

Splitting up and legal family formats in Malta

by Clara Galea Borg ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

Edited by Kees Waaldijk,² Marie Digoix,³ Natalie Nikolina,² Giuseppe Zago,² Daniel Damonzé,² Arianna Caporali,³ Kamel Nait Abdellah ³

Published by INED, Paris, 2017, www.LawsAndFamilies.eu

Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 5 – Splitting up)

© 2017 Clara Galea Borg

¹ Dr. M. Clara Galea Borg (Partner, EMD Advocates) is grateful for the useful comments that Christian Attard, LLD, made on an earlier version of the answers in this section of the database.

² [Grotius Centre for International Legal Studies](#), Leiden University, Netherlands, www.leiden.edu.



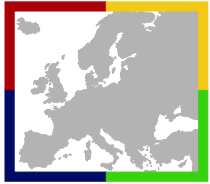
³ Institut national d'études démographiques, Paris, France, www.ined.fr.



Recommended citation:
C. Galea Borg, 'Splitting up and legal family formats in Malta', in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu (question 5.x).

Acknowledgment

The research leading to these results has received funding from the European Union's Seventh Framework Programme (FP7/2007-2013) under grant agreement no. 320116 for the research project FamiliesAndSocieties, www.familiesandsocieties.eu.



FamiliesAndSocieties

Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Malta

The answers concerning Malta can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Malta by Christian Attard (Section 1)

Income, troubles and legal family formats in Malta by Clara Galea Borg (Section 2)

Parenting and legal family formats in Malta by Christian Attard (Section 3)

Migration and legal family formats in Malta by Christian Attard (Section 4)

Splitting up and legal family formats in Malta by Clara Galea Borg (Section 5)

Death and legal family formats in Malta by Clara Galea Borg (Section 6)

So this paper is based on **Section 5 (Splitting up)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 5.1 Dissolution by court
- 5.2 Agreed administrative dissolution
- 5.3 Unilateral administrative dissolution
- 5.4 Agreed informal dissolution
- 5.5 Unilateral informal dissolution
- 5.6 Dissolution by marrying someone else
- 5.7 Ending by conversion
- 5.8 Ending by marrying each other
- 5.9 Property at dissolution
- 5.10 Alimony
- 5.11 Parental authority
- 5.12 General background regarding splitting up

In the following pages of this paper, first the answer to question 5.12 is presented, followed by the answers to questions 5.1 to 5.11.

5.12 - General background regarding splitting up (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding splitting up, then please do so here.

As a general rule, the legal regime applicable to marriages should also apply 'as is' to Civil Unions. This means that any provisions relating to splitting-up which apply to marriage will also apply to a Civil Union. However, since the law was very only recently introduced (2014) it remains to be seen how certain provisions will be interpreted or applied. Since the effects of a civil union should be equivalent to those of a marriage, the question of conversion should not arise. However, there are still aspects of law in which the Union is not equivalent to Marriage (such as for example in the access to reproductive treatment), and leads to civil unions being considered by some as having second class status. In this scenario the possibility of converting a union into a marriage would be appealing. In terms of Maltese law even in the case of a consensual separation or divorce a Court decree is still required in order to dissolve the marriage or union. In terms of Maltese law parental authority vests in the legal parents (biological/adoptive) of the minor child. Parental authority does not cease to exist when a couple splits up, however, in certain cases the Court may revoke or restrict the parental authority of one or both parents if there are just grounds to do so. Parental authority must be distinguished from custody of the minor child. The separation/divorce decree will normally determine who enjoys custody/how it will be shared.

Jurisdiction: **Malta**

Source: **C. Galea Borg**, "Splitting up and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.01 - Dissolution by court**

Can this type of relationship be ended by court decision?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 N/A 0000	2015 Yes 2014	2015 Yes 2014	X	X
Yes, but 0000		N/A 0000	N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Divorce: Article 66A(2) of the Civil Code (Chap. 16 of the Laws of Malta) introduced by Act XIV of 2011 of the 1st October 2011.</p> <p>Annulment: Article 19 and 19A of the Marriage Act (Chap. 255 of the Laws of Malta) enacted on the 12th August 1975.</p> <p>Separation: Article 35(1) of the Civil Code (Chap 16. of the Laws of Malta) enacted on the 11th February 1870.</p>		<p>References to legal sources: Divorce: Article 66A(2) of the Civil Code (Chap. 16 of the Laws of Malta) introduced by Act XIV of 2011 of the 1st October 2011, applicable to Civil Unions by virtue of Article 4(2)(b) of the Civil Unions Act (Chap. 530 of the Laws of Malta).</p> <p>Annulment: Article 19 and 19A of the Marriage Act (Chap. 255 of the Laws of Malta) enacted on the 12th August 1975, applicable to Civil Unions by virtue of Article 4(2)(a) of the Civil Unions Act (Chap. 530 of the Laws of Malta).</p> <p>Separation: Article 35(1) of the Civil Code (Chap 16. of the Laws of Malta) enacted on the 11th February 1870. Applicable to Civil Unions by virtue of Article 4(2)(b) of the Civil Unions Act (Chap. 530 of the Laws of Malta).</p>			
<p>Explanations and nuances: Divorce was only introduced in 2011, before then it was only possible to obtain an annulment or personal separation. The replies above were provided in relation to Divorce.</p>		<p>Explanations and nuances: Partners in a Civil Union may apply for a Divorce, Personal Separation or Annulment by virtue of the Civil Unions Act.</p>			

