

THE MARRIAGE AND FAMILY LAW

(No. 22/2000/QH10 of June 9, 2000)

PREAMBLE

Families constitute cells of the society, cradles where men are brought up, and an important environment for personality formation and education, contributing to the construction and defense of the Fatherland. Good families make good society, good society makes better families.

In order to enhance the role of families in the social life, preserve and promote the fine traditions, customs and practices of the Vietnamese people, abolish backward customs and practices regarding marriage and family;

In order to raise the responsibilities of citizens, the State and the society in the building and consolidation of the Vietnamese marriage and family regime;

To inherit and develop the Vietnamese marriage and family legislation;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam;

This Law provides for the marriage and family regime.

Chapter I

GENERAL PROVISIONS

Article 1. Missions and scope of application of the Marriage and Family Law

The Marriage and Family Law has the missions to contribute to building, perfecting and protecting the progressive marriage and family regime, formulate legal standards for the conducts of family members; protect the legitimate rights and interests of family members; inherit and promote the fine ethical traditions of the Vietnamese families in order to build prosperous, equal, progressive, happy and lasting families.

The Marriage and Family Law provides for the marriage and family regime, responsibilities of citizens, the State and society in the building and consolidation of the Vietnamese marriage and family regime.

Article 2. Basic principles of the marriage and family regime

1. Voluntary, progressive and monogamous marriage in which husband and wife are equal.

2. Marriage between Vietnamese citizens of different nationalities and/or different religions, between religious and non-religious people, and between Vietnamese citizens and foreigners is respected and protected by law.

3. Husband and wife are obliged to implement the population and family planning policy.

4. Parents are obliged to bring up their children into citizens useful for the society; children are obliged to respect, care for and support their parents; grand-children are obliged to respect, care for and support their grandparents; family members are obliged look after, care for and help one another.

5. The State and society shall not accept the discrimination among children, between sons and daughters, between biological and adopted children, between in-wedlock and out-of-wedlock children.

6. The State, society and families have the duty to protect women and children, and help mothers to well fulfill their lofty motherhood functions.

Article 3. The State's and society's responsibilities for marriage and family

1. The State adopts policies and measures to create conditions for male and female citizens to establish voluntary and progressive marriage and for families to fulfill their functions; intensify the dissemination and popularization of the marriage and family legislation; mobilize people to abolish backward customs and practices related to marriage and family, promote fine traditions, customs and practices embodying the identity of each nationality; build up progressive marriage and family relations.

2. Agencies and organizations have the duty to educate and mobilize their officials, employees and members as well as every citizen to build cultural families; provide counseling on marriage and family; reconcile family discords in time, protect the legitimate rights and interests of the family members.

3. Schools shall coordinate with families in educating, disseminating and popularizing the marriage and family legislation among the young generations.

Article 4. Protection of the marriage and family regime

1. Marriage and family relations conforming to this Law are respected and protected by law.

2. Underage marriage, forcing marriage, hindering voluntary and progressive marriage, feigned marriage, deceiving other persons into marriage or divorce; forcing divorce, feigned divorce; property demand for wedding are all forbidden.

A married person is forbidden to marry or live with another person as husband or wife and an unmarried person is forbidden to marry or live with a married person as husband or wife.

Ill-treatment and persecution against grandparents, parents, spouses, children, grandchildren, siblings or other family members are forbidden.

3. All acts of violating the marriage and family legislation must be handled promptly, strictly and in accordance with law.

Agencies, organizations and individuals have the right to request the Court or other competent bodies to take measures to promptly stop and severely handle those who commit acts of violating the marriage and family legislation.

Article 5. Application of the provisions of the Civil Code

The Civil Code's provisions related to the marriage and family relations shall be applicable to the marriage and family relations in cases where the marriage and family legislation has no relevant provisions.

Article 6. Application of marriage and family-related customs and practices

In marriage and family relations, the customs and practices embodying the identity of each nationality and not running counter to the principles laid down in this Law are respected and promoted.

Article 7. Application of the marriage and family legislation to the marriage and family relations involving foreign elements

1. The provisions of the marriage and family legislation of the Socialist Republic of Vietnam shall be applicable to the marriage and family relations involving foreign elements, except otherwise provided for by this Law.

2. Where an international agreement which the Socialist Republic of Vietnam has signed or acceded to contains provisions different from this Law's provisions, the provisions of such international agreement shall apply.

Article 8. Interpretation of terms

In this Law the following terms are construed as follows:

1. The marriage and family regime means the entire law provisions on marriage, divorce, obligations and rights between wives and husbands, parents and children, and among other family members, support, determination of parents, biological children, adopted children and guardians, marriage and family relations involving foreign elements and other matters related to marriage and family;

2. Getting married is an act whereby a man and a woman establish the husband and wife relation according to the law provisions regarding conditions for getting married and marriage

registration;

3. Illegal marriage means the establishment of husband and wife relation by a man and a woman who have registered their marriage but breach the marriage conditions prescribed by law;

4. Underage marriage means getting married when one or both marriage partners have not reached the marriage age prescribed by law.

5. Forcing marriage is an act of forcing other persons to get married against their will;

6. Marriage means the relationship between husband and wife after getting married;

7. Marriage period means the duration of time when the husband and wife relationship exists, counting from the date of marriage registration till the date of marriage termination;

8. Divorce means the termination of husband and wife relationship, which is recognized or decided by the Court at the request of either spouse or both.

9. Forcing divorce is an act of forcing other persons to divorce against their will;

10. Family means a group of persons closely bound together by marriage, blood ties or rearing relations, thus giving rise to obligations and rights among these persons according to the provisions of this Law;

11. Support means an act whereby a person has the obligation to contribute money or other kinds of property to meet the essential needs of another person not cohabiting but having marriage, blood or rearing relations with him/her in cases where the latter is a minor or an adult who has no working capacity and no property to support himself/herself, or who meets with economic difficulties, as prescribed by this Law;

12. People of the same direct blood line are parents with respect to their children; grandparents with respect to their grandchildren;

13. Relatives within three generations means people born of the same stock: parents constituting the first generation; siblings of the same parents, of the same father but different mothers, of the same mother but different fathers constituting the second generation; children of uncles and aunts constituting the third generation;

14. Marriage and family relations involving foreign elements are marriage and family relations between:

a/ Vietnamese citizens and foreigners;

b/ Foreigners permanently residing in Vietnam;

c/ Vietnamese citizens but the bases for establishing, changing or terminating such relations are

governed by the law of a foreign country or the property related to such relations is located abroad.

