Topic 5. Placing children without parental care . Civil status registration

Topic 5 of 16 · Semester 1

CONTENTS

1. Chapter
2. Summary
3. Cases (IRAC)
4. Quiz
5. Glossary
6. Timeline
7. Mind map
8. Walkthrough and diagram
9. Sources

Chapter

Protecting the rights of children and ensuring their harmonious upbringing in a family environment is one of the most important duties of the state. For various reasons in life, children may be deprived of parental care. In such situations, the state, acting through guardianship and trusteeship authorities and in the best interests of the child, applies alternative forms of placement. In this lesson, we will examine the main forms of placing children deprived of parental care — adoption, guardianship and trusteeship, as well as placement in a foster family. The specific legal conditions of each form, the rights and obligations of the parties, and the grounds for their termination will be analysed. In the second part of the lesson, we will familiarise ourselves with the foundations of registration of acts of civil status (civil registry office (FHDYO)), which legally certify significant events in human life. We will examine the procedure for registering events such as birth, death, and change of name and surname, as well as the boundary of powers between the courts and civil registry bodies in amending and cancelling records. This knowledge will serve as a firm foundation for future jurists in resolving family disputes.

AT A GLANCE

- 15 years — Age difference between adopter and adoptee (Family Code, art. 152)
- 10 years — Age at which child's consent is obtained (Family Code, art. 155)
- 1 month — Time limit for registering birth (Cabinet of Ministers Resolution No. 550)
- 3 days — Time limit for registering death (Family Code, art. 223)

5.1 Forms of Placement of Children Deprived of Parental Care

Protecting children deprived of parental care is one of the most important social duties of the state. According to legislation, children may be left without parental care for various reasons. These include the death of the parents, deprivation or restriction of parental rights, being declared legally incapacitated by a court, severe illness, or prolonged absence. A child is also deemed left without care if the parents evade rearing the children or protecting their rights and interests, including refusing to take the child back from educational, medical, or social protection institutions. In such cases, the protection of the rights and interests of children is assigned to guardianship and trusteeship authorities (Family Code, art. 148).

Guardianship and trusteeship authorities identify, register, and select alternative forms of placement for orphans and children deprived of parental care. Under legislation, organisations, chairs of citizens' assemblies, notaries, and other citizens are obliged to notify the guardianship and trusteeship authority within twenty-four hours of learning that a child is left without care. The authority must inspect the child's living conditions (primary assessment) within three working days and ensure the child's protection (Family Code, art. 149).

There are three main forms of alternative placement of children: adoption into a family, establishment of guardianship or trusteeship, and placement in a foster family. If placing the child in a family is not possible, the child is placed in institutions intended for orphans (Mehribonlik orphanages, medical institutions) (Family Code, art. 150).

Hypothetical example: Eight-year-old Anvar's parents died in a car accident. Neighbours immediately notified the mahalla chair about this. The mahalla chair informed the district guardianship and trusteeship authority within 24 hours. Specialists arrived within 3 days, assessed Anvar's situation, and temporarily took him into their care. Subsequently, Anvar's maternal aunt expressed her desire to take him under guardianship, and upon completing the relevant documentation, Anvar was placed into his aunt's family. Through this, the child's right to live in a family environment was ensured.

- When a child is left without care, the guardianship and trusteeship authority must be notified within 24 hours (Family Code, art. 149).
- The guardianship and trusteeship authority must inspect the child's conditions within 3 working days (Family Code, art. 149).
- Forms of placement: adoption, guardianship/trusteeship, foster family (Family Code, art. 150).

> **KEY INSIGHT**
> In placing a child, their best interests and safety are always given primary priority. A family environment is preferable to institutional care.

> **EXAM FOCUS**
> In examinations, the time limit for reporting a child left without care (24 hours) and the authority's inspection period (3 working days) are frequently tested.

5.2 Concept, Conditions, Procedure, and Legal Significance of Adoption

Adoption is the assimilation of another person's child to one's own child, and it is considered the most appropriate form of protecting the rights and interests of children deprived of parental care. Adoption is permitted only in respect of minor children and solely in their best interests. This process is carried out by the court in special proceedings, taking into account the opinion of the guardianship and trusteeship authorities (Family Code, art. 151).

Adoptive parents must be adults of full age. However, persons deprived of parental rights, declared legally incapacitated, convicted of serious crimes, or suffering from specified medical conditions cannot be adoptive parents. Furthermore, the age difference between the adoptive parent and the adoptee must not be less than 15 years (with exceptions for stepfathers/stepmothers or close relatives) (Family Code, art. 152).

The consent of a child who has reached the age of 10 is mandatory for adoption. If the child lives in the family of the adoptive parents and regards them as their parents, adoption may be effected without such consent (Family Code, arts. 155–156). The secrecy of adoption is protected by law, and criminal liability is established for disclosing it.

Hypothetical example: Rustam and Malika, having no children of their own, wished to adopt 5-year-old orphaned Jasur. After completing a specialised training course, they applied to the guardianship and trusteeship authority. The authority inspected their living conditions and issued a favourable opinion. During the judicial proceedings, the prosecutor and the guardianship and trusteeship authority participated and confirmed that Jasur's interests were secured. By court decree, Jasur became their lawful child, and this information was ordered to be kept strictly confidential.

- Adoption is carried out exclusively in respect of minors through the courts (Family Code, art. 151).
- The age difference between the adoptive parent and the adoptee must be at least 15 years (Family Code, art. 152).
- The consent of a child who has reached 10 years of age is required for adoption (Family Code, art. 155).
- The secrecy of adoption is protected by law (Family Code, art. 153).

> **COMMON PITFALL**
> Common error: Believing that siblings may be adopted by different persons. Under the law, separating siblings is not permitted, except where the paramount best interests of the child so require.

> **COMPARE**
> Adoption differs from guardianship: in adoption, legal kinship relations are established, whereas in guardianship, only legal representation is created.

5.3 Legal Consequences of Child Adoption

The legal consequences of adoption are far-reaching, bringing about changes that affect the child's entire life. Adopted children are equated in all personal and property rights to the biological children of the adopter. At the same time, the adoptees and their biological parents (and parental relatives) lose their personal and property rights in relation to each other and are released from mutual obligations.

However, legislation also provides for exceptional circumstances that protect the

child's interests. If a child is adopted by a single person, the child's personal and property rights may be retained in relation to the mother at her request if the adopter is male, or in relation to the father if the adopter is female. Furthermore, if the child's father or mother has died, kinship relations may be preserved at the request of the deceased parent's parents (grandfather or grandmother), if the child's interests so warrant.

Within 10 days of the court decree on adoption entering into legal force, the civil registry office (FHDYO) enters the necessary changes into the register of births. The adopters may be registered as the child's parents in the birth register. The child's surname, first name, patronymic, and even date of birth (with a variance of no more than 1 year) may be modified.

Hypothetical example: Seven-year-old Umida's father had died, and her mother was deprived of parental rights. Umida was adopted by her maternal aunt Nargiza. By court decree, Umida's ties (personal and property rights) with her late father's mother were preserved, as this was in Umida's interests. At the civil registry office (FHDYO), Nargiza changed Umida's surname to her own and had herself recorded as the lawful mother.

- Adoptees are equated in all rights to biological children.
- Rights and obligations with biological parents are terminated, except in specific cases.
- The timing of adoption takes effect from the date the modification is entered in the civil registry office (FHDYO) register.
- The date of birth may be altered with a variance of no more than 1 year.

> **KEY INSIGHT**
> If an adopted child has the right to a pension or allowance for the loss of a breadwinner, they retain this right even after adoption.

