

EXERCISE OF THE PARENTAL AUTHORITY

The minor child must be protected by its parents. Parental authority confers him **rights** and put at their load of the **duties**.

Who's the parental authority holder?

The **parents exert in common the parental** authority whatever their status, married or not, **as soon as the child filiation is established**.

If the parents are married:

-the 2 parents exert in common the parental authority.

If the parents are not married:

-the mother benefits from the child authority exercise

-the father gets right about the child only **if he signed for it**.

If the father signs form his child after one year old:

-the mother exerts alone the parental authority

-the father must request the attribution of the parental authority by a **joint exercise parental authority** (see procedure)

What's the content of the parental authority?

The parents must protect, maintain and ensure the education of the child until it becomes an adult.

They must take care of the material needs and moral of the child (feed it, lodge it, make medical decisions, look after its relationships and its moves...).

Each parent must contribute to maintenance the child depends on its resources and the ones from the other parent and the child needs.

Some obligations continue beyond the child majority, until its complete autonomy.

The parents must make sure that **the child goes to school, from 6 to 16 years old**. The parents who do not give the must instruction to the child expose themselves to penal sanctions.

In case of common joint exercise parental authority, **only one parent can make, without asking the other parent's agreement, an identity card** or a passport for its minor child,

Caution: In case of disagreement between the parents about a decision to make for the child interest, one of the two can seize a judge with family business.

Comment est exercée l'autorité parentale après la séparation des parents?

When parents breaks up (divorce, end of time living together, pacs dissolution) there is **no incidence on the parental authority exercise**. It remains an obligation for the parents even if they do not live together anymore.

Each parent must maintain personal links with the child.

Each parent must **respect the other parent links with the child**.

The parents can fix by mutual agreement the dwelling conditions and the child visit.

What to do in case of disagreement with the separated parents on the parental authority exercise?

If the parents cannot get on well about the right of visit and the child dwelling, it's necessary to seize the judge with family business who'll organize the parental authority exercise in the child interest.

The parental authority being shared with the two parents, **a parent can't deprive the other of its right of visit, dwelling and the child education**.

The judge will fix the living child place whether at one of the parents, whether at the two or at somebody else in the child interest.

The exercise of the right of visit and dwelling cannot be refused by the other parent, only for serious matters.

Each of the parents will have to respect the judge with family business decision, under sorrows of sanctions.

Caution: In case of moving out, the parent whom the child steady lives at, must inform the other parent the new address within a month otherwise, he would be penally punished for it. It is 6 months in jail sentence and 7500 euros fine.

PROCEDURE REQUEST FOR FIXING THE PARENTAL AUTHORITY EXERCISE CONDITIONS

FILL IN A FORM

The request must be made by one of the parents or two in common near the judge with family matters and submitted to Tribunal:

Form Cerfa n°11530*05

(**Caution:** this form cannot be used in the frame of divorce)

For residents, out of St-Laurent-du-Maroni area

Tribunal de Grande Instance de Cayenne
Service des Affaires familiales
9 Av. du Général de Gaulle
97300 Cayenne

For St-Laurent-du-Maroni residents:
Awala-Yalimapo, Mana, Saint-Laurent-du-Maroni, Grand-Santi, Papaïchton, Maripa-Soula et Saül.

Chambre détachée du Tribunal de Grande Instance à Saint Laurent du Maroni
Avenue du Colonel Chandon
973.. Saint Laurent du Maroni

DOCUMENTS REQUIRED

- A parental authority exercise proof (child birth certificate with the filiation mentioned...)
- A proof of the applicant identity (copy of the national identity card or resident paper, still valid...)
- A proof allowing to establish the child identity (copy of the national identity card...)
- A document in proof of residence (rent receipt, light bill...)
- A document in proof of resources (last tax proof, the three last pay slips, social incomes, bank statement, bills...)

CAUTION :

If the parents or the child situation changes, the parent must follow the same procedure for modifying the parental authority conditions (ex: removal, the change of the parent welcoming the child...)

PROCEDURE PARENTAL AUTHORITY COMMON EXERCISE STATEMENT

FORM

The father who signed later for his child must request to exert the parental authority in common with the mother.

If the 2 parents agree, they can make **a parental authority common exercise statement:**

The statement can be made **on line:**

<https://mdel.mon.service-public.fr/mademarchev5/sfjsp?interviewID=12785>

The statement can be made **by letter:**

Form **Cerfa N° 12785*02** Sent by registered letter, with the required documents, near the chief clerk of High Court.

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PIECES A FOURNIR

- Complete copy of the mother birth certificate
- Complete copy of the father birth certificate
- Complete copy of each child birth certificate concerned by the request
- Complete copy of the marriage document or family book
- Copy of the mother identity document (identity card or passport...)
- Copy of the father identity document (identity card or passport...)
- Copy of each child concerned by the request (identity card or passport...)
- A document in proof of residence for the child concerned
- Copy of the last tax proof or school certificate

CAUTION: if there is a disagreement with the mother, the father can seize the judge with family matters and asks him for exerting the parental authority in common according the procedure fixing the conditions of the parental authority exercise request.