Chapter II

GETTING MARRIED

Article 9. Conditions for getting married

A man and a woman wishing to marry each other must satisfy the following conditions:

1. The man has reached the age of twenty or over, the woman has reached the age of eighteen or over;
2. The marriage is voluntarily decided by the man and the woman; neither partner is allowed to force or deceive the other; nobody is allowed to force or obstruct their marriage;
3. The marriage does not fall into one of the circumstances where marriage is forbidden as prescribed in Article 10 of this Law.

Article 10. Circumstances where marriage is forbidden

Marriage is forbidden in the following circumstances:

1. Married people;
2. People who have lost their civil act capacity;
3. Between people of the same direct blood line; between relatives within three generations;
4. Between adoptive parents and adopted children; between former adoptive parents and former adopted children; between fathers-in-law and daughters-in-law, mothers-in-law and sons-in-law, stepfathers and stepchildren, stepmothers and stepchildren;
5. Between people of the same sex.

Article 11. Marriage registration

1. Marriage must be registered with the competent State bodies (hereinafter called marriage registration offices) according to the proceedings prescribed in Article 14 of this Law.

Any marriage proceedings at variance with the provisions in Article 14 of this Law shall not be legally valid.

Man and woman who fail to register their marriage but live together as husband and wife shall

not be recognized by law as husband and wife.

Divorced husband and wife wishing to remarry each other must also register their remarriage.

2. The Government shall stipulate the marriage registration in remote and deep-lying areas.

Article 12. Competence to register marriage

The People's Committees of communes, wards or townships where either of the marriage partners resides are the marriage registration offices.

The overseas Vietnamese diplomatic missions or consulates are the offices registering marriage between Vietnamese citizens living abroad.

Article 13. Handling of marriage registration

1. After receiving complete and valid documents according to the civil status legislation, the marriage registration offices check the marriage registration dossiers; if deeming that both the male and female partners to the marriage are eligible for marriage, the marriage registration offices shall organize the marriage registration.

2. Where either or both marriage partners fail to fully meet the marriage conditions, the marriage registration office shall decline to register and clearly explain in writing the reasons therefor; if the people whose application for marriage registration is rejected disagree, they may lodge their complaints according to the provisions of law.

Article 14. Organization of marriage registration

Marriage registration must be organized in the presence of both male and female partners. A representative of the marriage registration office first asks the two partners about their wish for voluntary marriage, if they agree to marry each other, the representative of the marriage registration office shall hand the marriage certificate to them.

Article 15. People entitled to request the annulment of illegal marriages

1. The partner who is forced or deceived into marriage has the right, as prescribed by the civil procedure legislation, to request by himself/herself the Court or propose the Procuracy to request the Court to annul the illegal marriage due to violation of the provisions in Clause 2, Article 9 of this Law.

2. The Procuracy has the right, as prescribed by the civil procedure legislation, to request the Court to annul illegal marriages due to violation of the provisions in Clause 1, Article 9 and Article 10 of this Law.

3. The following individuals, agencies and organizations have the right, as prescribed by the civil procedure legislation, to request by themselves the Court or propose the Procuracy to request the

Court to annul illegal marriages due to violation of the provisions in Clause 1, Article 9 and Article 10 of this Law:

a/ Spouses, parents or children of the marriage partners;

b/ The child protection and care committees;

c/ The women's unions.

4. Other individuals, agencies and organizations have the right to propose the Procuracy to consider and request the Court to annul illegal marriages.

Article 16. Annulment of illegal marriages

At the request of individuals, agencies or organizations prescribed in Article 15 of this Law, the Court shall consider and decide the annulment of illegal marriages and send copies of its decisions to the offices that have made the marriage registration. Basing themselves on the Court's decisions, the marriage registration offices shall erase the marriage registration in the Marriage Register.

Article 17. Legal consequences of the annulment of illegal marriages

1. When an illegal marriage is annulled, the two male and female partners must stop their relation as husband and wife.

2. Their children's interests shall be dealt with as for cases where their parents are divorced.

3. Their property shall be dealt with on the principle that his/her personal property shall still belong to him/her; their common property shall be divided as agreed upon by the two partners; if they fail to reach an agreement thereon, they may request the Court to settle it, taking into account each partner's contributions and giving priority to protecting the legitimate interests of women and children.

Chapter III

RELATIONSHIP BETWEEN HUSBAND AND WIFE

Article 18. Husband and wife attachment

Husband and wife are faithful to, love, respect, care for and help, each other, together build a prosperous, equal, progressive, happy and lasting family.

Article 19. Equality in obligations and rights between husband and wife

Husband and wife are equal to each other, having equal obligations and rights in all aspects of

their family.

Article 20. Selection of the domicile of husband and wife

The domicile of husband and wife is selected by themselves without being bound by customs, practices and/or administrative boundaries.

Article 21. Respect for honor, dignity and prestige of husband and wife

1. Husband and wife respect each other and preserve each other's honor, dignity and prestige.
2. Husband and wife are strictly forbidden to commit acts of ill-treating, persecuting or hurting the honor, dignity or prestige of each other.

Article 22. Respect for the right to freedom of religion and belief of husband and wife

Husband and wife respect each other's right to freedom of belief and religion; must not compel or impede each other to adhere or not adhere to any religion.

Article 23. Helping and creating conditions for each other to develop in all aspects

Husband and wife discuss together, help and create conditions for each other to select professions, study and raise their educational level, professional qualifications and skills; take part in political, economic, cultural and social activities according to each partner's aspiration and ability.

Article 24. Mutual representation between husband and wife

1. Husband and wife may authorize each other to establish, perform or terminate transactions which, as prescribed by law, must be agreed upon by both husband and wife; such authorization must be made in writing.
2. Husband and wife may represent each other when either of them loses his/her civil act capacity while the other is eligible to act as guardian or when either of them is limited in his/her civil act capacity while the other is designated by the Court to act as a representative at law for his/her partner.

Article 25. Joint liability of husband and wife for transactions conducted by either of them

Husband or wife must take joint liability for lawful civil transactions conducted by either of them to satisfy their family's daily-life essential needs.

Article 26. Marriage relations when a partner returns after being declared dead

When the Court issues a decision abrogating a declaration that a person was dead as provided for in Article 93 of the Civil Code and his/her spouse has not yet married another person, their

marriage relation will be automatically restored; where his/her spouse has married another person, the marriage relation established later shall be legally valid.

Article 27. Common property of husband and wife

1. Common property of husband and wife includes property created by husband and wife, incomes generated from labor, production and business activities and other lawful incomes of husband and wife during the marriage period; property jointly inherited or given to both, and other property agreed upon by husband and wife as common property.