> **CASE LINK**
> Practical example: If an adopted child later claims an inheritance from their biological parents, this right is, as a rule, extinguished (unless the preservation of kinship relations was specifically stipulated in the court decree).

5.4 Revocation of Adoption. Grounds for Revocation of Adoption

Although adoption is definitive and permanent in nature, the legislation specifies grounds for its revocation in order to safeguard the interests of the child. Revocation of adoption is carried out exclusively through judicial proceedings. In resolving cases concerning the revocation of adoption, the opinion of a child who has attained the age of 10 is mandatorily taken into account.

Adoption must be revoked in the following cases: where the adoptive parents evade or fail to properly perform their assigned duties; where they abuse parental rights; where they treat the child cruelly; or where they suffer from chronic alcoholism or drug addiction. The court may also revoke adoption on other grounds guided by the best interests of the child. If the conduct of the adoptee poses a threat to the life or health of the adopters, revocation is also permitted after the adoptee reaches full age.

Upon revocation, the rights and obligations between the adoptee and the adopters are terminated. By court decree, the child is returned to their biological parents or transferred to the care of the guardianship and trusteeship authorities. The court also resolves the matter of preserving the child's surname and given name (the surname of a child who has reached 10

years of age is changed only with their consent).

Hypothetical example: The family that adopted 12-year-old Botir treated him cruelly and prevented him from attending school. Schoolteachers notified the guardianship and trusteeship authority. The authority filed a lawsuit in court. Having heard Botir's views, the court revoked the adoption. Botir was transferred to the care of the guardianship and trusteeship authority, and upon his request, his original surname was restored.

- Revocation of adoption is effected exclusively by judicial procedure.
- Grounds for revocation: failure to perform duties, cruelty, chronic alcoholism, and others.
- The opinion of a child who has reached 10 years of age is taken into account upon revocation.
- Upon revocation, the child is returned to biological parents or transferred to the guardianship authority.

> **EXAM FOCUS**
> Examinations often ask who may petition for the revocation of adoption: the biological parents, the prosecutor, the guardianship and trusteeship authority, the commission on children's issues, and the child themselves upon reaching 16 years of age.

> **COMMON PITFALL**
> Misconception: Believing that adoption can be revoked at any time through the civil registry office (FHDYO). In reality, this is done solely through the courts, where strict statutory grounds exist.

5.5 Guardianship and Trusteeship in Respect of Children: Concept and Legal Significance

Guardianship and trusteeship is an important legal institution for protecting children deprived of parental care, as well as citizens declared legally incapacitated or with restricted legal capacity. Although these two concepts are similar, they differ according to the child's age and degree of legal capacity. According to the UN Convention on the Rights of the Child, a child deprived of their family environment has the right to special protection and assistance provided by the state.

Guardianship is established for the maintenance, upbringing, and protection of the rights of orphans and children deprived of parental care who have not attained 14 years of age, as well as citizens declared legally incapacitated by a court.

Trusteeship is established in respect of orphans and children deprived of parental care between the ages of 14 and 18, as well as individuals whose legal capacity has been restricted by a court.

The legal significance of guardianship and trusteeship lies in creating the necessary material, moral, and legal conditions for the child to develop into a full-fledged member of society. Guardians and trustees are legal representatives of the child, safeguarding all their rights in courts and before other administrative bodies.

Hypothetical example: Ten-year-old Alisher and his 15-year-old brother Bobur were left unattended after their parents went abroad for long-term employment. The guardianship and trusteeship authority appointed their paternal uncle Dilshod as responsible for the children. In this case, guardianship was established over 10-year-old Alisher, and trusteeship over 15-year-old Bobur. Dilshod is now legally responsible for their education and healthcare.

- Guardianship is established over children under 14 years of age.
- Trusteeship is established over children aged 14 to 18 years.
- Guardians and trustees are the legal representatives of the child.

• Objective: to provide maintenance, upbringing, education, and protection of rights for the child.

COMPARE

The main distinction between guardianship and trusteeship lies in the age threshold: under 14 years – guardianship; aged 14 to 18 – trusteeship. In addition, a guardian concludes transactions on behalf of the child, whereas a trustee gives consent to transactions concluded by the minor.

KEY INSIGHT

No natural or legal person other than the guardianship and trusteeship authorities is entitled to arrange the placement of children independently.

5.6 Guardianship and Trusteeship Authorities. Establishment of Guardianship and Trusteeship. Guardians (Trustees) of Children. Rights of Children under Guardianship or Trusteeship

The system of state bodies operating in the field of guardianship and trusteeship includes the Cabinet of Ministers, the Ministry of Preschool and School Education, the Ministry of Health, and local government bodies. In practice, this duty is discharged by the Child Protection Branches (Inson Social Services Centres) under district (city) khokimiyats. They identify and register children and adopt measures to safeguard their property.

Guardians and trustees are selected based on strict requirements. They are obligated to create conditions for the child's upbringing, health, and education, preserve their property, and take measures to recover maintenance (alimony), pensions, and other payments. Guardians and trustees may carry out actions such as selling or donating the child's property only with the prior written permission of the guardianship and trusteeship authority.

Children under guardianship and trusteeship have the right to receive maintenance, pensions, and allowances due to them, to retain property rights to residential premises, and to maintain contact with their parents and relatives. The child has the right to express their opinion when matters affecting their interests are being decided.

Hypothetical example: Thirteen-year-old Kamola's parents died, and her maternal aunt was appointed her guardian. Kamola holds ownership of a flat left by her parents. Her aunt wanted to sell this flat to purchase a car for herself. However, under the law, a guardian may sell a child's property only with the written authorisation of the guardianship and trusteeship authority and solely in the child's best interests. The authority refused permission for this sale, thereby protecting Kamola's property rights.

• Guardianship and trusteeship activities are carried out by Child Protection Branches of local authorities.
• A guardian is obliged to ensure the child's education, health, and preservation of property.
• Disposal of the child's property is permitted only with the authorisation of the guardianship authority.
• The child is entitled to receive social benefits due to them and to retain housing rights.

EXAM FOCUS

The duties of a guardian and trustee include notifying the guardianship and trusteeship authority of any change of residence and submitting an annual report on their activities.

CASE LINK

If a guardian violates the child's rights or squanders their property, the guardianship authority removes them from their duties and raises the question of bringing them to liability.

5.7 Termination of Guardianship and Trusteeship

Guardianship and trusteeship are terminated according to statutory procedure upon the occurrence of specified legal facts. This process depends on the child's age, change of legal status, or other objective grounds.

Guardianship is terminated in the following cases:
- When the ward reaches 14 years of age (in this case, guardianship automatically transforms into trusteeship without requiring a separate decree);
- When the child is returned to their parents;
- When the child is adopted;
- Upon the death of the ward.

Trusteeship is terminated in the following cases:
- When the ward attains full age (reaches 18 years of age);
- When the child is returned to their parents or adopted;
- When the minor is declared fully capable (emancipation);
- When the ward enters into marriage;
- Upon the death of the ward.

Furthermore, if a guardian or trustee fails to perform their duties properly, abuses their rights, or leaves the child unattended, the guardianship and trusteeship authority relieves them of their duties. This circumstance also leads to the termination of guardianship.

Hypothetical example: Seventeen-year-old Nodir lived under the trusteeship of his paternal uncle. Nodir began engaging in entrepreneurial activity and was declared of full legal capacity (emancipated) by decision of the local authority. From that date, his uncle's trusteeship duties were terminated by law, as Nodir acquired the capacity to independently exercise his rights and perform obligations.

- Guardianship is terminated when the child reaches 14 years of age and transitions into trusteeship.
- Trusteeship is terminated when the child reaches 18 years of age, enters into marriage, or is emancipated.
- If the child is returned to parents or adopted, guardianship/trusteeship is terminated.
- If a guardian fails to discharge their duties, they are compulsorily removed.

