temporary staying in the Republic of Kazakhstan shall present the document, issued by a law enforcement body of the Republic of Kazakhstan, permitting the part-time residence in the Republic of Kazakhstan; a stateless person permanently residing in the Republic of Kazakhstan shall present certificate of identity of a stateless person with a mark of law enforcement bodies of the Republic of Kazakhstan on registration at the place of residence. A stateless person temporary staying in the Republic of Kazakhstan shall present the document, certifying his (her) identity, issued by competent bodies of country of his (her) residence and registered in the manner, established by law enforcement bodies of the Republic of Kazakhstan.

In addition with presentation of documents, certifying the identity, a foreign person, stateless person permanently residing in the territory of other state shall present the notarized translation of its text into Kazakh or Russian languages.

Accuracy of translation of the texts of documents, certifying the identity of a foreign person, stateless person may be notarized in a diplomatic representation or consular institution or in the foreign service of a state of which a foreign person is a citizen, or a state of permanent residence of a stateless person;

2) documents, certifying the necessity to reduce established marriage age, specified in Article 10 of this Code;

3) information about previous marriages (matrimonies);

4) information about children;

5) receipt on actual knowledge about health status and financial condition of each other, as well as on absence of impediments of entering into marriage (matrimony).

Footnote. Article 224 as amended by the Law of the Republic of Kazakhstan dated 29.01.2013 № 74-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 225. Procedure for registration of the last name of spouses during state registration of conclusion of marriage (matrimony)

1. During state registration of conclusion of marriage (matrimony), a last name, chosen as the common last name shall be specified in the statement on conclusion of marriage (matrimonial) to a spouse that expressed desire to change premarital last name to the last name of other spouse.

2. In drawing up of act register on conclusion of marriage (matrimony), the last names of spouses willing to retain their last names shall not be changed.

3. If a spouse that expressed desire to add the last name of other spouse to his (her) premarital last name, the attached last name shall be written after premarital last name and shall be separated by a hyphen in the statement on conclusion of marriage (matrimony).

4. The last name chosen by spouses shall be specified in joint written application on entering into marriage (matrimony).

Article 226. Procedure for state registration of marriage (matrimony)

1. State registration of marriage (matrimony) is carried out by registration authorities, foreign institutions of the Republic of Kazakhstan in accordance with the procedure established by this Code.

2. If the persons (one of the persons) entering into marriage (matrimony) cannot (cannot) appear at the registration authority, a foreign institution of the Republic of Kazakhstan due to a serious illness or for another good reason, the state registration of marriage (matrimony) is carried out at home, in a medical or other organization in the presence of persons entering into marriage (matrimony).

3. Employee of the registration authority, employee of the foreign institution of the Republic of Kazakhstan:

1) announces the submitted applications for the desire to enter into marriage (matrimony);
2) explains to persons entering into marriage (matrimony) the rights and obligations of future spouses;

3) finds out the consent to enter into marriage (matrimony) and the decision on the surname chosen by the spouses;

4) finds out the absence of obstacles to marriage (matrimony);

5) on behalf of the state, a certificate of the established pattern of marriage (matrimony) is issued.

4. In the absence of obstacles to the conclusion of marriage (matrimony), an entry on marriage (matrimony), signed by persons entering into marriage (matrimony), and sealed with the signature of the head and the stamp of the registering authority or the signature of an official and the seal of a foreign institution of the Republic of Kazakhstan, shall be entered into the civil status act.

5. The registering body, the foreign institution of the Republic of Kazakhstan shall refuse the state registration of marriage (matrimony) if they have evidence confirming the existence of circumstances preventing the conclusion of marriage (matrimony).

6. The refusal of the registering body, the foreign institution of the Republic of Kazakhstan in the state registration of marriage (matrimony) may be appealed in accordance with the procedure established by the laws of the Republic of Kazakhstan.

Footnote. Article 226 – as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 227. State registration of conclusion of marriage (matrimony) in ceremonial surroundings

At the wish of persons, entering into marriage (matrimony) the state registration of conclusion of marriage (matrimony) shall be performed in ceremonial surroundings in the special prepared indoor premises of registering bodies or in the special intended state marriage palaces.

Article 228. State registration of conclusion of marriage (matrimony) of citizens of the Republic of Kazakhstan with foreign persons or stateless persons

1. State registration of conclusion of marriage (matrimony) of citizens of the Republic of Kazakhstan with foreign persons or stateless persons shall be performed in registering bodies of the Republic of Kazakhstan on common basis in accordance with the legislation of the Republic of Kazakhstan or in a diplomatic representation, consular institution of a foreign state, of which a person willing to enter into marriage (matrimony) is a citizen.