The land use right obtained by husband and wife after their marriage is their common property. The land use right obtained before the marriage or personally inherited by husband or wife shall be common property only if so agreed upon by husband and wife.

Common property of husband and wife falls under common ownership by integration.

2. Where a property under the common ownership of husband and wife is required by law to be registered for ownership, the names of both husband and wife must be inscribed in the ownership certificate thereof.

3. Where there is no evidence proving that a property being in dispute between husband and wife is his/her personal property, such property is common property.

Article 28. Possession, use and disposition of common property

1. Husband and wife have equal obligations and rights in the possession, use and disposition of their common property.

2. Common property of husband and wife is used only to ensure the family's needs and perform their common obligations.

3. The establishment, performance or termination of civil transactions related to common property which is of big value or the family's sole means of livelihood, the use of common property for business investment must be discussed and agreed upon by husband and wife, except where such common property has been divided for his/her own business investment under Clause 1, Article 29 of this Law.

Article 29. Division of common property during the marriage period

1. When marriage still exists, if husband and wife make separate business investments, perform separate civil obligations or there are other plausible reasons, husband and wife may agree to divide their common property; the division of common property must be recorded in writing; if they fail to reach an agreement thereon, they may request the Court to settle it.

2. Division of common property of husband and wife in order to shirk the performance of

property obligations shall not be recognized by law.

Article 30. Consequences of the division of common property of husband and wife

Where common property of husband and wife is divided, yields or profits arising from the divided property shall belong to the ownership of each person; the undivided property portion remains under the common ownership of husband and wife.

Article 31. Husband and wife's right to inherit each other's property

1. Husband and wife have the right to inherit each other's property according to the provisions of the inheritance legislation.
2. When the wife or husband dies or is declared dead by the Court, the living partner shall manage their common property, except for cases where another person is designated in the testament to manage the heritage or the heirs agree to designate another person to manage the heritage.
3. Where there is a request to divide the heritage but the division of heritage shall seriously affect the life of the living spouse and the family, the living spouse may request the Court to determine the heritage portions to be enjoyed by the heirs but delay the heritage division for a certain period of time; past the time limit determined by the Court or if the living partner has married another person, the other heirs may request the Court to permit the division of the heritage.

Article 32. Personal property of husband and wife

1. Husband and wife have the right to own personal property.

Personal property of husband and wife includes property owned by each person before their marriage; property inherited and/or given separately during the marriage period; property separately divided to husband or wife under Clause 1, Article 29 and Article 30 of this Law; personal belongings and jewelry.

2. Husband and wife may consolidate or not consolidate their personal property into the common property.

Article 33. Possession, use and disposition of personal property

1. Husband and wife have the right to possess, use and dispose their personal property, except for cases prescribed in Clause 5 of this Article.
2. Husband and wife manage by themselves their personal property; where either spouse is not able to manage by himself or herself his/her personal property and does not authorize another person to manage, the other partner may manage such property.

3. Each partner's own property obligations are performed with his/her personal property.
4. Personal property of husband and wife are also used to meet their family's essential needs if their common property is not enough.
5. Where either spouse's personal property has been put to common use and the profits or yields from such personal property constitute the family's sole means of livelihood, the disposition of such personal property must be agreed upon by both husband and wife.

Chapter IV

RELATIONSHIP BETWEEN PARENTS AND CHILDREN

Article 34. Obligations and rights of parents

1. Parents have the obligations and rights to love, look after, rear, care for, and protect the legitimate rights and interests of, their children; respect their children's opinions; attend to the study and education of their children so as to ensure their healthy development in all physical, intellectual and moral aspects to become pious children of the family and useful citizens of the society.
2. Parents must not discriminatorily treat, ill-treat or persecute their children, or hurt their honor; must not abuse the labor power of their minor children; must not incite or compel their children to act against law and social morality.

Article 35. Obligations and rights of children

Children have the duty to love, respect, show gratitude and piousness to, their parents, pay heed to the good advices of their parents, preserve the good traditions and prestige of their family.

Children have the obligations and rights to care for and support their parents.

Children are strictly forbidden to ill-treat, persecute or hurt the honor, of their parents.

Article 36. Obligations and rights to care for and support

1. Parents have the obligations and rights to jointly care for and raise their minor children or adult children who are disabled, have lost their civil act capacity, have no working capacity and no property to support themselves.
2. Children have the obligations and rights to care for and support their parents, especially when their parents fall sick, become senile or disabled; where a family has several children, the children must together care for and support their parents.

Article 37. Obligations and rights to educate children

1. Parents have the obligations and rights to educate their children, attend to and create conditions for their study.

Parents create conditions for their children to live in a happy and harmonious family environment, set good examples for their children in every aspect, work closely with the school and social organizations in educating their children.

2. Parents guide their children to select professions; respect their children's rights to select professions and participate in social activities.

3. When facing difficulties which cannot be solved by themselves, parents may request concerned agencies and organizations to assist in educating their children.

Article 38. Obligations and rights of or stepfathers, stepmothers and stepchildren

1. Stepfathers or stepmothers have the obligations and rights to look after, rear, care for, and educate cohabiting stepchildren according to the provisions in Articles 34, 36 and 37 of this Law.

2. Stepchildren have the obligations and rights to care for and support cohabiting stepfathers or stepmothers according to the provisions in Articles 35 and 36 of this Law.

3. Stepfathers, stepmothers and stepchildren must not ill-treat, persecute or hurt the honor of, one another.

Article 39. Representation for children

Parents are representatives at law of their minor children or adult children who have lost their civil act capacity, except for cases where the children have other persons as their guardians or representatives at law.

Article 40. Making compensation for damage caused by children

Parents must pay compensation for damage caused by their minor children or adult children who have lost their civil act capacity, as provided for in Article 611 of the Civil Code.

Article 41. Restrictions on father's and/or mother's rights toward their minor children

When fathers and/or mothers are sentenced for one of the crimes of deliberately infringing upon the health, dignity or honor of their children or commit acts of seriously breaching their obligations to look after, care for, rear and educate their children; dissipate property of their children; lead a debauched life; incite or force their children to act against law or social morality, the Court may, on the case-by-case basis, make decisions by itself or at the request of the individuals, agencies or organizations prescribed in Article 42 of this Law, to disallow such parents to look after, care for and educate their children or manage the personal property of their

children or act as their children's representatives at law for a time limit of between one and five years. The Court may also consider to shorten this time limit.

Article 42. People entitled to request the Court to restrict father's and/or mother's rights toward their minor children

1. Fathers, mothers or relatives of minor children have the right, as prescribed by the civil procedure legislation, to request the Court by themselves or propose the Procuracy to request the Court to restrict certain rights of fathers and/or mothers toward their minor children.