COMMON PITFALL

Common error: Assuming that when a child reaches 14 years of age guardianship terminates and they become entirely independent. In fact, guardianship terminates and automatically converts into trusteeship.

KEY INSIGHT

A minor's lawful entry into marriage confers full legal capacity upon them; therefore, trusteeship is terminated immediately.

5.8 Requirements for Foster Parents Taking a Child into Upbringing. Child (Children) Placed into a Family for Upbringing

Placing children into a family for upbringing (patronage or foster family) is an important form of ensuring that children deprived of parental care are raised in a family environment rather than in institutions. Under the Family Code, children residing in educational, medical, and social protection institutions may

be placed into foster families for upbringing. Placing children who have reached the age of 10 into a family is carried out only with their consent.

Strict requirements are imposed on persons wishing to become foster parents. Adults of both sexes may become foster parents, with the exception of the following: persons declared legally incapacitated by a court, those deprived of parental rights, persons previously convicted of intentional crimes, individuals removed from guardianship duties, and persons whose state of health prevents them from raising a child.

The selection of foster parents and the matching of the child to them are conducted by guardianship and trusteeship authorities. The living conditions of the person taking the child into upbringing and the health of their family members are inspected in advance.

Hypothetical example: Forty-five-year-old teacher Dilbar wished to take 11-year-old Zarina, who was being raised in a Mehribonlik orphanage, into her family for upbringing (under patronage). The guardianship and trusteeship authority inspected Dilbar's home conditions, income, and clean criminal record. In addition, Zarina's consent to enter this family was sought (as she was over 10 years of age). Once all conditions were met, Zarina was placed into Dilbar's family for upbringing.

- The consent of a child who has reached 10 years of age is mandatory for placement into a foster family (Family Code, Chapter 22).
- Persons convicted of intentional crimes or deprived of rights cannot become foster parents.
- The selection of foster parents is carried out by the guardianship and trusteeship authority.
- The child's future living conditions and the family's health are strictly inspected in advance.

> **COMPARE**
> Difference between adoption and foster care: in adoption, the child becomes a lawful child and an heir. In a foster family, the parents act only as temporary carers (guardians) and receive a monthly state allowance.

> **EXAM FOCUS**
> The number of children raised in a family-type children's home must not exceed 5. Together with biological children, the total number of children must not exceed 8.

5.9 Agreement on Placing a Child (Children) into a Family for Upbringing. Material M aintenance of Persons Taking Children into Upbringing. Early Termination of the Ag reement

Placing children into a family for upbringing is effected on the basis of a special agreement concluded between the guardianship and trusteeship authority and the foster parents. This agreement clearly specifies the conditions of maintenance, upbringing, and education of the child, the rights and duties of the foster parents, as well as the obligations of the state authority. Foster parents possess the rights and duties of a guardian in respect of the child.

The state provides material support to foster families. When the child is placed into the family, a lump-sum clothing and footwear provision is made, and a monthly allowance established by legislation is paid for the child's maintenance. The guardianship and trusteeship authority exercises ongoing supervision over the foster family: after placement, planned monitoring is conducted once during the initial three months, and subsequently at least twice a year.

If the foster

parents fail to perform their obligations, violate the child's rights, or harm their health, the agreement is terminated prematurely. The guardianship and trusteeship authority immediately removes the child from the family and takes measures to hold the foster parents liable.

Hypothetical example: A family taking 9-year-old Temur into their care as foster parents received a monthly state allowance. However, during an unannounced inspection, officers of the guardianship and trusteeship authority discovered that Temur was not attending school and that the funds allocated for him were being expended on other household needs. The guardianship authority immediately terminated the agreement prematurely, relocated Temur to a safe environment, and initiated legal proceedings against the family for misusing funds.

- The process is formalised by an agreement between the guardianship authority and the foster parents.
- A monthly allowance is paid by the state to the foster family for the child's maintenance.
- The guardianship authority conducts planned monitoring of the family once in the first 3 months, then at least twice a year.
- Upon breach of obligations, the agreement is terminated and the child is removed from the family.

> **CASE LINK**
> During monitoring, not only material conditions but also the child's adaptation to the family, emotional state, and the safeguarding of their rights are assessed comprehensively.

> **COMMON PITFALL**
> The material maintenance is not the personal income of the foster parent; it must strictly be spent on the child's needs (food, clothing, education).

5.10 Registration of Acts of Civil Status

Acts of civil status (civil registry office (FHDYO)) represent the certification by competent state bodies of significant events and facts in citizens' lives, such as birth, death, marriage, and divorce. These records directly influence the arising, alteration, or termination of personal rights and obligations. Civil registry bodies maintain civil status registers, issue certificates bearing the state coat of arms, and introduce amendments, corrections, or additions to records.

One of the most important registrations is the registration of birth. A child's birth must be registered within 1 month from the date of birth at the civil registry office (FHDYO) of the place of birth or the permanent place of residence of one of the parents. To register, a certificate issued by a medical institution and documents verifying the identity of the parents are submitted. Registration of death, on the other hand, must be effected no later than 3 days after receipt of the medical death certificate (Family Code, art. 223).

Civil registry bodies also review matters regarding the change of given name, surname, and patronymic. This right may be exercised by citizens who have attained 16 years of age. Upon submission of an application, an investigation is conducted by internal affairs bodies. The introduction of amendments and corrections into civil status records is carried out by the civil registry office (FHDYO) where sufficient grounds exist and there is no dispute. If a dispute arises or serious discrepancies are identified in the records, the matter is resolved exclusively through judicial proceedings (Family Code, art. 228).

Hypothetical example: Citizen Sanjar reached 16 years of age

and decided to change his name to "Sarvar" prior to receiving his passport. He submitted an application and his birth certificate to the civil registry office (FHDYO). The civil registry office forwarded the documents to the internal affairs bodies. Within 20 days, the internal affairs bodies provided a favourable conclusion. The civil registry office then amended Sanjar's record and issued him a new certificate bearing the name "Sarvar".

- Birth must be registered within 1 month from the date of the child's birth.
- Death is registered within 3 days after receipt of the medical certificate (Family Code, art. 223).
- Change of given name and surname is effected from age 16 on the basis of an internal affairs opinion.
- In contentious cases, amending and cancelling records is resolved exclusively through the courts.

> **EXAM FOCUS**
> Examinations test the division of jurisdiction between the civil registry office and the court: in the absence of a dispute, the civil registry office makes changes independently; if there is a dispute or a serious discrepancy is identified, cancellation is effected solely by court decision.

> **KEY INSIGHT**
> Birth and death must also be registered for stillborn children or children dying in their first week of life (perinatal death).

KEY TAKEAWAYS

1. In placing children deprived of parental care, their best interests and safety are given priority.
2. The primary forms of alternative child placement: adoption, guardianship/trusteeship, and foster family.
3. Adoption is carried out exclusively in respect of minors through judicial proceedings and is kept strictly confidential.
4. The consent of a child who has reached 10 years of age is mandatory for adoption, placement in a foster family, and alteration of surname and given name.
5. Guardianship is established for children under 14 years, and trusteeship for children aged 14 to 18 years.
6. An agreement is concluded between the state and the foster family, and a monthly allowance is paid for the child's maintenance.
7. Civil registry offices (FHDYO) register births (within 1 month) and deaths (within 3 days); these records determine the legal status of an individual.
8. Amendments to civil registry records are made by the civil registry office in the absence of a dispute, and by the court where a dispute exists.