2. Simultaneously with submission of the application on entering into marriage (matrimony), a foreign person shall present a marriage (matrimony) license with a foreign person from a competent body of the state of which he (she) is a citizen, if such license is required in accordance with the legislation of a foreign state.

In the absence of such a permit, the registering authority, the foreign institution of the Republic of Kazakhstan, when accepting the application, must explain to those entering into marriage (matrimony) and, first of all, to a citizen of the Republic of Kazakhstan that their marriage (matrimony) may be invalidated in the country of which the person with whom he (she) marries (matrimony) is a citizen.

If despite such explanations the applicants insist on the state registration of conclusion of marriage (matrimony), this marriage (matrimony) shall be registered.

State registration of marriage (matrimony) of citizens of the Republic of Kazakhstan with compatriots shall be carried out on a general basis in accordance with the legislation of the Republic of Kazakhstan.

3. Conditions of conclusion of marriage (matrimony) by a stateless person in the territory of the Republic of Kazakhstan shall be determined by the legislation of the Republic of Kazakhstan, if a person has a permanent place of residence in the territory of the Republic of Kazakhstan.

Footnote. Article 228 as amended by the Law of the RK dated 13.05.2020 № 327-VI (shall enter into force after the day of introduction of relevant amendments and additions to the Code of the RK "On taxes and other mandatory payments to the budget" (Tax Code)); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 229. State registration of conclusion of marriage (matrimony) in foreign establishments of the Republic of Kazakhstan, diplomatic representations and foreign establishments of foreign states

1. Marriage (matrimony) between citizens of the Republic of Kazakhstan, as well as between a citizen of the Republic of Kazakhstan and a foreigner, stateless person residing outside the territory of the Republic of Kazakhstan, may be concluded in foreign establishments of the Republic of Kazakhstan.

2. Marriage (matrimony) between foreign persons, concluded in the territory of the Republic of Kazakhstan in diplomatic representations or consular institutions of foreign states shall be recognized valid if it is not inconsistent with the legislation of the Republic of Kazakhstan.

Footnote. Article 229 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 230. Recognition of marriage (matrimony), concluded beyond the borders of the Republic of Kazakhstan

1. Marriage (matrimony) between citizens of the Republic of Kazakhstan and between citizens of the Republic of Kazakhstan and foreign persons or stateless persons, concluded beyond the borders of the Republic of Kazakhstan shall be recognized valid in the Republic of Kazakhstan, in compliance of legislation of the state in the territory of which it is concluded, with the exception of cases, provided by Articles 10 and 11 of this Code.

2. Marriage (matrimony) between foreign persons, concluded beyond the borders of the Republic of Kazakhstan in compliance with legislation of a state in the territory of which it is concluded shall be recognized valid in the Republic of Kazakhstan, if it is not inconsistent with the legislation of the Republic of Kazakhstan.

Article 231. Invalidation of marriage (matrimony), concluded in the Republic of Kazakhstan or beyond the borders of the Republic of Kazakhstan

Invalidation of marriage (matrimony), concluded in the Republic of Kazakhstan or beyond the borders of the Republic of Kazakhstan shall be determined by the legislation of

the Republic of Kazakhstan which was in force as from the date of conclusion of marriage (matrimony).

Article 232. Procedure for issue of certificates of marriageability

1. Certificate of marriageability shall be issued to citizens, permanently residing or previously resided in the territory of the Republic of Kazakhstan for the state registration of conclusion of marriage (matrimony) beyond the borders of the Republic of Kazakhstan in form, established by the Ministry of Justice of the Republic of Kazakhstan.

2. A certificate of marital legal capacity is issued by any registering body, a foreign institution of the Republic of Kazakhstan on the basis of information from the information system of civil status acts.

Verification of the existence of an act record on state registration of the conclusion of marriage (matrimony) shall be carried out from the age of sixteen.

3. In order to receive the certificate, an applicant shall present the following documents:

- 1) document, certifying identity;
- 2) a certificate, certificate or court decision on the dissolution of marriage (matrimony) or a certificate or certificate of death of a spouse issued outside the Republic of Kazakhstan, if the applicant was previously married (matrimony).

Footnote. Article 232 as amended by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of his first official publication).