2. The Procuracy has the right, as prescribed by the civil procedure legislation, to request the Court to restrict certain rights of fathers and/or mothers toward their minor children.

3. The following agencies and organizations have the right, as prescribed by the civil procedure legislation, to request the Court by themselves or propose the Procuracy to request the Court to restrict certain rights of fathers and/or mothers toward their minor children:

a/ The child protection and care committees;

b/ The women's unions.

4. Other individuals, agencies and organizations have the right to propose the Procuracy to consider and request the Court to restrict certain rights of fathers and/or mothers toward their minor children.

Article 43. Legal consequences of the restrictions on the father's and/or mother's rights toward their minor children

1. Where either parent has his/her certain rights toward his/her minor children restricted by the Court, the other parent exercises her/his right to look after, rear, care for and educate the children, manage the children's personal property and acts as their representative at law.

2. Where both parents have their rights toward their minor children restricted by the Court, a guardian shall be assigned to look after, care for and educate the children and manage the children's personal property according to the provisions of the Civil Code and this Law.

3. Fathers and/or mothers who have their rights toward their minor children restricted by the Court still have to perform the obligations to rear their children.

Article 44. Children's right to have personal property

1. Children have the right to have personal property. A child's personal property includes property inherited or given solely to him/her, incomes from his/her labor, yields and profits arising from his/her personal property and other lawful incomes.

2. Children aged from full fifteen years or older and still living with their parents are obliged to

take care of their family's life; and contribute their incomes, if any, to meeting their family's essential needs.

Article 45. Management of children's personal property

1. Children aged from full fifteen years or older may manage by themselves or ask their parents to manage their personal property.
2. Personal property of children who are under fifteen years old or have lost their civil act capacity shall be managed by their parents. Parents may authorize other persons to manage their children's personal property.
3. Parents shall not manage their children's personal property if the persons giving or bequeathing under testament such property to their children have designated other persons to manage such property or in other cases prescribed by law.

Article 46. Disposition of minor children's personal property

1. Parents who manage their under-fifteen children's personal property have the right to dispose of such property in the interests of their children, taking into account the desire of the children if they are aged full nine years or older.
2. Children aged between full fifteen and under eighteen years shall have the right to dispose of their personal property; if the property is of big value or if used for business activities, the disposal thereof must be agreed upon by their parents.

Chapter V

RELATIONS BETWEEN PATERNAL GRANDPARENTS, MATERNAL GRANDPARENTS AND GRANDCHILDREN; AMONG SIBLINGS AND FAMILY MEMBERS

Article 47.

1. Paternal and maternal grandparents have the obligations and rights to look after, care for and educate their grandchildren, lead an exemplary life and set good examples for their grandchildren. Where the grandchildren are minor or adult but are disabled, have lost their civil act capacity, have no working capacity and no property to support themselves while having no one to support them as prescribed in Article 48 of this Law, their paternal and maternal grandparents shall be obliged to rear them.
2. Grandchildren have the duty to respect, care for and support their paternal and maternal grandparents.

Article 48. Obligations and rights of siblings

Siblings have the duty to love, care for and help one another; have the obligations and rights to help, protect as well as support one another in cases where they no longer have parents or their parents have no conditions to look after, rear, care for and educate their children.

Article 49. Relations among family members

1. Cohabiting family members are all obliged to care for and help one another, together care for their family life, contribute labor, money and other property to maintain their common life in proportion to their actual incomes and capabilities.

Family members are entitled to enjoy mutual care for and help. Their legitimate rights and interests are respected and protected by law.

2. The State encourages and creates conditions for different generations in families to care for and help one another in order to preserve and promote the fine traditions of the Vietnamese families.

Chapter VI

SUPPORT

Article 50. The supporting obligation

1. The supporting obligation is effected between fathers, mothers and children, among siblings, between grandparents and grandchildren, between husband and wife according to the provisions of this Law.

The supporting obligation must be neither substituted by another obligation nor transferred to other persons.

2. Where a person with the supporting obligation shirks the performance of such obligation, he/she shall be forced to perform his/her supporting obligation prescribed in this Law.

Article 51. One person supports several persons

Where a person supports several persons, the supporting person and the supported persons shall agree mutually upon the mode and extent of support appropriate to the actual income and capability of the supporting person and the essential needs of the supported persons; if they fail to reach an agreement thereon, they may request the Court to settle it.

Article 52. Several persons jointly support one or several persons

Where several persons share the same obligation to support one or several persons, they shall agree mutually upon the mode and level of support appropriate to the actual income and

capability of each supporting person and the essential needs of the supported person(s); if they fail to reach an agreement thereon, they may request the Court to settle it.

Article 53. Support level

1. The support level shall be agreed upon by the person(s) with the supporting obligation and the person(s) enjoying the support or the latter's guardian on the basis of the actual income and capability of the person(s) with the supporting obligation and the essential needs of the person(s) enjoying the support; if they fail to reach an agreement thereon, they may request the Court to settle it.

2. Where there exist plausible reasons, the support level may change. The change of the support level shall be agreed upon by the concerned parties; if they fail to reach an agreement thereon, they may request the Court to settle it.

Article 54. Mode of performing the supporting obligation

The support may be provided monthly, quarterly, biannually, annually or in lump sum.

The concerned parties may agree upon a change in the supporting mode or a pause of the support in cases where the person(s) with the supporting obligation falls into a strained economic circumstance, thus being unable to perform his/her supporting obligation; if they fail to reach an agreement thereon, they may request the Court to settle it.

Article 55. People entitled to request the performance of the supporting obligation

1. People enjoying the support or their guardians have the right, as prescribed by the civil procedure legislation, to request the Court by themselves or propose the Procuracy to request the Court to force the people who fail to voluntarily perform their supporting obligation to perform such obligation.

2. The Procuracy have the right, as prescribed by the civil procedure legislation, to request the Court to force the people who fail to voluntarily perform their supporting obligation to perform such obligation.

3. The following agencies and organizations have the right, as prescribed by the civil procedures legislation, to request the Court by themselves or to propose the Procuracy to request the Court to force the people who fail to voluntarily perform their supporting obligation to perform such obligation:

a/ The child protection and care committees;

b/ The women's unions.

4. Other individuals, agencies and organizations have the right to propose the Procuracy to consider and request the Court to force the people who fail to voluntarily perform their

supporting obligation to perform such obligation

Article 56. Father's, mother's obligations to support their children when they are divorced

When divorced, the fathers of mothers who do not directly raise their minor children or adult children who are disabled, have lost their civil act capacity or have no working capacity and no property to support themselves, have the obligation to support the children.