Summary

During this lesson, comprehensive legal knowledge was provided on the protection of children deprived of parental care and the forms of their alternative placement. Primary focus was directed at ensuring the best interests of the child, with an analysis of the legal nature of the institutions of adoption, guardianship and trusteeship, as well as placement in a foster family. The rules of judicial oversight, voluntary consent of the child, and preservation of the secrecy of adoption in the adoption process were examined. The role of guardianship and trusteeship authorities in identifying, registering, and protecting the rights of children was elucidated in detail. Furthermore, the foster family agreement, its terms, and matters of material maintenance were reviewed. In the final part of the lesson, the system of registration of acts of civil status (civil registry office (FHDYO)), particularly the procedures for registering births and deaths, changing given names and surnames, amending, restoring, and cancelling records were explained. The jurisdictional boundaries of civil registry bodies and the courts were distinguished using clear examples. This knowledge provides students with practical skills in the field of family and inheritance law, serving as a solid theoretical foundation for future work in protecting children's rights and handling civil status documents.

KEY PRINCIPLES

1. The best interests of the child take precedence in any decision.
2. The family environment is the most appropriate and preferable form of raising a child.
3. Adoption is carried out exclusively through judicial procedure and under strict confidentiality.
4. Obtaining the consent of a child who has reached 10 years of age is mandatory in decisions concerning their personal life.
5. The state continuously supervises children's rights through guardianship and trusteeship authorities.
6. Civil registry records legally certify an individual's civil rights and obligations.

> #### KEY TERMS
> Adoption · Guardianship · Trusteeship · Foster family · Patronage · Civil registry office (FHDYO) · Act record · Emancipation · Primary assessment · Establishment of paternity

EXAM CHECKLIST

- Can you list the 3 main forms of placing children deprived of parental care?
- Can you explain the grounds for revoking adoption and its legal consequences?
- Do you know the distinctions between guardianship and trusteeship regarding age and legal representation?
- Can you explain the agreement concluded with a foster family and the procedure for material maintenance?
- Do you know the statutory time limits established for registering births and deaths?
- Can you distinguish when an application must be made to court when amending civil registry records?

Cases (IRAC)

Case 1 · Informal Care and the Child's Property

FACTS

Thirteen-year-old Sardor's mother has died, and his father is serving a custodial sentence. Sardor's paternal aunt took him to her house and has been caring for him without formalising legal guardianship. An apartment was inherited by the child from his mother. The aunt planned to sell the apartment and use the proceeds to extend her own house and allocate a separate room for Sardor. The notary requested documents confirming her authority to act on behalf of the child. The aunt presented only the father's simple written consent.

ISSUE

Does informal care give rise to legal representation, and how is a conflict of interest prevented when selling a child's property?

RULE

Pursuant to Family Code, arts 148 and 149, the identification, registration, and placement of children deprived of parental care are carried out exclusively by guardianship and trusteeship authorities. The arbitrary taking of a child by other persons, including relatives, does not give rise to legal representation. Once guardianship is established over a child, the guardian is obliged to protect the child's property rights. Under the legislation on guardianship and trusteeship, transactions such as the sale, exchange, or gift of a child's immovable property may be carried out solely with the prior written permission of the guardianship and trusteeship authority. Furthermore, no conflict of interest between the guardian and the child is permitted; namely, the guardian is strictly prohibited from selling the child's property and expending the proceeds on their personal needs or on extending their own property.

ANALYSIS

1) The fact that the child de facto resides with his aunt does not automatically generate legal representation. The father's imprisonment serves as a ground for recognising the child as deprived of parental care. In order to become a legal representative, the aunt must apply to the guardianship and trusteeship authority and be officially appointed as guardian. The father's simple written consent cannot serve as a sufficient basis for a notary. 2) Permission from the guardianship and trusteeship authority is required to sell the child's immovable property. In granting permission, the authority examines solely the best interests of the child, ensuring that the proceeds from the sale of the property will be spent on the child's needs or on acquiring other property in the child's name. The aunt's intention to sell the child's flat and expand her own house is an obvious conflict of interest. Although she promises to allocate a separate room to the child, the ownership title would pass from the child to the aunt, which infringes upon the child's property rights. 3) The notary's refusal to certify the transaction in order to preserve the child's property is lawful and proper. The guardianship and trusteeship authority must oversee the aunt's

actions, ensuring that the funds are transferred to a special account opened in the child's name or that the inviolability of the property is guaranteed.

CONCLUSION

In conclusion, the notary's demand is entirely lawful. The aunt cannot act on behalf of the child without having formal guardianship established. Even if appointed as guardian, she is not entitled to sell the child's flat and expend the proceeds on extending her own house, as this violates the child's property rights and gives rise to a conflict of interest.

DISCUSSION QUESTIONS

1. Does the fact that a child de facto resides with a relative generate legal representation, and what must be verified to formalise guardianship?
2. How are the authorisation of the competent authority, the child's interests, and the representative's conflict of interest evaluated when selling a child's immovable property?
3. What legal measures must be taken to preserve the child's property and oversee the aunt's actions?

Family Code of the Republic of Uzbekistan (30.04.1998) — https://lex.uz/docs/104720

Law 'On Guardianship and Trusteeship', No. LRU-364 (02.01.2014) — https://lex.uz/docs/2307828

Case 2 · Separation of Siblings and Choice of Form of Placement

FACTS

Brothers aged seven and twelve, who were left without parental care, were placed temporarily. A married couple wishing to adopt expressed willingness to adopt only the younger boy. The children's maternal aunt wishes to bring up both, but does not own a house and lives in rented accommodation. The elder boy stated that he does not want to be separated from his younger brother and wishes to live with his aunt. The responsible officer proposed prioritising the request of the married couple, who had better financial circumstances.

ISSUE

Is it permissible to separate siblings upon adoption, and what legal significance do the child's opinion and the relative's financial circumstances hold?

RULE

Pursuant to Family Code, art. 151, the adoption of brothers and sisters by different persons is not permitted, except in cases where adoption corresponds to the paramount best interests of the children. Furthermore, Family Code, art. 154 provides that in adoption, the child's relatives and persons adopting children without severing the kinship ties between them have a preferential right. To adopt a child who has attained the age of ten, or to transfer them to other forms of placement, the child's consent is required (Family Code, art. 155). Although financial circumstances are an important factor in placing children, they do not take precedence over paramount principles such as preserving blood ties and the child's voluntary consent.

ANALYSIS

1) Placing siblings together is protected by law. Separating them is permitted only when it corresponds to their best interests. In this situation, the bond between the children is strong, and the opinion of the 12-year-old child has decisive legal significance. It is not permissible to separate the child or transfer him to another person without the consent of a child over ten years of age. 2) The aunt's residence in rented accommodation does not serve as a ground for automatically rejecting her candidacy. Legislation grants relatives a preferential right. If the aunt's material conditions are insufficient for adoption, the guardianship and trusteeship authority should consider placing the children with her under guardianship and trusteeship or under a foster family (patronage) contract. Under these forms, the state provides material assistance (an allowance) to the aunt to maintain the children. 3) Upon adoption, rights and duties equivalent to blood kinship arise between the child and the adopter, and it is formalised through judicial proceedings. Guardianship, trusteeship, and foster family placement are temporary forms of representation, formalised on the basis of a decision of the guardianship authority or a contract, and state financial support may be provided.

CONCLUSION

The responsible officer's proposal to select an unrelated married couple with better financial circumstances and separate the brothers is unlawful. Preserving the relationship between the children and taking into account the wishes of the 12-year-old child is mandatory. The correct legal solution is to keep the children together by formalising guardianship or a foster family contract with the aunt.

DISCUSSION QUESTIONS

1. What legal significance do the joint placement of siblings, the bond between the children, and their views hold?
2. Does the aunt living in rented accommodation serve as a ground for automatically rejecting her candidacy, and what forms of placement may be considered?
3. How do the legal consequences and formalisation procedures of adoption, guardianship/trusteeship, and foster family placement differ?