Article 233. State registration of marriage with a person in custody or serving a sentence in places of deprivation of liberty

1. State registration of marriage with a person in custody or serving a sentence in places of deprivation of liberty shall be performed by registering authorities in the presence of persons entering into marriage, in a room determined by the administration of the relevant institution, at the place of detention or serving the punishment of the person in compliance with the conditions of entering into marriage, provided for by this Code.

2. State registration of marriage with a person in custody is made by the registering authority after notification of the person or the body in whose proceedings the case is.

Footnote. Article 233 in the new wording of the Law of the Republic of Kazakhstan dated 18.04.2017 № 58-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 234. Content of statement on conclusion of marriage (matrimony)

1. Statement on conclusion of marriage (matrimony) shall include the following information:

1) last name (before and after conclusion of marriage (matrimony), first name, patronymic (in its existence), date and place of birth, age, citizenship, nationality if stated in the document, certifying identity, income source or place of work, place of residence and legal address, education, family status of each of each of persons, entering into marriage (matrimony);

2) information about common children;

3) reference details of the documents certifying identity of persons, entering into marriage (matrimony);

4) date of composition and number of the statement;

5) number of issued certificate on conclusion of marriage (matrimony).

2. In case of dissolution or recognition of marriage (matrimony) as invalid, the necessary information shall be entered into the record of the act of marriage (matrimony). Such information is entered on the basis of a court decision on the dissolution or recognition of marriage (matrimony) as invalid or a record of the dissolution of marriage (matrimony) in the registration authorities, foreign institutions of the Republic of Kazakhstan on the joint application of the spouses.

Footnote. Article 234 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 235. Suspension of the record of marriage (matrimony) at the request of the interested person

In case of receipt of an application from an interested person about the presence of obstacles to the state registration of marriage (matrimony) before making a record of marriage (matrimony), the head of the registering authority, an employee of a foreign institution of the Republic of Kazakhstan is obliged to suspend the record and require the applicant to submit relevant documentary evidence within the appointed time. The period of suspension of record may not exceed fifteen calendar days.

Footnote. Article 235 – as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 236. Issuance of a marriage certificate (matrimony) to spouses

The certificate of marriage (matrimony) is issued in electronic form to each of the persons entering into marriage on the day of the state registration of marriage (matrimony) at the place of its conclusion.

At the request of the spouses, a certificate of marriage (matrimony) can be issued on paper

Footnote. Article 236 – as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 237. Certificate on conclusion of marriage (matrimony)

Certificate on conclusion of marriage (matrimony) shall contain the following information :

- 1) last name (before conclusion of marriage (matrimony)), first name, patronymic (in its existence), date and place of birth, citizenship, nationality, if it is stated in the document, certifying identity of each of persons, entering into marriage (matrimony);
- 2) date of conclusion of marriage (matrimony);
- 3) date of composition and number of statement;
- 4) information about choice of spouses' last name;
- 5) the place of state registration of marriage (matrimony) - the name of the registering authority, foreign institution of the Republic of Kazakhstan;
- 6) date of issue of certificate on conclusion of marriage (matrimony);
- 7) serial number of issued certificate on conclusion of marriage (matrimony);
- 8) the name of the registering authority, the foreign institution of the Republic of Kazakhstan that issued the document.

Footnote. Article 237 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 28. STATE REGISTRATION OF DISSOLUTION OF MARRIAGE (MATRIMONY)

Article 238. Grounds for state registration of dissolution of marriage (dissolution)

1. The grounds for state registration of dissolution of marriage (matrimony) shall be a joint application of the spouses for dissolution of marriage (matrimony), a statement of one of the spouses in the prescribed manner, who has the right to dissolve the marriage (matrimony).

2. The state registration of the dissolution of marriage (matrimony) in the registration authorities, foreign institutions of the Republic of Kazakhstan is carried out with mutual consent to the dissolution of marriage (matrimony) of spouses who do not have common minor children, and the absence of property and other claims to each other.

3. Excluded by the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of first official publication).

4. Regardless of whether the spouses have common minor children, the marriage (matrimony) is dissolved in the registration authorities, foreign institutions of the Republic of Kazakhstan at the request of one of the spouses on the basis of:

- 1) enforced court decision on recognition of a spouse as missing;
- 2) enforced court decision on recognition of a spouse incapable or partially capable;
- 3) decree on conviction against a spouse for commission of a crime to deprivation of freedom for the period of not less than three years.

