

## **French Civil Code**

### **BOOK I. Of Persons.**

**Decreed 25th of March, 1803. Promulgated the 2d of April.**

#### **TITLE VII.**

##### *Of Paternity and Filiation.*

#### **CHAPTER I.**

##### *Of the Filiation of legitimate Children, or those born in Marriage.*

312. An infant conceived during marriage claims the husband as his father. The latter, nevertheless, may disavow such child, on proof that during the time which has elapsed from the three hundredth to the one hundred and eightieth day previous to the birth of the infant, he was either, by reason of absence, or by the effect of some accident, under a physical incapability of cohabiting with his wife.
313. The husband shall not disavow an infant, on allegation of his natural impotence; he shall not disavow it even for cause of adultery, unless the birth has been concealed from him, in which case he shall be permitted to bring forward all the facts proper to show that he is not the father.
314. A child born within 180 days from the marriage shall not be disavowed by the husband in the following cases:
  - 1st. If he had knowledge of the pregnancy before the marriage.
  - 2d. If he assisted at the act of birth, and if this act is signed by him, or contains his declaration that he cannot sign.
  - 3d. If the child is not declared likely to live.
315. The legitimacy of an infant born three hundred days after dissolution of marriage may be contested.
316. In the different cases where the husband is authorized to disclaim, he must do so within a month, if he be on the spot where the infant is born; Within two months after his return, if he be absent at such time; Within two months after discovery of the fraud, if the birth of the child have been concealed from him.
317. If the husband die before having made his disclaimer, but yet being within the interval allowed for making it, the heirs shall have two months to contest the legitimacy of the child, to be reckoned from the period at which such child shall be put in possession of the property of the husband, or from the period at which the heirs shall be disturbed by the child in the possession.
318. Every extrajudicial act containing a disavowal on the part of the husband or of his heirs shall be as though not made, unless followed within the interval of one month, by an action at law, brought against a tutor ad hoc, given to the child, the mother being present.

#### **CHAPTER II.**

##### *Of the proofs of the Filiation of legitimate Children.*

319. The filiation of legitimate children is proved by the acts of birth inscribed upon the

registers of the civil authorities.

320. In default of this document, constant enjoyment of the condition of a legitimate child is sufficient.
321. The enjoyment of this condition is established by a satisfactory combination of facts, indicating the connection of parent and child between an individual and the family to which he claims to belong. The principal of these facts are, That the individual has always borne the name of the father to whom he claims to belong; That the father has treated him as his child, and in that character has provided for his education, his maintenance, and his establishment; That he has been uniformly received as such in society; That he has been acknowledged as such by the family.
322. No one is at liberty to claim a condition contrary to that conferred on him by title of birth and possession, conformable to such title; And reciprocally, no one can contest the condition of him who has a possession conformable to his title of birth.
323. In default of title and constant enjoyment, or if the child have been registered, either under false names, or as born of father and mother unknown, the proof of filiation may be made by witnesses. This proof, however, cannot be admitted, except when there is a commencement of proof in writing, or when the presumptions and probable evidence resulting from subsequent unquestionable facts are sufficiently grave to decide their admission.
324. The commencement of proof in writing is gathered from the titles of the family, from registers, and private papers of the father or the mother, from public acts, and likewise private ones emanating from one party engaged in the dispute, or who would have had interest therein if living.
325. Contrary proof may be made by all means proper to establish that the claimant is not the child of the mother he pretends to have, or even, the maternity being proved, that he is not the child of the husband of such mother.
326. The civil courts alone shall be competent to adjudicate on claims of condition.
327. A criminal action for an offence in concealing a condition, cannot be commenced until after final judgment on the question of condition.
328. The action in claim of condition is imprescriptible, with regard to the child.
329. An action cannot be brought by the heirs of a child who has not claimed, except he has died a minor, or within five years after his majority.
330. The heirs may pursue this action where it has been commenced by the child, unless he have formally discontinued it, or that three years have passed without any step taken, reckoning from the last act of procedure.

## **CHAPTER III.**

### ***Of Natural Children.***

#### **SECTION I.**

##### ***Of the Legitimation of Natural Children.***

331. Children born out of wedlock, other than such as are the fruit of an incestuous or adulterous intercourse, may be legitimated by the subsequent marriage of their father and mother, whenever the latter shall have legally acknowledged them before their marriage, or shall have recognized them in the act itself of celebration.
332. The legitimation may take place, in favor even of deceased children who have left

descendants; and in such case, the benefit thereof accrues to such descendants.

333. Children legitimated by subsequent marriage shall enjoy the same rights as if they were born in wedlock.

## **SECTION II.**

### ***Of the Acknowledgment of Natural Children.***

334. The acknowledgment of a natural child shall be made by an authentic act, whenever it shall not have been done in its act of birth.

335. This acknowledgment shall not take place for the benefit of children born of an incestuous or adulterous intercourse.

336. The acknowledgment of the father, without the indication and concurrence of the mother, has no effect, except as regards the father.

337. An acknowledgment made during marriage, by one of the parties, to the advantage of a natural child, which such party shall have had before marriage, and by a different person, shall not prejudice the other married party, nor the children born of such marriage. Nevertheless its effect shall be produced after the dissolution of the marriage, where no children remain.

338. A natural child acknowledged cannot claim the rights of a legitimate child. The rights of natural children shall be settled under the title "*Of Successions.*"

339. Every acknowledgment on the part of father or mother, as well as every claim on the part of the child, may be contested by all those who have interest therein.

340. Scrutiny as to paternity is forbidden. In the case of rape, when the period of such rape shall refer to that of conception, the ravisher may be declared, on the petition of the parties interested, the father of the child.

341. Scrutiny as to maternity is admissible. The child who shall claim his mother, shall be bound to prove that he is identically the same child of whom she was delivered. He shall not be permitted to make this proof by witnesses, until he shall have already made a commencement of proof in writing.

342. A child shall in no case be admitted to search whether for paternity or maternity, in cases where, according to article 335, acknowledgment would not have been admitted.