Family Code of the Republic of Uzbekistan (30.04.1998) — https://lex.uz/docs/104720

Case 3 · Correction of a Birth Record or Contesting Paternity

FACTS

In sixteen-year-old Diyora's birth certificate, her father's name is indicated as «Anvar», whereas her passport details state «Anvarjon». The mother applied to the civil registry office (FHDYO), requesting not only the correction of the name but also the entry of another person as the child's father. She stated that the previous record had been «entered incorrectly». The person recorded as the father in the civil status record opposed this. The civil registry officer proposed resolving both requests as a simple technical correction.

ISSUE

What is the legal boundary between correcting a technical error in a birth record and contesting paternity, and which authority resolves these disputes?

RULE

Pursuant to Family Code, arts 226 and 228, amendments, corrections, and additions to civil status records are made by the civil registry office (FHDYO) where there are sufficient grounds and no dispute between interested persons. If there is a technical error in the given name or surname, it is rectified on the basis of documents. However, altering information concerning a child's father is a legal matter of filiation. If the person recorded as the father in the civil status record objects to the cancellation or amendment of this entry, a dispute as to a right arises. Such disputes do not fall within the competence of the civil registry office (FHDYO) and must be heard exclusively in judicial proceedings upon a statement of claim for the establishment or contestation of parental rights.

ANALYSIS

1) Correcting a technical error in a given name (aligning Anvar with Anvarjon in accordance with passport data) falls within the direct competence of the civil registry office (FHDYO), as there is no dispute regarding the person's identity, but merely a literal discrepancy in the documents. However, replacing the entry concerning the father with an entirely different person is a serious legal action that alters personal rights and obligations (for instance, the obligation to pay maintenance, inheritance rights) and can never be treated as a simple technical correction. 2) Technical matters where there is no dispute as to a right (rectifying an error in a name) are resolved administratively by the civil registry office (FHDYO). However, because the person designated as father in the existing record objects, the contestation of paternity must be resolved exclusively through court proceedings in civil cases. The civil registry officer must strictly refuse the request to alter paternity and explain to the parties their right to apply to court. 3) Since Diyora has attained the age of sixteen, any changes to be introduced into her birth record, in particular establishing paternity or changing a name, must be carried out with her voluntary consent. The court and civil registry authorities are guaranteed by law to prioritise the child's best interests, hear her opinion directly, and ensure the participation of all interested persons in the court hearing.

CONCLUSION

The civil registry officer's proposal to accept both requests as technical corrections is entirely incorrect. The error in the name may be corrected by the civil registry office (FHDYO); however, since there is a dispute regarding the alteration of paternity, this matter must be resolved exclusively through the courts. The consent of sixteen-year-old Diyora is mandatory in both procedures.

DISCUSSION QUESTIONS

1. How do the legal grounds for correcting an error in a name differ from altering the record concerning the father?
2. Where a dispute as to a right exists, which matter must be resolved by the civil registry office (FHDYO) and which through judicial proceedings?
3. How should the child's rights, her opinion, and the participation of interested persons be ensured during the examination of the application?

Family Code of the Republic of Uzbekistan (30.04.1998) — https://lex.uz/docs/104720

Cabinet of Ministers Resolution No. 550 (20.10.2023) — https://lex.uz/docs/6638940

Case 4 · Lost Archives and Two Birth Records

FACTS

Part of a district archive was lost in a fire. Citizen Feruza applied for the restoration of her birth record, presenting school records and a copy of her old certificate. During the check, another record was discovered in another district in which her surname differed by one letter and her date of birth differed by three days. In order to obtain a passport more quickly, Feruza asked for a new birth record to be drawn up. The civil registry officer proposed cancelling the discovered record herself and entering a new one.

ISSUE

Does the cancellation of a differing record discovered in place of a lost archive and the creation of a new one fall within the competence of the civil registry office (FHDYO)?

RULE

Pursuant to Family Code, arts 230 and 233, the restoration of civil status records is carried out where there are sufficient grounds confirming that such a record previously existed. If the civil registry office (FHDYO) discovers two or more identical records, the restored records may be cancelled by the civil registry office where that record was compiled. However, if there are substantial discrepancies in the surname, given name, patronymic, date of birth, or details of the parents in the discovered civil status records, the restored records may be cancelled only by a court judgment. The civil registry office (FHDYO) is not entitled arbitrarily to cancel differing records.

ANALYSIS

1) Restoration of a civil status record is applied where the document is entirely lost or cannot be found in the archives due to reasons such as a fire. Making corrections is applied to rectify errors in an existing

record, whereas the issuance of a duplicate certificate is applied when the record exists in the archives and only the citizen's paper certificate has been lost. 2) To determine whether two records belong to one person, a thorough inquiry must be conducted jointly by the civil registry office and internal affairs agencies, examining school records, medical certificates, and parental statements. Under the law, if discrepancies exist in the surname and date of birth in the discovered record, the civil registry officer cannot cancel it within their administrative competence. Where such substantial differences exist, declaring one of the records invalid and cancelling it falls exclusively within the jurisdiction of the court. 3) If the civil registry office refuses to draw up a new record, citizen Feruza must apply to a civil court for the establishment of a fact of legal significance (confirming the fact of birth or that the record belongs to her) or for the cancellation of the incorrect record. Only on the basis of a court judgment will the civil registry office carry out the relevant actions.

CONCLUSION

The civil registry officer's proposal to cancel the discovered differing record herself and enter a new one is unlawful. Due to differences in surname and date, establishing whether the two records belong to one person and cancelling the erroneous record must be conducted strictly through judicial proceedings. Feruza must apply to court to restore her rights.

DISCUSSION QUESTIONS

1. In which circumstances are the restoration of a civil status record, the introduction of corrections, and the issuance of a duplicate certificate applied?
2. What verification and legal grounds are required to establish whether two records belong to the same person and to cancel one of them?
3. How is the subject matter of an application to court determined in respect of a refusal by the civil registry office (FHDYO) or a dispute between records?

Family Code of the Republic of Uzbekistan (30.04.1998) — https://lex.uz/docs/104720

Quiz

MULTIPLE CHOICE

1. What is the primary criterion in choosing a form of child placement?

- A. The candidate's reputation in society
- B. The value of the child's property
- C. The child's rights and paramount best interests
- D. Only the age of the candidate

CORRECT: C

> Pursuant to Family Code, art. 151, the child's rights and paramount best interests are the primary criterion in placing a child. The age or reputation of the candidate, or the child's property, are not decisive. All actions are carried out solely in the child's best interests.

2. Over children of what age is guardianship established?

- A. Over children under fourteen years of age
- B. Only over children over sixteen years of age
- C. Only over those who have attained eighteen years of age
- D. Over all children regardless of their age

> **CORRECT: A**
> Under the Family Code and the Law on Guardianship and Trusteeship, guardianship (vasiylik) is established over orphan children and children deprived of parental care who have not attained the age of fourteen to ensure their protection. Trusteeship (homiylik) is established over those over fourteen years of age.

3. Over minors of what age is trusteeship established?

- A. From birth up to seven years of age
- B. From seven up to ten years of age
- C. From ten up to fourteen years of age
- D. From fourteen up to eighteen years of age

> **CORRECT: D**
> Under the legislation, trusteeship (homiylik) is established over orphan children and children deprived of parental care aged between fourteen and eighteen. For children under fourteen, guardianship (vasiylik) is appointed.