Footnote. Article 238 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 239. Place of state registration of divorce (matrimony)

The state registration of the dissolution of marriage (matrimony) is carried out in any registering body on the territory of the Republic of Kazakhstan at the request of the spouses or one of them, outside the Republic of Kazakhstan – in a foreign institution of the Republic of Kazakhstan at the place of stay.

Footnote. Article 239 as reworded by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 240. Terms of the state registration of the dissolution of marriage (matrimony) on the joint application of the spouses for dissolution of marriage (matrimony)

The state registration of the dissolution of marriage (matrimony) is carried out by the registering body, the foreign institution of the Republic of Kazakhstan in the personal presence of those dissolving marriage (matrimony) after a month from the date of filing a joint application for the dissolution of marriage (matrimony).

The calculation of the term begins on the day after the application is submitted and expires on the corresponding day of the following month. If this number falls on a non-working day, then the working day following it is considered to be the expiration date.

The monthly period cannot be shortened.

If the spouses cannot appear at the registration authority, the foreign institution of the Republic of Kazakhstan for the state registration of the dissolution of marriage (matrimony) on the day appointed by them, they can re-apply for the dissolution of marriage (matrimony) to the registration authority, the foreign institution of the Republic of Kazakhstan, which again appoint a month period for the state registration of the dissolution of marriage (matrimony).

If one of the spouses cannot appear at the registration authority, the foreign institution of the Republic of Kazakhstan for the state registration of the dissolution of marriage (

matrimony) after the repeated submission of the application for the dissolution of marriage (matrimony), the dissolution of marriage (matrimony) may be performed in his absence in the presence of his notarized consent to the dissolution of marriage (matrimony).

Footnote. Article 240 – as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 241. Application on state registration of dissolution of marriage (matrimony)

1. Form of applications for dissolution of marriage (matrimony) by mutual consent of spouses who do not have common minor children, for state registration of divorce (matrimony) on the basis of: a court decision that entered into legal force on recognizing the spouse as missing; a court decision that has entered into legal force on recognizing a spouse as legally incompetent; a court verdict on the conviction of a spouse for committing a crime to imprisonment for a term of at least three years shall be approved by the Ministry of Justice of the Republic of Kazakhstan.

The grounds for the state registration of the dissolution of marriage (matrimony) provided for in paragraph 4 of Article 238 of this Code, as well as the court decision on the dissolution of marriage (matrimony) that has entered into legal force, are entered into the information system of civil status acts in electronic form.

2. A certificate of marriage (matrimony) must be attached to the application for the dissolution of marriage (matrimony) on the grounds provided for in paragraphs 2 and 4 of Article 238 of this Code, if it was issued on paper.

If the record of the act of marriage (matrimony) in the registering authority has not been preserved, it is required to restore the act record of marriage (matrimony).

3. A guardian of an incapacitated spouse may, on the basis of a notarized power of attorney, authorize other persons to make an application for state registration of divorce (matrimony).

4. If one of the spouses cannot appear at the registering body for state registration of divorce (matrimony), with the exception of state registration of divorce (matrimony) on the basis of a joint application of the spouses, in accordance with the Civil Code, they shall be issued a power of attorney to represent his/her interests.

Footnote. Article 241 as amended by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 242. State registration of dissolution of marriage (matrimony) with a person, recognized as missing, incapable or convicted to the lengthy term of deprivation of freedom

In case of state registration of the dissolution of a marriage (matrimony) with a person recognized as missing, incapacitated or convicted of committing a crime to imprisonment for a period of at least three years, the registering authority, the foreign institution of the Republic of Kazakhstan are obliged to notify the spouse in custody or the guardian of the incapacitated spouse about it within a week from the date of receipt of the application, or a guardian over the property of a recognized missing spouse with the establishment of a forty-five-day period from the date of receipt of the notification, during which they have the right to inform in writing about the existence of a dispute with them on the application for the dissolution of marriage (matrimony).

Failure to answer within the established time frame, refusal to dissolve marriage (matrimony) shall not be obstacles to dissolution of marriage (matrimony).

Footnote. Article 242 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 243. Preservation or change of last name by spouses after dissolution of marriage (matrimony)

A spouse that changed his (her) last name upon marriage (matrimony) to another shall specify about preservation of common last name or its change to premarital last name during the state registration of dissolution of marriage (matrimony) in the application on dissolution of marriage (matrimony).

If the surname is changed on the basis of a court decision on dissolution of marriage (matrimony), the citizen shall be obliged to exchange identity documents within a month.

Identity documents for the changed surname shall be issued by an authorized state body on the basis of a court decision on divorce (matrimony).