The level of support for children shall be agreed upon by the fathers and mothers, if they fail to reach an agreement thereon, they may request the Court to settle it.

Article 57. Children's obligation to support their parents

Adult children who no longer live with their parents are obliged to support their parents who have no working capacity and no property to support themselves.

Article 58. Obligation of mutual support among siblings

1. In cases where their parents are no longer alive or have no working capacity and no property to support their children, adult elder brothers and/or sisters who no longer live with their younger brothers and/or sisters are obliged to support their minor brothers or sisters who have no property to support themselves or adult younger brothers and/or sisters who have no working capacity and no property to support themselves.

2. Adult younger sisters and/or brothers who no longer live with their elder sisters and/or brothers are obliged to support their elder sisters and/or brothers who have no working capacity and no property to support themselves.

Article 59. The supporting obligation between grandparents and grandchildren

1. Grandparents who do not live with their grandchildren are obliged to support their grandchildren if the latter are minor or grown up but have no working capacity, no property to support themselves and have no one to support as prescribed in Article 58 of this Law.

2. Grandchildren who do not live with their grandparents are obliged to support their grandparents if the latter have no working capacity, no property to support themselves and have no one else to support as prescribed by this Law.

Article 60. The supporting obligation between husband and wife when divorced

When divorced, if the party facing with economic difficulties requests support with plausible reasons, the other party is obliged to support according to his/her capability.

Article 61. Termination of the supporting obligation

The supporting obligation terminates in the following circumstances:

1. The supported people have attained their adulthood and have the working capacity;
2. The supported people have incomes or property to support themselves;
3. The supported people are adopted;
4. The supporting people directly rear the supported people;
5. The supporting people or supported people die;
6. The supported people have remarried other people after divorce;
7. Other cases prescribed by law.

Article 62. Encouragement of organizations and individuals financial support

The State and society encourage organizations and individuals to provide support in cash or other property to families and individuals in extremely difficult and needy circumstances.

Chapter VII

DETERMINATION OF FATHERS, MOTHERS, CHILDREN

Article 63. Determination of fathers, mothers

1. Children born or conceived by the wife during the marriage period are common children of the husband and wife.

Children born before the marriage registration date and recognized by their parents are also common children of the husband and wife.

2. In cases where the fathers and mothers decline to recognize children, they must produce evidences which must be determined by the Court.

The determination of fathers and/or mothers for children born by means of scientific methods shall be stipulated by the Government.

Article 64. Determination of children

A person who is not recognized as father or mother of another person may request the Court to determine that person is his/her child.

A person who is recognized as father or mother of another person may request the Court to determine such person is not his/her child.

Article 65. The right to recognize fathers, mothers

1. Children have the right to claim their fathers and/or mothers, even when the fathers and/or mothers have died.
2. Grown-up children may claim their fathers without the consent of their mothers; may claim their mothers without the consent of their fathers.

Article 66. People entitled to request the determination of fathers and/or mothers for minor children or adult children who have lost their civil act capacity or determination of children for fathers and/or mothers who have lost their civil act capacity

1. Mothers, fathers or guardians have the right, as prescribed by the civil procedure legislation, to request the Court by themselves or propose the Procuracy to request the Court to determine fathers and/or mothers for minor children or adult children who have lost their civil act capacity or determine children for fathers and/or mothers who have lost their civil act capacity.
2. The Procuracy have the right, as prescribed by the civil procedure legislation, to request the Court to determine fathers and/or mothers for minor children or adult children who have lost their civil act capacity or determine children for fathers and/or mothers who have lost their civil act capacity.
3. The following agencies and organizations have the right, as prescribed by the civil procedure legislation, to request the Court by themselves or propose the Procuracy to request the Court to determine fathers and/or mothers for minor children or adult children who have lost their civil act capacity or determine children for fathers and/or mothers who have lost their civil act capacity:
 - a/ The children protection and care committees;
 - b/ The women's unions.
4. Other individuals, agencies and organizations have the right, as prescribed by the civil procedure legislation, to request by themselves the Court or propose the Procuracy to request the Court to determine parents for minor children or adult children who have lost their civil act capacity or determine children for fathers and/or mothers who have lost their civil act capacity.

Chapter VIII

ADOPTED CHILDREN

Article 67. Child adoption

1. Child adoption means the establishment of the parent-child relationship between the adopter and adoptee, ensuring that the adoptee will be looked after, reared, cared for and brought up in conformity with the social morality.

A person may adopt one or several persons as his/her adopted children.

The adopter and the adoptee have the rights and obligations of parents and children as prescribed by this Law.

2. The State and society encourage the adoption of orphaned, abandoned or disabled children.

3. It is strictly forbidden to abuse the child adoption to exploit the labor power, sexually assault or traffick in children or for other self-seeking purposes.

Article 68. Adoptees

1. Adoptees must be aged fifteen years or younger.

Those aged over fifteen years may be adopted if they are war invalids, disabled people or people who have lost their civil act capacity or if they are adopted by old, lonely people.

2. A person may only be adopted by one person or two persons being husband and wife.

Article 69. Conditions for adopters

Adopters must fully meet the following conditions:

1. Having full civil act capacity;

2. Being twenty years or more older than their adopted children;

3. Having good ethic qualities;

4. Having actual conditions to ensure the care for, support and education of their adopted children.

5. They must not be people who have certain parental rights toward minor children restricted or who have been sentenced for one of the crimes of deliberately infringing upon the life, health, dignity and honor of another person; ill-treating or persecuting their grandparents, parents, spouses, children, grandchildren and/or fosterers; inciting, forcing juvenile people to commit offenses or harboring juvenile offenders; trafficking in, fraudulently exchanging or abducting children; or the crimes of sexual abuse against children; committing acts of enticing and/or forcing their own children to act against law or social morality, but have not yet enjoyed criminal

record remission.

Article 70. Adoption of children by both the husband and wife

In cases where both husband and wife adopt a child, they must fully meet the conditions prescribed in Article 69 of this Law.

Article 71. Consent of natural parents, guardians and adoptees

1. The adoption of minor children or adults who have lost their civil act capacity must be consented in writing by such person's natural parents; if their natural parents have already died, lost their civil act capacity or cannot be determined, their guardians written consents are required.
2. The adoption of children aged full nine years or older must have the consent of such children.

Article 72. Child adoption registration

Child adoption must be registered with the competent State agencies and inscribed in the Civil Status Register.

The procedures for child adoption registration and hand-over of adopted children shall comply with the provisions of the civil status legislation.