Jurisdiction: **Malta**

Source: **C. Galea Borg**, "Splitting up and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.02 - Agreed administrative dissolution**

Can this type of relationship be ended by mutual agreement in an administrative procedure?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 N/A 0000	2015 No 2014	2015 No 2014	X	X
		N/A 0000	N/A 0000	X	X
References to legal sources: See question 5.01.		References to legal sources: See question 5.01.			
Explanations and nuances: An annulment can only be granted by judgment of the competent court/ecclesiastical tribunal. As for divorce, or personal separation even if the spouses mutually agree on the separation / divorce, the agreement would still need to be confirmed by Court decree.		Explanations and nuances: An annulment can only be granted by judgment of the competent court/ecclesiastical tribunal. As for divorce, or personal separation even if the spouses mutually agree on the separation / divorce, the agreement would still need to be confirmed by Court decree.			

Jurisdiction: **Malta**

Source: **C. Galea Borg**, "Splitting up and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.03 - Unilateral administrative dissolution**

Can this type of relationship be ended by one partner unilaterally in an administrative procedure?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 No 0000	2015 No 2014	2015 No 2014	X	X
		N/A 0000	N/A 0000	X	X
References to legal sources: See question 5.01.		References to legal sources: See question 5.01.			
Explanations and nuances: An annulment can only be granted by judgment of the competent court/ecclesiastical tribunal. As for divorce, or personal separation even if the spouses mutually agree on the separation / divorce, the agreement would still need to be confirmed by Court decree.		Explanations and nuances: An annulment can only be granted by judgment of the competent court/ecclesiastical tribunal. As for divorce, or personal separation even if the spouses mutually agree on the separation / divorce, the agreement would still need to be confirmed by Court decree.			

Jurisdiction: **Malta**

Source: **C. Galea Borg**, "Splitting up and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.04 - Agreed informal dissolution**

Can this type of relationship be ended by mutual agreement without involvement of any authority?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 N/A 0000	2015 No 2014	2015 No 2014	X	X
		N/A 0000	N/A 0000	X	X
References to legal sources: See question 5.01.		References to legal sources: See question 5.01.			
Explanations and nuances: An annulment can only be granted by judgment of the competent court/ecclesiastical tribunal. As for divorce, or personal separation even if the spouses mutually agree on the separation / divorce, the agreement would still need to be confirmed by Court decree.		Explanations and nuances: An annulment can only be granted by judgment of the competent court/ecclesiastical tribunal. As for divorce, or personal separation even if the spouses mutually agree on the separation / divorce, the agreement would still need to be confirmed by Court decree.			

Jurisdiction: **Malta**

Source: **C. Galea Borg**, "Splitting up and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.05 - Unilateral informal dissolution**

Can this type of relationship be ended by one partner unilaterally without involvement of any authority?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 N/A 0000	2015 No 2014	2015 No 2014	X	X
		N/A 0000	N/A 0000	X	X
References to legal sources: See question 5.01.		References to legal sources: See question 5.01.			
Explanations and nuances:		Explanations and nuances:			

Jurisdiction: **Malta**

Source: **C. Galea Borg**, "Splitting up and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.06 - Dissolution by marrying someone else**

Can a registered partnership be ended by one partner marrying someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
X	X	2015 No 2014	2015 No 2014	X	X
X	X	N/A 0000	N/A 0000	X	X
		References to legal sources: See question 5.01.			
		Explanations and nuances: There is no distinction between the causes and procedures for termination of a Civil Union and the causes and procedures for termination of a marriage.			

Jurisdiction: **Malta**

Source: **C. Galea Borg**, "Splitting up and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.07 - Ending by conversion**

Can this type of relationship be ended by the partners by way of conversion (of a marriage into a registered partnership or vice versa)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 N/A 0000	2015 No 2014	2015 No 2014	X	X
		N/A 0000	N/A 0000	X	X
References to legal sources: No provision for conversion.		References to legal sources: No provision for conversion.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Article 4 of the Civil Unions Act (Chap. 530 of the Laws of Malta) specifically provides that 'a civil union, once registered, shall mutatis mutandis have the corresponding effects and consequences in law of civil marriage contracted under the [Marriage] Act'. Since the Civil Union produces the same effects as marriage it appears that the legislator did not consider it necessary to provide a conversion mechanism.</p>		<p>Explanations and nuances: Article 4 of the Civil Unions Act (Chap. 530 of the Laws of Malta) specifically provides that 'a civil union, once registered, shall mutatis mutandis have the corresponding effects and consequences in law of civil marriage contracted under the [Marriage] Act'. Since the Civil Union produces the same effects as marriage it appears that the legislator did not think it necessary to provide for a conversion mechanism.</p>			

Jurisdiction: **Malta**

Source: **C. Galea Borg**, "Splitting up and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.08 - Ending by marrying each other**

Can a registered partnership be ended by the partners marrying each other?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
X	X	2015 No 2014	2015 No 2014	X	X
X	X	N/A 0000	N/A 0000	X	X
		References to legal sources: No provision for this.			
		Explanations and nuances: See explanation in question 5.07. Since the effects of a Civil Union are equivalent to marriage it appears that the legislator did not consider it necessary to provide for a conversion mechanism. This is still a grey area and the question may eventually be resolved through case-law.			