Footnote. Article 243 as amended by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 244. State registration of dissolution of marriage (matrimony) with foreign persons or stateless persons

1. Dissolution of marriage (matrimony) between citizens of the Republic of Kazakhstan and foreign persons or stateless persons, as well as marriage (matrimony) between foreign persons in the territory of the Republic of Kazakhstan shall be performed in accordance with the legislation of the Republic of Kazakhstan.

2. A citizen of the Republic of Kazakhstan, residing beyond the borders of the Republic of Kazakhstan shall have the right to dissolve marriage (matrimony) with a spouse, residing

beyond the borders of the Republic of Kazakhstan independently from his (her) citizenship in a court of the Republic of Kazakhstan. In case if it is allowed to dissolve a marriage (matrimony) in registering bodies in accordance with the legislation of the Republic of Kazakhstan, the marriage (matrimony) may be dissolved in foreign establishments of the Republic of Kazakhstan.

3. Dissolution of marriage (matrimony) between citizens of the Republic of Kazakhstan and foreign persons or stateless persons, committed beyond the borders of the Republic of Kazakhstan shall be recognized valid in the Republic of Kazakhstan in compliance of the legislation of a relevant foreign state.

4. Dissolution of marriage (matrimony) between foreign persons, committed beyond the borders of the Republic of Kazakhstan shall be recognized valid in the Republic of Kazakhstan in compliance of the legislation of a relevant foreign state.

Article 245. Content of statement on dissolution of marriage (matrimony)

The following information shall be introduced into the statement on dissolution of marriage (matrimony):

1) last name (before and after dissolution of marriage (matrimony), first name, patronymic (in its existence), date and place of birth, age, citizenship, nationality if it is stated in the document, certifying identity, place of residence and legal address, education, income source or place of work, information of number of marriages (matrimonies) of each of former spouses;

2) the date of compilation, the record number of the act of marriage (matrimony) and the name of the registering authority, the foreign institution of the Republic of Kazakhstan, in which the state registration of marriage (matrimony) was carried out;

3) document, being the reason for dissolution of marriage (matrimony);

4) date of termination of marriage (matrimony);

5) reference details of documents, certifying identity of persons dissolved marriage (matrimony);

6) excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication);

7) information on an applicant;

8) serial number of certificate on dissolution of marriage (matrimony).

Footnote. Article 245 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 246. Issuance of a certificate of dissolution of marriage (matrimony)

A certificate of dissolution of marriage (matrimony) on the basis of an act record of the dissolution of marriage (matrimony) is issued in electronic form to each of the spouses at the

place of state registration of the dissolution of marriage (matrimony) by the registering authority, a foreign institution of the Republic of Kazakhstan.

At the request of each of the spouses, a certificate of dissolution of marriage (matrimony) can be issued on paper.

Footnote. Article 246 – as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 247. Certificate on dissolution of marriage (matrimony)

Certificate on dissolution of marriage (matrimony) shall contain the following information :

1) first name, patronymic (in its existence), last name (before and after dissolution of marriage (matrimony), date and place of birth, citizenship, nationality if it is stated in the document, certifying identity of each of former spouses;

2) information about the document, being the reason for the state registration of dissolution of marriage (matrimony);

3) date of termination of marriage (matrimony);

4) date of creation and number of statement on dissolution of marriage (matrimony);

5) first name, patronymic (in its existence), last name of a person that is issued by the certificate on dissolution of marriage (matrimony);

6) the date of issue and the name of the registering authority, the foreign institution of the Republic of Kazakhstan that issued the document;

7) serial number of the certificate on dissolution of marriage (matrimony);

8) the name of the registering authority, the foreign institution of the Republic of Kazakhstan, which carried out the state registration of the dissolution of marriage (matrimony).

In case if marriage (matrimony) is dissolved in a judicial proceeding, the date of the enforcement of court decision on dissolution of marriage (matrimony) shall be stated in the certificate on dissolution of marriage (matrimony).

Footnote. Article 247 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 29. STATE REGISTRATION OF ADOPTION OF A CHILD

Footnote. Chapter 29 is excluded by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 30. Change of name, patronymic, surname

Footnote. The title of Chapter 30 - in the wording of the Law of the Republic of Kazakhstan dated 14.07.2022 № 141–VII (shall be enforced ten calendar days after the date of its first official publication).

Article 257. Ground for changing the name, patronymic, surname

Footnote. The title of Article 257 - in the wording of the Law of the Republic of Kazakhstan dated 14.07.2022 № 141–VII (shall be enforced ten calendar days after the date of its first official publication).