Article 73. Refusal to register child adoption

Where one party or all parties involved fail to fully meet the conditions for adopting children or being adopted, the child adoption registration offices shall refuse to register and clearly explain the reasons therefore in writing; if natural parents, guardians or adopters disagree, they may lodge complaints according to the law provisions.

Article 74. Rights and obligations between adoptive parents and adopted children

Adoptive parents and adopted children have the parents and children's rights and obligations prescribed in this Law, as from the time the child adoption is registered.

Children of fallen heroes, war invalids or people with meritorious services to the revolution, who are adopted by other people, shall continue to enjoy all benefits of the children of fallen heroes, war invalids or people with meritorious services to the revolution.

Article 75. Change of family name, given name; determination of nationalities of adopted children

1. At the request of the adoptive parents, the competent State agencies shall decide the change of the family names and/or given names of their adopted children.

The change of the family names and/or given names of adopted children aged from full nine years or older must have their consents.

The change of the family names and/or given names of adopted children shall comply with the provisions of the civil status legislation.

2. The determination of adopted children's nationalities shall comply with the provisions in Article 30 of the Civil Code.

Article 76. Termination of child adoption

At the request of the persons defined in Article 77 of this Law, the Court may decide to terminate the adoption in the following circumstances:

1. Adoptive parents and the adopted children who have attained adulthood voluntarily terminate the adoptive relationship;
2. The adopted children are sentenced for one of the crimes of infringing upon the life, health, dignity and honor of their adoptive fathers and/or mothers; ill-treating, persecuting their adoptive fathers and/or mothers or committing acts of dissipating their adoptive fathers and/or mothers property;
3. The adoptive parents have committed the acts specified in Clause 3, Article 67 or Clause 5, Article 69 of this Law.

Article 77. Persons entitled to request the Court to terminate child adoption

1. The adopted children who have attained adulthood, their natural parents or guardians, their adoptive fathers and/or mothers have the right, as prescribed by the civil procedure legislation, to request the Court by themselves or propose the Procuracy to request the Court to decide to terminate the child adoption in the cases specified in Article 76 of this Law.
2. The Procuracy has the right, as prescribed by the civil procedure legislation, to request the Court to decide to terminate the child adoption in the cases specified at Points 2 and 3, Article 76 of this Law.
3. The following agencies and organizations have the right, as prescribed the civil procedure legislation, to request the Court by themselves or propose the Procuracy to request the Court to decide to terminate the child adoption in the cases specified at Points 2 and 3, Article 76 of this Law:
 - a/ The child protection and care committees;
 - b/ The women's unions.
4. Other individuals, agencies and organizations have the right to propose the Procuracy to

consider and request the Court to decide to terminate the child adoption in the cases specified at Points 2 and 3, Article 76 of this Law:

Article 78. Legal consequences of the termination of child adoption

1. When the child adoption is terminated by decision of the Court, the rights and obligations between adoptive parents and adopted children shall also terminate; if the adopted children are minors or adults who are disabled, have lost their civil act capacity, have no working capacity and no property to support themselves, the Court shall issue decisions to assign such persons to their natural parents or other individuals or organizations for care and support.

2. Where adopted children have personal property they are entitled to receive back such property; if adopted children contributed labor and efforts to the common property of their adoptive parents families, they are entitled to receive part of such common property according the agreement between the adopted children and their adoptive parents; if they fail to reach an agreement thereon, they may request the Court to settle it.

3. Where the child adoption terminates, at the request of the former adopted children or their natural parents, the competent State agencies shall decide on the former adopted children's reclaiming their family names, and/or names given by their natural parents.

Chapter IX

GUARDIANSHIP BETWEEN FAMILY MEMBERS

Article 79. Application of the guardianship legislation to family relations

Where a family member needs guardianship, the guardianship shall be effected in compliance with the guardianship provisions of the Civil Code and this Law.

Article 80. Guardianship of children by parents

Where both parents act as guardians of their adult children who have lost their civil act capacity, they have to together exercise the guardian's rights and perform the guardian's obligations. The fathers and mothers shall agree upon acting as representatives at law for their children in civil transactions in the interests of their children.

Article 81. Appointment of guardians by parents for their children

Where the parents are still alive but have no conditions to personally look after, rear, care for and educate their minor children and/or adult children who have lost their civil act capacity, they may appoint guardians for their children; the parents and the guardians shall agree upon the performance of part or whole of the guardianship by the guardians.

Article 82. Guardianship by stepchildren for their stepfathers or stepmothers

Where stepfathers or stepmothers have no guardians as prescribed in Article 72 of the Civil Code, stepchildren who are living with the stepfathers or stepmothers shall act as guardians if they are eligible for acting as guardians.

Article 83. Guardianship among brothers and sisters

1. Where a blood brother or sister needs to have a guardian, his/her brothers or sisters who have attained their adulthood and have civil act capacity shall agree upon the appointment of one of them, who is eligible, for acting as the guardian.

2. When deciding personal matters or property of a minor younger brother or sister, the elder brother or sister acting as the guardian of his/her younger brother or sister must consult his/her next of kin and the younger brother or sister, if he/she is aged full nine years or older.

Article 84. Guardianship between paternal grandparents, maternal grandparents and grandchildren

1. Where a grandchild needs to have a guardian and his/her paternal grandparents and maternal grandparents are eligible for acting as guardians, they shall agree upon the appointment of one of them to act as the guardian.

2. A grandchild who is eligible for acting as guardian must act as a guardian for his/her paternal grandparents and/or maternal grandparents if the grandparents have no children to rely on.

Chapter X

DIVORCE

Article 85. The right to request the Court to settle a divorce

1. Either spouse or both have the right to request the Court to settle their divorce.

2. Where the wife is pregnant or is nursing a under-12-month infant, the husband is not entitled to request a divorce.

Article 86. Encouragement of grassroots-level reconciliation

The State and society encourage the grassroots-level reconciliation when husband and/or wife apply for a divorce. The reconciliation shall comply with the legislation on grassroots-level reconciliation.

Article 87. Processing and handling of divorce applications

The Court processes and handles divorce applications according to the provisions of the civil

procedure legislation.

Where a couple who have not registered their marriage file an application for divorce, the Court shall process and handle the case and declare non-recognition of their spousal relation according to the provisions in Clause 1, Article 11 of this Law; any children- or property-related requests shall be dealt with according to Clauses 2 and 3, Article 17 of this Law.

Article 88. Reconciliation at the Court

After processing and handling a divorce application, the Court shall proceed with the reconciliation according to the provisions of the civil procedure legislation.

