

TITLE II. Incapacitated Persons.

CHAPTER I.

MARRIED WOMEN

38. — The capacity of married women is governed by the Law on Family.

CHAPTER II.

MINORS.

I. — REPRESENTATION OF MINORS.

39. — The lawful representative of a minor is the person who exercises parental power over him or, in the absence of such person, his guardian.

1°. REPRESENTATION BY PARENT.

40. — The parental power belongs to the father.

41. — The parental power is exercised by the mother in any of the following cases:

1) if the father is unknown;

2) if the father is dead;

3) if the father is absent, or ill, or deprived of liberty, or otherwise unable to exercise his power ;

4) if the father has been deprived of his parental power by an order of the Court;

5) in case of divorce, if the minor is in the custody of the mother.

42. — If the parent who exercises parental power illtreats the minor or mismanages his property, or leads

TITLE II. Incapacitated Persons.

CHAPTER I.

MARRIED WOMEN.

38.—The capacity of married women is governed by the Law on Family.

CHAPTER II.

MINORS.

I.—REPRESENTATION OF MINORS.

39.—The lawful representative of a minor is the person who exercises parental power over him or, in the absence of such person, his guardian.

1°. REPRESENTATION BY PARENT.

40.—The parental power belongs to the father.

41.—The parental power is exercised by the mother in any of the following cases :

1) if the father is unknown ;

2) if the father is dead ;

3) if the father is absent, or ill, or deprived of liberty, or otherwise unable to exercise his power ;

4) if the father has been deprived of his parental power by an order of the Court ;

5) in case of divorce, if the minor is in the custody of the mother.

42.—If the parent who exercises parental power illtreats the minor or mismanages his property, or leads

a disreputable life, or has been sentenced to imprisonment for more than one year for an offence punishable under Book II. Titles 1, 5, 6, 7, 8 or 9 of the Penal Code, the Court may deprive him of his parental power on application of the Public Prosecutor or of any person interested.

43. — A person who has been deprived of his parental power may resume it by order of the Court if the reason for such deprivation ceases to exist.

2°. REPRESENTATION BY GUARDIAN.

44. — If, owing to the death of both parents or to any other cause, there is no parent who exercises parental power, the minor must be provided with a guardian.

45. — A guardian can be appointed by will of the parent who last exercised the parental power.

46. — If there is no guardian appointed by will or if the guardian appointed by will refuses the guardianship, the guardian shall be the person who assumes such position by voluntarily taking care of the person and property of the minor.

47. — If no person voluntarily assumes the guardianship, a guardian shall be appointed by the Court of its own motion or on application of the Public Prosecutor or of any interested person.

48. — The order of the Court appointing a guardian to a minor shall be published in the Government Gazette by the care of the Court.

49. — The Court shall appoint as guardian a person fit to take care of the person and property of the minor.

a disreputable life, or has been sentenced to imprisonment for more than one year for an offence punishable under Book II. Titles 1, 5, 6, 7, 8 or 9 of the Penal Code, the Court may deprive him of his parental power on application of the Public Prosecutor or of any person interested.

43.—A person who has been deprived of his parental power may resume it by order of the Court if the reason for such deprivation ceases to exist.

• 2°. REPRESENTATION BY GUARDIAN.

44.—If, owing to the death of both parents or to any other cause, there is no parent who exercises parental power, the minor must be provided with a guardian.

45.—A guardian can be appointed by will of the parent who last exercised the parental power.

46.—If there is no guardian appointed by will or if the guardian appointed by will refuses the guardianship, the guardian shall be the person who assumes such position by voluntarily taking care of the person and property of the minor.

47.—If no person voluntarily assumes the guardianship, a guardian shall be appointed by the Court of its own motion or on application of the Public Prosecutor or of any interested person.

• 48.—The order of the Court appointing a guardian to a minor shall be published in the Government Gazette by the care of the Court.

49.—The Court shall appoint as guardian a person fit to take care of the person and property of the minor.