4. In what manner is adoption effected?

- A. Solely by notarial contract
- B. Through judicial proceedings
- C. By decision of a school pedagogical council
- D. By oral agreement of relatives

> **CORRECT: B**
> Pursuant to Family Code, art. 151, adoption is effected exclusively through judicial proceedings. The opinion of the guardianship and trusteeship authorities is taken into account. A notarial contract or an agreement among relatives cannot serve as a legal basis.

5. Does de facto care of a child by a relative automatically confer the status of legal representative upon them?

- A. Yes, after three days

- B. Yes, if the mahalla is notified
- C. No, an appropriate legal basis and formalisation are required
- D. Yes, if the child so wishes

> **CORRECT: C**
> De facto care of a child does not automatically generate legal representation. Pursuant to Family Code, art. 149, appropriate legal formalisation by guardianship and trusteeship authorities is required. Otherwise, the child remains legally unprotected.

6. What is the primary requirement in a guardian's management of a child's property?

- A. Securing the child's property rights and interests
- B. Commingling the property with their own property
- C. Using the property solely for their own needs
- D. Distributing the child's property among relatives

> **CORRECT: A**
> In managing a child's property, a guardian is obliged to ensure only the child's property rights and interests. Using the property for one's own needs or commingling it with one's personal property is unlawful.

7. Which approach is correct regarding the sale of a house belonging to a child under guardianship?

- A. The guardian may sell it independently at any time
- B. The child's oral consent is sufficient
- C. It is sufficient that the purchaser is a relative
- D. Statutory permissions and requirements to protect the child's interests must be observed

> **CORRECT: D**
> A guardian cannot independently sell a child's property. Under the law, the permission of guardianship and trusteeship authorities must be obtained when carrying out actions affecting the child's property rights. This is a guarantee for the protection of the child's property interests.

8. What is the main difference between adoption and guardianship?

- A. Adoption denotes temporary care only
- B. Adoption creates a legal relationship equated to parent-child relations
- C. Guardianship turns the child into a biological child
- D. Their legal consequences are entirely identical

CORRECT: B
As a result of adoption, personal and property legal relationships equivalent to those between biological parents and children arise between the adopter and the child. Guardianship, on the other hand, is a temporary form of upbringing and protecting the child's rights.

9. Which factor is critical when placing brothers and sisters in different families?

- A. Only their age difference
- B. Only the candidates' wishes
- C. The children's best interests, their mutual attachment, and statutory requirements
- D. Only the speed of preparing documents

CORRECT: C
Pursuant to Family Code, art. 151, the adoption of brothers and sisters by different persons is not permitted. An exception is permitted only where it corresponds to the paramount best interests of the children.

10. How does foster family placement (patronage) differ from adoption?

- A. From adoption: patronage itself does not create parental and filial status
- B. It does not differ from adoption
- C. It is identical to all institutions except entering into marriage
- D. It differs only by the child's surname

CORRECT: A
Patronage (foster family) is a form of temporary family placement based on a contract. Unlike adoption, patronage does not generate a legal status between parent and child, but performs the function of upbringing and maintenance.

11. What is the primary significance of state registration of civil status acts?

- A. Solely to collect statistical data
- B. In the official recording and certification of legally significant events
- C. Solely to determine tax liabilities
- D. Solely to determine an individual's occupation

CORRECT: B
Pursuant to Family Code, art. 201, civil status acts serve to certify events and facts in citizens' lives such as birth, death, and marriage by competent authorities. This is the primary method of formalising legally significant circumstances.

12. Which of the following events is registered by civil registry offices (FHDYO)?

- A. Recruitment for employment

- B. Admission to higher education
- C. Purchase of a house
- D. Birth

> **CORRECT: D**
> Under Family Code, art. 201, events such as birth, death, marriage, and divorce are registered by civil registry offices (FHDYO). Employment or purchasing a house are not civil status acts.

13. Which answer correctly describes the relationship between a marriage registration record and a marriage certificate?

- A. The certificate is issued on the basis of the corresponding civil status record
- B. The certificate creates the marriage independently of the record
- C. A civil status record is drawn up only when the certificate is lost
- D. There is no legal connection between them

> **CORRECT: A**
> Certificates with security features are issued on the basis of civil status records. The civil status record is the primary document confirming the legal fact, and the certificate is issued to the citizen on its basis.

14. What consequence does the loss of a marriage certificate entail?

- A. The marriage terminates automatically
- B. The marriage becomes invalid
- C. The marriage remains intact; a duplicate certificate may be obtained under the established procedure
- D. The spouses are required to remarry

> **CORRECT: C**
> The loss of a certificate does not lead to the cancellation of the civil status record or the termination of the marriage. On the basis of the record preserved in the civil registry office (FHDYO), the citizen has the right to obtain a duplicate certificate.

15. What is the difference between correcting a technical error in a civil status record and contesting paternity?

- A. There is no difference
- B. The former aims at rectifying the record, whereas the latter resolves a dispute regarding the legal parent-child relationship
- C. Both are resolved exclusively by a notary
- D. Both are resolved by a school headteacher

> **CORRECT: B**

> Correcting a technical error is an administrative procedure carried out at the civil registry office (FHDYO), which merely rectifies a clerical defect in the record. Contesting paternity is a dispute concerning legal relations between persons and is resolved exclusively through judicial proceedings.

16. In which case does the need to restore a civil status record usually arise?

- A. When a previously existing record has been lost
- B. When a citizen changes their profession
- C. When a marriage ceremony was not held
- D. When a person changes their place of work

> **CORRECT: A**
> Pursuant to Family Code, art. 230, restoration of civil status records means reinstating a record where there are sufficient grounds confirming that such a record previously existed. This applies in cases where the record has been lost.

17. What is required if a dispute as to a right exists between interested persons regarding amendments to a civil status record?

- A. Only a recommendation from the mahalla
- B. Ignoring other persons at the applicant's wish
- C. An oral instruction from the officer
- D. Resolving the dispute through statutory court proceedings

> **CORRECT: D**
> Pursuant to Family Code, art. 228, amendments to civil status records are made by the civil registry office (FHDYO) only where there is no dispute between interested persons. If a dispute exists, the matter must be resolved exclusively in judicial proceedings.

18. What does a final court judgment declaring a citizen dead serve as a basis for?

- A. Solely for replacing a passport
- B. For state registration of death
- C. For entering the person automatically into marriage
- D. For altering the date of birth

> **CORRECT: B**
> Pursuant to Family Code, art. 223, a court judgment declaring a citizen dead serves as the legal basis for the state registration of death with civil registry offices (FHDYO).

19. Who may register civil status acts of Uzbek citizens abroad in statutory cases?

- A. Any foreign notary on behalf of Uzbekistan
- B. An employer organisation
- C. A consular officer of Uzbekistan

- D. Only a relative of the citizen

CORRECT: C
Under the legislation, civil status acts of citizens of the Republic of Uzbekistan permanently or temporarily residing abroad are registered by consular institutions of Uzbekistan.

20. What is the function of using the electronic archive in recording civil status acts?

- A. To ensure recording, verification of data, and provision of relevant services
- B. To eliminate the need to verify legal grounds
- C. To replace court judgments
- D. To restrict the rights of interested persons

CORRECT: A
The unified electronic archive of the civil registry office (FHDYO) ensures prompt recording, verification of data, and the high-quality provision of public services to citizens. It does not replace court judgments, but serves to digitalise processes.

21. 12 yoshli Anvar ota-onasi vafot etgach, amakisi tomonidan farzandlikka olinmoqda. Anvarning o‘zi bu oilada yashashni xohlaydi. Sud jarayonida Anvarning roziligi olinishi shartmi?

- A. No, because the uncle is a lawful relative, the child's consent is not required.
- B. Yes; under the Family Code, the consent of a child who has attained the age of ten is mandatory for adoption.
- C. No, only the opinion of the guardianship and trusteeship authority is sufficient.
- D. Yes, but it is sought only after he attains the age of fourteen.