The change of the name, patronymic, surname is made by the registration authorities on the personal application of a person who has reached the age of sixteen and wants to change the name and (or) patronymic, surname.

Change of first name, patronymic, last name shall be performed by the following justifiable reasons:

- 1) dissonance of first name, patronymic, last name;
- 2) difficulty of pronunciation of first name, patronymic, last name;
- 3) the desire of the spouse (spouse) to share a surname with the spouse (spouse), if during the state registration of marriage (matrimony) they remained on premarital surnames or the spouse (spouse) after the state registration of marriage (matrimony) changed the surname to another;
- 4) wish to have premarital last name if it is not declared upon dissolution of marriage (matrimony);
- 5) wish to have a common last name with children from the previous marriage (matrimony);
- 6) wish to have a premarital last name in case of death of a spouse;
- 7) wish to have a common last name with children in case of death of a spouse, and if an applicant had premarital last name;
- 8) wish to have first name and (or) last name that are consistent with the chosen nationality of one of parents (when parents have different nationalities) by an applicant;
- 9) wish to have first name, factually well-established in life that is different from the first name in documents;
- 10) wish to have premarital last name if the last name of a spouse was taken upon entering into marriage (matrimony);
- 11) wish to have last name by the name of a father or grandfather as national tradition demands;
- 12) the desire to bear the last name and (or) patronymic by the last name and first name of the person who actually raised the applicant;
- 13) wish to have first name, patronymic, last name that are consistent with the chosen gender in case of transsexual surgery.

Footnote. Article 257 as amended by Law of the Republic of Kazakhstan № 272-VI dated 25.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 258. Place of change of name, patronymic, surname

An application for a change of name, patronymic, surname is submitted to any registration authority on the territory of the Republic of Kazakhstan at the applicant's choice, outside the Republic of Kazakhstan – to a foreign institution of the Republic of Kazakhstan for subsequent sending of documents to the registration authority.

Footnote. Article 258 – as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 259. Application on change of first name, patronymic, last name

The application on change of first name, patronymic, last name shall contain the following information:

- 1) first name, patronymic (in its existence), last name of an applicant;
- 2) chosen first name, patronymic, last name;
- 3) reasons for change of first name, patronymic, last name.

Article 260. Procedure for considering an application for a change of name, patronymic, surname

Consideration of an application for a change of name, patronymic, surname is carried out by the registering body, a foreign institution of the Republic of Kazakhstan in accordance with the marriage and family legislation of the Republic of Kazakhstan.

Footnote. Article 260 - as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 261. List of documents accompanied to application on change of first name, patronymic, last name

Footnote. Article 261 is excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 262. Refusal to change the name, patronymic, surname

Footnote. The title of Article 262 - in the wording of the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Refusal of a registering body to change first name, patronymic, last name may be appealed in a judicial proceeding.

Footnote. Article 262 as amended by Law of the Republic of Kazakhstan dated 14.07.2022 № 141–VII (shall be enforced ten calendar days after the date of its first official publication).

Article 263. Content of statement on change of first name, patronymic, last name

Footnote. Article 263 is excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 264. Information subject to change in connection with the change of name, patronymic, surname

The information subject to change in connection with the change of name, patronymic, surname in the relevant records of birth, marriage or dissolution of marriage (matrimony) is entered on the basis of the conclusion on the change of name, patronymic, surname.

Registration authorities in confirmation of the made change of the name, patronymic, surname issue the corresponding certificate of birth, conclusion or dissolution of marriage (matrimony).

Footnote. Article 264 – as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 265. Issue of certificate on change of first name, patronymic, last name

Footnote. Article 265 is excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 266. Certificate on change of first name, patronymic, last name

Footnote. Article 266 is excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 267. List of state bodies, notified of the change of first, patronymic, surname of a citizen

Footnote. Article 267 is excluded by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 31. STATE REGISTRATION OF DEATH Article 268. Basis for state registration of death

Basis for state registration of death shall be:

- 1) a document of established form on death, issued by a healthcare organization;
- 2) enforced court decision on establishment of the facts of death or declaration of a person as decedent.

If there is an integration of the medical information system of healthcare with the information system of the authorized body in the field of healthcare, a document of the prescribed form on death is entered by a medical organization only into the medical information system of healthcare no later than one day from the moment of death.