Jurisdiction: **Malta**

Source: **C. Galea Borg**, "Splitting up and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.09 - Property at dissolution**

In case the partners split up, do statutory rules consider as joint property any possessions acquired by either of them after they started this type of relationship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 0000	2015 N/A 0000	2015 Yes, but 2014	2015 Yes, but 2014	2015 No 0000	2015 No 0000
		N/A 0000	N/A 0000		
References to legal sources: Article 1316(1) of the Civil Code, (Chap. 16 of the Laws of Malta) enacted on 11th February 1870.		References to legal sources: Article 1316(1) of the Civil Code (Chap. 16 of the Laws of Malta) enacted on 11th February 1870, applicable to Civil Unions by virtue of article 4(1) of the Civil Unions Act (Chap. 530 of the Laws of Malta) enacted on 14th April 2014.		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Property is deemed jointly owned, unless the spouses/partners concludes a marriage contract prior to/after the marriage/civil union in which they opt for the regime of separation of estates (article 1237 of the Civil Code).</p>		<p>Explanations and nuances: Property is deemed jointly owned, unless the spouses/partners concludes a marriage contract prior to/after the marriage/civil union in which they opt for the regime of separation of estates (article 1237 of the Civil Code).</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Malta**

Source: **C. Galea Borg**, "Splitting up and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.10 - Alimony**

In case the partners split up, do statutory rules on alimony apply?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 Yes 2014	2015 Yes 2014	2015 No 0000	2015 No 0000
		N/A 0000	N/A 0000		
References to legal sources: Article 54 of the Civil Code (Chap. 16 of the Laws of Malta) enacted on the 11th February 1870.		References to legal sources: Article 54 of the Civil Code (Chap. 16 of the Laws of Malta) enacted on the 11th February 1870, rendered applicable to Civil Unions by virtue of article 4(1) of the Civil Unions Act (Chap. 530 of the Laws of Malta) enacted on 14th April 2014.		References to legal sources:	
Explanations and nuances:		Explanations and nuances:		Explanations and nuances:	

Jurisdiction: **Malta**

Source: **C. Galea Borg**, "Splitting up and legal family formats in Malta". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-MT-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.11 - Parental authority**

In case the partners split up, do statutory rules on parental authority/responsibility apply?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 0000	2015 N/A 0000	2015 No, but 2014	2015 No, but 2014	2015 No, but 0000	2015 No 0000
		N/A 0000	N/A 0000		
<p>References to legal sources: Article 131(1) of the Civil Code (Chap. 16 of the Laws of Malta) enacted on the 11th February 1870.</p> <p>Article 56(5) of the Civil Code (Chap. 16 of the Laws of Malta) enacted on the 11th February 1870.</p>		<p>References to legal sources: Article 131(1) of the Civil Code (Chap. 16 of the Laws of Malta) enacted on the 11th February 1870, rendered applicable to Civil Unions by virtue of article 4(1) of the Civil Unions Act (Chap. 530 of the Laws of Malta).</p> <p>Article 56(5) of the Civil Code (Chap. 16 of the Laws of Malta) enacted on the 11th February 1870 rendered applicable to Civil Unions by virtue of Article 4(2)(b) of the Civil Unions Act (Chap. 530 of the Laws of Malta).</p>		<p>References to legal sources: Article 131(1) of the Civil Code (Chap. 16 of the Laws of Malta) enacted on the 11th February 1870.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Parental authority attaches to the biological or adoptive parent(s) of the child irrespective of civil status. In the case that the parents split-up there may be instances in which the Court may deprive one or both parents wholly or in part of any parental authority over the child. In addition, in separation and divorce proceedings the Court will determine / the spouses may mutually agree on custody arrangements.</p>		<p>Explanations and nuances: Parental authority attaches to the biological or adoptive parent(s) of the child irrespective of civil status. In the case that the parents split-up there may be instances in which the Court may deprive one or both parents wholly or in part of any parental authority over the child. In addition, in separation and divorce proceedings the Court will determine / the partners may mutually agree on custody arrangements.</p>		<p>Explanations and nuances: Since parental authority attaches to the natural/adoptive parent(s) of the child, different-sex cohabiting partners will continue to enjoy parental authority even after they cease to cohabit as long as they are both the natural parents of the child. The law does not allow 'other partner adoption' unless the partners are married or in a registered Civil Union. Therefore, the cohabiting partner would not have any rights over the natural / adoptive child of his/her partner.</p>	