CORRECT: B
Pursuant to Family Code, art. 155, the consent of a child who has attained the age of ten is required for adoption. This rule ensures the paramount best interests of the child and their right to express an opinion on matters affecting their fate.

22. 17 yoshli Umida ismini va familiyasini o‘zgartirish maqsadida FHDYO organiga ariza bilan murojaat qildi. Uning ota-onasi bu o‘zgarishga qarshi emas. FHDYO organi arizani ko‘rib chiqishi uchun yana qaysi organning xulosasi talab etiladi?

- A. A court judgment.
- B. A permit from the guardianship and trusteeship authority.
- C. The conclusion of the internal affairs agencies.
- D. A recommendation from the mahalla citizens' assembly.

CORRECT: C
Pursuant to Family Code, art. 226, a conclusion on changing a surname, given name, or patronymic may be drawn up only after the person has undergone an appropriate check by internal affairs agencies.

OPEN QUESTIONS

23. If a child's close relative is ready to raise them, but their financial circumstances are lower than those of another candidate, how should the criteria of preserving family ties and ensuring comfortable living conditions be reconciled?

MODEL ANSWER

In family law, the principle of the paramount best interests of the child occupies a pre-eminent position. Although financial circumstances are significant when placing a child, the legislature prefers the preservation of blood ties. Family Code, art. 154 explicitly establishes that relatives have a preferential right in adoption. If a close relative has modest financial means, the state offers to resolve this problem through alternative forms of placement. For instance, rather than adoption, guardianship or trusteeship may be established over the child, or a foster family (patronage) contract may be concluded. Under these forms, a monthly allowance is paid by the state for the child's maintenance, which preserves family ties while simultaneously securing comfortable living conditions for the child. As an alternative approach, some may consider that choosing an unrelated family with substantial financial wealth is better for the child's future. However, international law (the Convention on the Rights of the Child) and domestic legislation affirm that growing up within one's own family environment, among relatives, is the safest and most beneficial path for the child's psychological and spiritual development. Therefore, financial insufficiency should be offset by state support, but family ties must not be severed.

24. If a guardian justifies selling the child's house and extending their own house on the grounds of the child's best interests, what safeguards are required to protect the child's property rights and eliminate a conflict of interest on the part of the representative?

MODEL ANSWER

The primary purpose of the institution of guardianship and trusteeship is to protect the rights and property interests of the child. Even if the guardian justifies selling the child's property and extending their own house on the grounds of the child's interest (e.g. allocating a separate room to the child), this situation constitutes a legal conflict of interest. As a safeguard to protect the child's property rights, the legislation provides that any transactions by a guardian aimed at alienating the child's property may be concluded solely with the prior written permission of the guardianship and trusteeship authority. Furthermore, a guardian is not entitled to conclude transactions with the ward at the expense of the ward's property in their own interest. As a safeguard, if the child's house is sold, strict supervision is exercised to ensure that the proceeds are transferred in full to a bank account opened in the child's name or used to acquire other immovable property of equal value in the child's name. In an alternative approach, some may argue that the transaction could be permitted if the guardian formally conveys part of their own house into the child's ownership. However, in practice, because such commingled property relations carry a high risk of provoking future disputes, guardianship authorities strictly adhere to the principle of maintaining the child's property independently and inviolably.

25. Where a request to amend the details of the father in a birth record is presented as a 'correction of a technical error', how is the boundary drawn between a correction within the competence of the civil registry office (FHDYO) and a filiation dispute that must be resolved by a court?

MODEL ANSWER

The boundary between a technical correction within the competence of the civil registry office (FHDYO) and a dispute over filiation that must be resolved by a court is determined by the presence or absence of a legal dispute between the parties and by the legal consequences of the alteration. If there is merely a clerical or literal error in the father's details (e.g. the name in the passport and the name in the certificate differ by one letter) and there is no doubt as to the person's identity, this is considered a technical error and is corrected by the civil registry office under Family Code, art. 228. However, if the request aims to substitute the person recorded as the father with an entirely different individual, or if the current official father objects to this alteration, this is no longer a technical error, but a dispute concerning paternity rights and duties (maintenance, inheritance). Under the law, any dispute as to a right must be resolved exclusively through judicial proceedings. As an alternative approach, some might think that if there is a definitive DNA test result, the civil registry office could alter paternity on its own. However, taking into account the supreme importance of filiation matters, the legislature has strictly established that DNA findings may only be evaluated in a court hearing in conjunction with other evidence, and alterations to civil status records may be made solely on the basis of a court judgment.

26. If civil status records in the paper archive and in the electronic system do not match, which source should be relied upon, and how should verifying the source of the discrepancy and restoring the citizen's rights without excessive bureaucratic hurdles be ensured?

MODEL ANSWER

When a discrepancy arises between civil status records in the paper archive and the electronic system, in accordance with statutory rules and established practice, the civil status record in paper form (the original record) certified with the original signatures of the citizen and the civil registry officer and with an official seal serves as the primary and authoritative source. Errors in the electronic system often occur due to human error during the digitalisation process. To verify the discrepancy, the civil registry office must retrieve the paper copy from the archive and examine the original entry. If the details in the paper record are correct and the error is in the electronic database, the civil registry office itself must introduce corrections into the electronic database and restore the citizen's rights without putting the citizen to the trouble of going to court and without excessive bureaucratic obstacles. An alternative approach shows that if the paper archive itself contains erasures, incomprehensible alterations, or if the paper archive is completely lost and only the electronic database remains, the situation becomes more complicated. In such an event, if the discrepancy entails serious legal consequences (for example, a discrepancy in a surname when determining heirship), under Family Code, art. 233, the matter must be resolved exclusively through judicial proceedings by establishing a fact of legal significance. Although this requires some time for the citizen, it is the sole guarantee of ensuring legality.

Glossary

ADOPTION
A legal form whereby another person's child is equated to one's own child, effected exclusively in respect of minors and in their paramount best interests by a court.

Example: Due to childlessness, Rustam and Umida adopted three-year-old Anvar from the Mehribonlik home through a court.

Related: Secrecy of adoption, Children deprived of parental care

GUARDIANSHIP
A form of placement of orphan children and children deprived of parental care who have not attained the age of fourteen, as well as citizens declared legally incapacitated by a court, for the purpose of their maintenance, upbringing, education, and the protection of their property and personal non-property rights.

Example: His paternal uncle was appointed guardian over ten-year-old Sardor, whose parents had died.

Related: Trusteeship, Guardianship and trusteeship authority

TRUSTEESHIP
A legal form of placement of orphan children and children deprived of parental care aged between fourteen and eighteen, as well as citizens with limited legal capacity, for the purpose of their maintenance, upbringing, and the protection of their rights.

Example: After fifteen-year-old Malika was left without parental care, her maternal aunt was appointed as her trustee.

Related: Guardianship, Foster family (patronage)

FOSTER FAMILY (PATRONAGE)
A form of placing children deprived of parental care in a family on a contractual basis for upbringing, whereby foster parents undertake the child's maintenance, upbringing, and education, and receive financial support from the state.

Example: Pursuant to a contract concluded with the guardianship authority, orphaned brothers were placed in a foster family for upbringing.

Related: Guardianship and trusteeship authority, Children deprived of parental care

CIVIL STATUS ACTS
Official certification by competent authorities of events and facts in citizens' lives that affect the emergence, change, or termination of rights and obligations, such as birth, death, marriage, and divorce.

Example: When a child was born, the parents applied to the civil registry office (FHDYO) and had the birth record registered.