In the absence of integration of the information systems specified in part two of this article, a document of the prescribed form on death shall be entered by a medical organization not later than one day from the date of death both into the information system of the authorized body in the field of healthcare and into the medical information system of healthcare.

Footnote. Article 268 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 269. Place of state registration of death

State registration of death shall be carried out in any registering body on the territory of the Republic of Kazakhstan.

Footnote. Article 269 as amended by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 270. Procedure for state registration of death

If there is a death certificate issued by a medical organization in the information system of civil status acts, the state registration of death is carried out automatically.

In the absence of a death certificate issued by a medical organization in the information system of civil status acts, state registration of death is carried out at the request of the interested person with the submission of documents that are the basis for state registration of death.

Footnote. Article 270 – as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 271. State registration of the death of persons whose corpses have not been identified and are not in demand

Footnote. The title of Article 271 - in the wording of the Law of the Republic of Kazakhstan dated 14.07.2022 № 141–VII (shall be enforced ten calendar days after the date of its first official publication).

The state registration of the death of persons whose corpses have not been identified and are not in demand is carried out by the registration authorities on the written application of an official of the forensic medical examination organization.

At the state registration of death of persons whose bodies are unidentified, information which is necessary for the state registration contained in a medical certificate of death shall be introduced into the death statement.

If thereafter a decedent is identified, missing information about him (her) shall be introduced into the death statement, on the basis of medical certificate of death and written request of an applicant without composition of conclusion.

Certificate of death in the form, established by the Ministry of Justice of the Republic of Kazakhstan shall be issued to the relevant service of local executive bodies on the state registration of persons, whose bodies are unidentified and unclaimed.

Footnote. Article 271 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 272. Content of death statement

The following information shall be introduced into the death statement:

- 1) first name, patronymic (in its existence), last name, date and place of birth, last place of residence, gender, citizenship, nationality if it is stated in the document, certifying identity, date and place of death of a decedent;
- 2) cause of death on the basis of the document, confirming the fact of death;
- 3) document, confirming the fact of death;
- 4) first name, patronymic (in its existence), last name, place of residence of an applicant or name and legal address of a body, an organization which made the death statement;
- 5) serial number of certificate of death.

Article 273. Issuance of death certificate and notification

After the state registration of death, a death notification can be obtained through the e-government web portal.

Close relatives of the deceased, other persons included in the circle of his heirs, or citizens in whose care the deceased was, as well as representatives of state organizations in which the deceased lived or served his sentence, are issued a death certificate.

If it is necessary to use it outside the Republic of Kazakhstan, the persons specified in part two of this Article, upon their application, by any registering authority, as well as by a foreign institution of the Republic of Kazakhstan, on the basis of the death certificate, are issued a certificate of state registration of death on paper.

To other relatives, a death certificate is issued upon notification of the notary who has the inheritance file.

The death certificate of persons whose corpses have not been identified and are not in demand is issued only after all the necessary information has been entered into the act record of the death certificate.

Footnote. Article 273 – as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 274. Certificate of death

Certificate of death shall contain the following information:

- 1) first name, patronymic (in its existence), last name, date and place of birth, age of a decedent, date and place of death;
- 2) date of composition and number of death statement;
- 3) the date of issue and the name of the registering authority, the foreign institution of the Republic of Kazakhstan that issued the document;
- 4) serial number of certificate of death;
- 5) the name of the registering body, the foreign institution of the Republic of Kazakhstan that carried out the state registration of death.

Footnote. Article 274 as amended by Law of the Republic of Kazakhstan № 272-VI dated November 25, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

SECTION 7. APPLICATION OF REGULATIONS OF MARRIAGE AND FAMILY LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN

Chapter 32. APPLICATION OF REGULATIONS OF MARRIAGE AND FAMILY

LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN TO FOREIGN PERSONS AND

STATELESS PERSONS Article 275. Personal non-property and property rights and obligations of spouses

Personal non-property and property rights and obligations of spouses shall be determined by the legislation of a state in the territory of which they have joint place of residence, and in the absence of joint place of residence - by the legislation of a state, in the territory of which they had the last joint place of residence. Personal non-property and property rights and obligations of spouses that had no joint the place of residence before shall be determined in the territory of the Republic of Kazakhstan by the legislation of the Republic of Kazakhstan.

Article 276. Establishment and contestation of paternity (maternity)

1. Establishment and contestation of paternity (maternity) shall be determined by the legislation of a state of which a child is a citizen by birth.