Article 89. Bases for permitting a divorce

1. The Court considers the divorce application, if deeming that the situation is serious, the couple can no longer live together and the marriage purposes cannot be achieved, the Court shall decide to permit the divorce.
2. Where the spouse of the person who has been declared missing by the Court applies for a divorce, the Court shall permit such divorce.

Article 90. Divorce by consent

Where both the husband and wife request a divorce and the reconciliation at the Court fails, if deeming that the two parties are really willing to divorce and have agreed upon the property division, the nursing, rearing, care for and education of their children, the Court shall recognize the divorce by consent and the agreement on property and children on the basis of ensuring the legitimate interests of the wife and children; if the husband and wife fail to reach an agreement or has reached an agreement which, however, fails to ensure the legitimate interests of the wife and children, the Court shall make decisions thereon.

Article 91. Divorce at the request of one party

When either spouse requests a divorce and the reconciliation at the Court fails, the Court shall consider and decide the divorce.

Article 92. The nursing, care for, education and raising of children after the divorce

1. After their divorce, the husband and wife are still obliged to look after, care for, educate and rear their minor children or adult children who are disabled, have lost their civil act capacity, have no working capacity and no property to support themselves.

The person who does not directly rear children is obliged to provide support for the children.

2. Husband and wife agree upon who shall directly rear their children, the rights and obligations of each party toward their children after divorce; if they fail to reach an agreement thereon, the

Court shall decide to assign one party to directly rear the children, on the basis of the children's interests in every aspect, if the children are aged full nine years or older, their aspirations must be taken into consideration.

In principle, all children under three years of age shall be assigned to their mothers for direct rearing, unless otherwise agreed upon by the two parties.

Article 93. Change of the person directly raising children after divorce

In the interests of children, at the request of one or both parties, the Court may decide to change the person directly raising the children.

The change of the person directly raising the children after divorce shall be effected in cases where such person fails to ensure the children's interests in all aspects, with the aspirations of children aged full nine years or older taken into consideration.

Article 94. The right to visit children after divorce

After divorce, the person who does not directly rear children has the right to visit the children; nobody is allowed to impede such person to exercise this right.

Where the person who does not directly raise the children abuses his/her visits to impede or badly affect the nursing, care for, education and rearing of the children, the person directly raising the children may request the Court to restrict such person's right to visit children.

Article 95. Principles of division of property upon divorce

1. Upon a divorce the division of property shall be agreed upon by the concerned parties; if they fail to reach an agreement thereon, they may request the Court to settle it. Personal property of one party shall belong to such party.

2. The division of common property is effected on the following principles:

a/ The common property of husband and wife shall, in principle, be halved, with due consideration given to each party's situation, the property status, each party's contributions to the creation, preservation and development of this property. The housework done in the family by the husband and/or wife is regarded as income-generating labor;

b/ The legitimate rights and interests of wife, minor children or adult children who are disabled, have lost their civil act capacity, have no working capacity and no property to support themselves, are protected;

c/ The legitimate interests of each party in their production, business and career activities are protected to provide them with conditions to continue their income-generating labor.

d/ The common property of husband and wife is divided in kind or according to its value; the

party who receives his/her property portion in kind which has a value bigger than the portion he/she deserves, he/she must pay the value difference to the other party.

3. The settlement of joint property obligations of the husband and wife is agreed upon by themselves; if they fail to reach an agreement thereon, they may request the Court to settle it.

Article 96. Division of property in cases where a couple divorce while living with the whole family

1. Where a couple divorce while living with the whole family, if their property cannot be determined separately from the whole family's common property, the wife or husband shall be divided part of the family's common property on the basis of the husband's and wife's contributions to the creation, preservation and development of the common property as well as the life of the whole family. The divorced couple and their family shall agree upon the portion divided from the whole family's common property; if they cannot reach agreement thereon, they may request the Court to settle it.

2. Where the couple live with the whole family and their property can be determined as a portion of the whole family's common property, such property portion of the couple, when they divorce, shall be extracted from the common property for division.

Article 97. Division of the husband's and/or wife's land use right when they divorce

1. The land use right solely owned by one party shall still belong to such party after divorce.

2. The divorced couple's common land use right is divided as follows:

a/ For agricultural land under annual crops or aquaculture, if both parties have the need and conditions to directly use the land, the land use right shall be divided according to their agreement; if they fail to reach an agreement thereon, they may request the Court to settle it according to the provisions in Article 95 of this Law.

Where only one party has the need and conditions to directly use the land, such party may continue to use the land but must pay to the other party the portion of the land use right value the latter is entitled to;

b/ Where husband and wife share the right to use agricultural land under annual crops or aquaculture with the whole household, when they divorce the couple's share of such land use right shall be separated for division according to the provisions at Point a of this Clause;

c/ For agricultural land under perennial trees, forestry land for forestation or residential land, the land use right is divided according to the provisions in Article 95 of this Law;

d/ The division of the right to use other categories of land shall comply with provisions of the land and civil legislation.

3. Where husband and wife live with the whole family and share no land use right with the whole household, when they divorce the interests of the party who does not have the land use right and does not continue to live with the family shall be settled according to the provisions in Article 96 of this Law.

Article 98. Division of a residential house jointly owned by husband and wife

Where a residential house jointly owned by husband and wife may be divided for use by each party, when they divorce, the house shall be divided under Article 95 of this Law; if the house is indivisible, the person who is allowed to continue using the house must pay to the other party the value he/she is entitled to.

Article 99. Settlement of the interests of divorced husband or wife where the residential house is under the private ownership of one party

Where the residential house being under private ownership of one party has been put to common use, when the couple divorce, such residential house still belongs to its owner who, however, must pay to the other party part of the house's value, depending on the latter's contributions to maintaining, upgrading, renovating and/or repairing the house.

Chapter XI

MARRIAGE AND FAMILY RELATIONS INVOLVING FOREIGN ELEMENTS

Article 100. Protection of the legitimate rights and interests of the parties to the marriage and family relations involving foreign elements

1. In the Socialist Republic of Vietnam, the marriage and family relations involving foreign elements are respected and protected in accordance with the provisions of the Vietnamese law and international agreements which the Socialist Republic of Vietnam has signed or acceded to.
2. In their marriage and family relations with Vietnamese citizens, foreigners in Vietnam enjoy the same rights and obligations like Vietnamese citizens, except otherwise provided for by the Vietnamese law.
3. The Socialist Republic of Vietnam State protects the legitimate rights and interests of Vietnamese citizens abroad in their marriage and family relations in accordance with the Vietnamese law, the host country's law and international laws and practices.
4. The provisions in this Chapter shall also apply to the marriage and family relations between Vietnamese citizens where one or both parties reside abroad.