Related: Restoration of civil status records, Cancellation of civil status records

SECRECY OF ADOPTION
A rule protected by law to safeguard the psychological well-being of the adopted child and family secrets, under which the disclosure of such information without the adopters' consent is prohibited and entails criminal liability.

Example: The civil registry officer rightfully refused to disclose information regarding the adopted child's biological parents to third parties.

Related: Adoption, Civil status acts

GUARDIANSHIP AND TRUSTEESHIP AUTHORITY
The competent state body responsible for identifying and registering orphan children and children deprived of parental care, selecting alternative forms of their placement, and protecting their rights and legitimate interests.

Example: The school headteacher promptly notified the guardianship and trusteeship authority about a pupil left without parents.

Related: Guardianship, Trusteeship

ESTABLISHMENT OF PATERNITY
The process of legally formalising parental rights and obligations in respect of a child born to unmarried parents, based on a joint application of the parents or a final court judgment.

Example: Unmarried parents submitted a joint application to the civil registry office (FHDYO) requesting the establishment of paternity over their child.

Related: Civil status acts, Registration of birth

RESTORATION OF CIVIL STATUS RECORDS
The procedure for reinstating lost or damaged records by a competent authority where there are sufficient grounds confirming that a civil status record previously existed.

Example: After the citizen's birth record registered in 1990 could not be found in the archive, it was restored on the basis of a court judgment.

Related: Civil status acts, Cancellation of civil status records

CANCELLATION OF CIVIL STATUS RECORDS

> The deprivation of legal effect of a record by a court judgment or conclusion of a competent authority where two or more identical records are identified by the civil registry office (FHDYO) or where there are substantial discrepancies in the records.

Example: One of the birth records registered in two different locations was cancelled by the civil registry office (FHDYO).

Related: Restoration of civil status records, Civil status acts

> **CHILDREN DEPRIVED OF PARENTAL CARE**
> Minors who are in need of special state and social protection where their parents have died, have been deprived of parental rights, are ill, are missing, or have evaded raising their children.

Example: Children left unattended because their parents went abroad for an extended period were recognised as deprived of parental care.

Related: Guardianship, Adoption

Timeline

Development of Alternative Child Placement and the Civil Registry Institution

> **1989 · ADOPTION OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD**
> The right of a child deprived of their family environment to receive special protection and assistance provided by the state was enshrined at the international level.

Significance: This document serves as the international legal foundation for the alternative placement of children.

> **1998 · ADOPTION OF THE FAMILY CODE OF THE REPUBLIC OF UZBEKISTAN**
> The principal legislative act in the field of family law was adopted in our country, firmly establishing the legal mechanisms of adoption, guardianship and trusteeship, and civil registry operations.

Significance: A solid foundation for independent national family legislation was created and child protection was reinforced.

> **2014 · ADOPTION OF THE LAW ON GUARDIANSHIP AND TRUSTEESHIP**
> The powers of guardianship and trusteeship authorities, the rights and obligations of guardians and trustees, and the procedures for their appointment and termination were regulated in detail by a separate law.

Significance: The institution of guardianship and trusteeship was legally refined and implemented into practice.

2021 · STRENGTHENING OF ADOPTION REQUIREMENTS

Under significant amendments to the Family Code, an age difference of at least fifteen years between the adopter and the adoptee was strictly established, and restrictions on individuals convicted of crimes were expanded.

Significance: Guarantees for securing the best interests and safety of children were substantially enhanced.

2023 · DIGITALISATION AND SYSTEMATISATION OF CIVIL REGISTRY ACTIVITIES

Cabinet of Ministers Resolution No. 550 fully approved the rules of the civil registry office (FHDYO) and administrative regulations on providing composite public services for birth and death registration.

Significance: The system of delivering public services to citizens was digitalised and transitioned into a much faster and more convenient format.

2026 · UPDATING OF ALTERNATIVE PLACEMENT FORMS

The relevant articles of the Family Code were revised, firmly establishing by law the priority of family-based forms — namely adoption, guardianship, and foster care — in the alternative placement of orphans.

Significance: The policy of placing children primarily in a family environment rather than institutions was legalised and introduced into practice.

Mind map

Children Deprived of Parental Care and the Civil Registry Office (FHDYO)

- Forms of alternative placement: Alternative placement forms are defined pursuant to Family Code, art. 150.
- — Adoption: The most preferential and permanent form.
- — Guardianship and trusteeship: A form of representation and protection.
- — Foster family: A contract-based form of upbringing.
- — State institutions: Applied when no other options are available.
- Adoption: Applied exclusively in respect of minors pursuant to Family Code, art. 151.
- — Main conditions: Strict requirements established by law.
- — — 15-year age gap: Family Code, art. 152.
- — — Special training course: A certificate is required.
- — Disqualified persons: Persons ineligible to adopt.
- — — Deprived of rights: Those deprived of parental rights.
- — — Perpetrators of serious crimes: Where a criminal record exists.
- — Obtaining consent: Mandatory consents in the process.
- — — Consent of child aged 10: The child's opinion is taken into account.

• — — Parents' consent: Exceptions are specified by law.
• — Revocation: Carried out exclusively through judicial proceedings.
• — — Judicial procedure: Family Code, art. 169.
• — — Non-performance of obligations: In cases of cruel treatment of the child.
• Guardianship and trusteeship: Regulated by Family Code, art. 173 and special legislation.
• — Guardianship (under 14): For young children.
• — Trusteeship (aged 14–18): Established for adolescents.
• — Rights of the guardian: Rights guaranteed by law.
• — — Choice of upbringing methods: Taking into account the child's views.
• — — Representation in court: Protects without special powers of attorney.
• — Termination: On grounds provided by law.
• — — Child reaching majority: Trusteeship terminates automatically.
• — — Upon adoption: A new legal status arises.
• Foster family: Effected on a contractual basis pursuant to Family Code, art. 194.
• — Concluding a contract: Concluded with the guardianship authority.
• — Financial support: An allowance is paid by the state.
• — Supervision: Carried out by the guardianship authority.
• — — Scheduled supervision: At least twice a year.
• — — Unscheduled supervision: Conducted upon receiving an application.
• Activities of the civil registry office (FHDYO): Civil status acts are registered pursuant to Family Code, art. 201.
• — Registration of birth: Constitutes a mandatory public service.
• — — Within 1 month: Registration deadline.
• — — Medical certificate: Primary supporting document.
• — Registration of death: Cabinet of Ministers Resolution No. 550.
• — — Within 3 days: Application deadline.
• — Establishment of paternity: For parents who are not married.
• — — Parents' application: A joint application is submitted.
• — — Court judgment: In the event of a dispute.
• — Change of name: Family Code, art. 226.
• — — From 16 years of age: Right to apply.
• — — With internal affairs conclusion: Undergoes a verification check.

Walkthrough and diagram

Procedure for Adoption and Registration with the Civil Registry Office (FHDYO)

RELATIONSHIPS IN THIS DIAGRAM

- Submission of application 'Documents are examined 'Conclusion of guardianship authority
- Conclusion of guardianship authority 'Conclusion is submitted 'Judicial proceedings
- Submission of application 'Direct application 'Judicial proceedings
- Judicial proceedings 'Opinion is taken into account 'Child's consent (aged 10)
- Child's consent (aged 10) 'Mandatory condition 'Judicial proceedings
- Judicial proceedings 'Judgment is rendered 'Court judgment
- Court judgment 'Forwarded within 10 days 'Civil registry (FHDYO) record
- Civil registry (FHDYO) record 'Disclosure is prohibited 'Guarantee of secrecy
- Civil registry (FHDYO) record 'Revocation by court 'Revocation (exceptional)
- Revocation (exceptional) 'Initial record is restored 'Civil registry (FHDYO) record

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