2. In the territory of the Republic of Kazakhstan, the procedure for establishment and contestation of paternity (maternity) shall be determined by the legislation of the Republic of Kazakhstan. In cases if the legislation of the Republic of Kazakhstan permits establishment of paternity (maternity) in registering bodies, parents of a child, residing beyond the borders of the Republic of Kazakhstan, at least one of whom is a citizen of the Republic of Kazakhstan shall have the right to apply with the application on establishment of paternity (maternity) to foreign establishments of the Republic of Kazakhstan.

Article 277. Rights and obligations of parents and children

Rights and obligations of parents and children, including parental obligation to maintain children shall be determined by the legislation of a state in the territory of which they have joint abiding place. In the absence of joint abiding place of parents and children, the rights and obligations of the parents and children shall be determined by the legislation of a state of which a child is a citizen. The legislation of a state in the territory of which a child lives, may be applied upon request of a plaintiff to the alimentary obligations and other relations between parents and children.

Article 278. Alimentary obligations of children, attained the age of majority, as well as other family members

Alimentary obligations in behalf of parents, as well as alimentary obligations of other family members shall be determined by the legislation of a state in the territory of which they have joint abiding place. In the absence of joint abiding place such obligations shall be determined by the legislation of a state of which a person is a citizen, holding the rights to receive the alimony.

Article 279. State registration of acts of civil status of citizens of the Republic of Kazakhstan residing beyond the borders of the Republic of Kazakhstan

1. The state registration of acts of civil status in respect of citizens of the Republic of Kazakhstan permanently or temporarily residing outside the Republic of Kazakhstan is carried out by foreign institutions of the Republic of Kazakhstan, and the act records made by them are transferred to the registration authority of the capital of the Republic of Kazakhstan.

2. During the state registration of acts of civil status in foreign establishments of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan shall be applied if interested persons are the citizens of the Republic of Kazakhstan.

Footnote. Article 279 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 280. Recognition of the documents of foreign states, confirming commitment of acts of civil status

Documents, issued by competent bodies of foreign states, confirming commitment of acts of civil status beyond the borders of the Republic of Kazakhstan, in accordance with the Law of the relevant states in respect of citizens of the Republic of Kazakhstan, foreign persons and stateless persons shall be recognized valid in the Republic of Kazakhstan, if they are not inconsistent with the legislation of the Republic of Kazakhstan, and in existence of a consular certification or a special stamp (apostille). At the request of interested persons, a registration authority or a foreign institution of the Republic of Kazakhstan makes a note on the registration of a civil status act outside the Republic of Kazakhstan in the information system of civil status acts, with the exception of the birth certificate, which is subject to state registration in the information system of civil status acts.

Competent bodies of the Republic of Kazakhstan shall be obliged to provide cooperation for refugees and forced migrants to receive marriage (matrimony) certificates, birth certificates and other documents of civil status at the place of previous residence.

Footnote. Article 288 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 33. CONCLUDING AND TRANSITIONAL PROVISIONS Article 281. Responsibility for violation of marriage and family legislation of the Republic of Kazakhstan

Violation of marriage and family legislation of the Republic of Kazakhstan shall entail responsibility, established by the Laws of the Republic of Kazakhstan.

Article 282. Order of application of this Code

1. This Code applies to legal relationships that arose after its enactment.
2. Adoption agencies that have received accreditation in the territory of the Republic of Kazakhstan before the day of putting into effect the provisions of subparagraphs 8), 9) and 10) of paragraph 2 of Article 112 of this Code are obliged, within one year from the date of introduction of the provisions of these sub-paragraphs, to submit corresponding obligations to the authorized body for protection of children's rights of the Republic of Kazakhstan.
3. Upon expiration of the period specified in paragraph 2 of this article, adoption agencies that have not submitted obligations in accordance with the requirements of the subparagraphs 8), 9) and 10) of paragraph 2 of Article 112 of this Code shall cease their activity on the territory of the Republic of Kazakhstan.

Footnote. Article 282 in the new wording of the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 283. Order of enforcement of this Code

1. This Code enters into force upon expiry of ten calendar days from its first official publication.

2. Declare to be no longer in force the Law of the Republic of Kazakhstan dated 17 December, 1998 “On marriage and family” (Bulletin of the Parliament of the Republic of Kazakhstan, 1998, № 23, Article 430; 2001, № 24, Article 338; 2004, № 23, Article 142; 2006, № 1, Article 5; 2007, № 3, Article 20; № 9, Article 67; № 20, Article 152; 2011, № 6, Article 49).

The President of the Republic of Kazakhstan

N. Nazarbayev

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