Article 101. Application of foreign laws to the marriage and family relations involving foreign elements

Where this Law and other legal documents of Vietnam prescribe or the international agreements

which the Socialist Republic of Vietnam has signed or acceded to invoke, the invoked foreign law shall apply, if such application does not contravene the principles laid down in this Law.

Where a foreign law refers back to the Vietnamese law, Vietnam's marriage and family legislation shall apply.

Article 102. Competence to settle matters related to the marriage and family relations involving foreign elements

1. The People's Committees of the provinces and centrally-run cities effect the marriage registration, child adoption and guardianship involving foreign elements in accordance with the provisions of this Law and other Vietnamese law provisions.

The marriage registration, child adoption and guardianship between Vietnamese citizens residing in border areas and citizens of neighboring countries living in the areas bordering on Vietnam shall be stipulated by the Government.

2. The Vietnamese overseas diplomatic missions and consulates effect the marriage registration and settle matters related to child adoption and guardianship involving foreign elements in accordance with the provisions of this Law and other Vietnamese relevant law provisions and international agreements which the Socialist Republic of Vietnam has signed or acceded to, if such registration or settlement does not contravene the host country's law; have the responsibility to protect the legitimate rights and interests of Vietnamese citizens in the marriage and family relations involving foreign elements.

3. The People's Courts of the provinces and centrally-run cities annul illegal marriages, settle divorce cases, disputes over the rights and obligations of husband and wife, parents and children, recognition of fathers, mothers or or children, child adoption and guardianship, which involve foreign elements, consider the recognition or non-recognition of marriage and family-related judgements and decisions of the Court or other competent bodies of foreign countries in accordance with the provisions of this Law and other Vietnamese law provisions.

The People's Courts of rural districts, urban districts, provincial towns or cities where Vietnamese citizens reside annul illegal marriages, settle divorce cases, disputes over the rights and obligations of husband and wife, parents and children, recognition of parents, children, child adoption and guardianship between Vietnamese citizens residing in the border areas with citizens of neighboring countries living in the areas bordering on Vietnam according to the provisions of this Law and other Vietnamese law provisions.

Article 103. Marriage involving foreign elements

1. For marriages between Vietnamese citizens and foreigners, each party must abide by his/her country's legislation on the marriage conditions; if their marriage is effected at a Vietnamese competent State agency, the foreigner must also abide by the provisions of this Law on the marriage conditions.

The marriages between foreigners in Vietnam before the Vietnamese competent agencies must comply with the provisions of this Law on the marriage conditions.

2. It is strictly forbidden to take advantage of the marriages involving foreign elements to traffick in, sexually abuse against women or for other self-seeking purposes.

Article 104. Divorce involving foreign elements

1. Divorce between a Vietnamese citizen and a foreigner or between two foreigners permanently residing in Vietnam is settled according to the provisions of this Law.

2. Where a partner being a Vietnamese citizen does not reside in Vietnam at the time of requesting the divorce, the divorce shall be settled according to the law of the country where husband and wife permanently co-reside; if they do not have a permanent co-residence place, the Vietnamese law shall apply.

3. The settlement of a divorced couple's property being an immovable in a foreign country shall comply with the legislation of the country where such immovable is located.

4. Divorce judgements or decisions of foreign Courts or other foreign competent bodies shall be recognized in Vietnam according to the provisions of the Vietnamese law.

Article 105. Child adoption involving foreign elements

1. Foreigners apply to adopt Vietnamese children or foreign children permanently residing in Vietnam must abide by the provisions of this Law and of the law of the country where such foreigners are citizens regarding the conditions for child adoption.

Adoption of foreign children by Vietnamese citizens, which has been already registered at foreign competent bodies shall be recognized in Vietnam.

It is strictly forbidden to take advantage of child adoption to exploit the labor power of, sexually abuse against or traffick in, children, or for other self-seeking purposes.

2. Where a child adoption involving foreign elements is effected in Vietnam, the rights and obligations of the adoptive parents and the adopted children and the termination of the adoption shall comply with the provisions of this Law.

Where a child adoption is effected between Vietnamese citizens and foreigners in foreign countries, the rights and obligations of the adoptive parents and the adopted children and the termination of adoption shall comply with the law provisions of the country of residence of the adopted children.

Article 106. Guardianship in the marriage and family relations involving foreign elements

1. Guardianship in the marriage and family relations involving foreign elements effected in

Vietnam, guardianship already registered at overseas Vietnamese diplomatic missions or consulates must comply with the provisions of this Law and other Vietnamese law provisions.

2. Where the guardianship in the marriage and family relations between Vietnamese citizens and foreigners is effected in foreign countries, the rights and obligations of the guardian and ward shall comply with the law of the country of residence of the guardian.

Chapter XII

HANDLING OF VIOLATIONS

Article 107.

Those who breach the provisions on marriage conditions; obstruct the lawful marriages, forge papers for marriage registration or child adoption registration; ill-treat, persecute or hurt the honor and dignity of their grandfathers, grandmothers, fathers, mothers, spouses, children and other family members; abuse adoption to make illegal profits; fail to perform the supporting or guardianship obligations; or commit other acts of violating the marriage and family legislation, shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability; if causing any damage, they must pay compensation therefore.

Article 108. Handling law violations by people with positions and powers

Those who abuse their positions and powers to register marriages, child adoptions, determination of parents or children in contravention of law; violate regulations on competence or procedures for marriage registration and child adoption registration; fail to settle the requests to protect the legitimate rights and interests of family members or commit other acts of abusing their positions and powers to breach the marriage and family legislation, shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability, if causing any damage, they must pay compensation therefore.

Chapter XIII

IMPLEMENTATION PROVISIONS

Article 109. Implementation effect

This Law comes into force as from January 1

Handling of law violations in the marriage and family relations Obligations and rights of paternal and maternal grandparents toward their grandchildren

st, 2001.st, 2001.

This Law replaces the 1986 Marriage and Family Law.

The December 3, 1993 Ordinance on Marriage and Family Between Vietnamese Citizens and Foreigners ceases to be effective as from January 1

Article 110. Implementation guidance

The Government, the Supreme People's Court and the Supreme People's Procuracy shall, within their respective tasks and powers, guide the implementation of this Law.

This Law was adopted by the Socialist Republic of Vietnam's 10th National Assembly at its 7th session on June 9, 2000.

**THE NATIONAL
ASSEMBLY
CHAIRMAN**
(signed)

Nong Duc Manh