

Brazil ratifies laws against parental alienation

Published: 09/07/2010 by SiteEditor

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Brazil's 200 million people are the first national jurisdiction to outlaw Parental Alienation.

It is now against the law to alienate a child or teenager from a parent or that parents extended family.

See below Google translation of the law in english.

Law 12 318

Ratified law that defines and punishes parental alienation

See below for the full law 12.318/10 which provides for parental alienation.

Law No. 12 318, DE 26 AUGUST 2010

Provides for parental alienation and amending Act. 236 of Law No. 8069 of July 13, 1990.

THE PRESIDENT OF THE REPUBLIC

I know that the Congress decrees and I sanction the following Law:

Article 1 This Law provides for parental alienation.

Section 2 is considered an act of parental alienation interference with psychological training of the child or adolescent promoted or induced by a parent, grandparent or by having the child or adolescent under his authority, custody or supervision so dismissive parent or adversely affecting the establishment or maintenance of ties with it.

Sole Paragraph. Exemplary are forms of parental alienation, and acts as declared by the judge or discovered by expertise, or charged directly with the aid of third parties:

I - opening campaign of disqualification of the parent's conduct in the exercise of parenthood;

II - hinder the exercise of parental authority;

III - hinder contact with child or teen parent;

IV - to hamper the right of regulated family life;

V - the parent deliberately omit relevant personal information about the child or adolescent, including educational, medical and changes of address;

VI - to present false complaint against parent, family against this or against grandparents, to obstruct or hinder their coping with the child or adolescent;

VII - change the address to the remote site, without justification, in order to hamper the coexistence of the child or adolescent with the other parent, with this family or grandparents.

Article 3 The performance of an act of parental alienation hurts fundamental right of the child or adolescent family life healthier, prevent the implementation of affection in relationships with parent and the family group, is moral abuse against the child or adolescent and noncompliance with duties attached to parental authority or from guardianship or custody.

Article 4 Declared clue act of parental alienation, the application or letter at any time of procedure, or incidentally in autonomous action, the process will have priority processing, and the judge will determine, with urgency, after hearing the prosecutor, the interim measures for maintenance of psychological integrity of the child or adolescent, including to ensure their familiarity with parent or make an effective rapprochement between the two, if any.

Sole Paragraph. It will ensure the child or adolescent and the parent assisted minimum guarantee of visitation, except in cases where there is imminent risk of injury to physical or psychological integrity of the child or adolescent, certified by any professional designated by the judge for monitoring visits .

Article 5 If there is evidence of the practice act of parental alienation in autonomous action or incidental damages, the judge, if necessary, determine biopsychosocial or psychological expertise.

§ 1 The expert report will be based on extensive psychological evaluation or biopsychosocial, as appropriate, including even a personal interview with the parties, examination of documents in the file, the couple's relationship history, split chronology of incidents, personality assessment involved and the investigation of how the child or adolescent is manifested about possible charges against the parents.

§ 2 The skill will be performed by professional or skilled multidisciplinary team, required in any case, proven by fitness professional or academic history to diagnose acts of parental alienation.

§ 3 The expert or a multidisciplinary team appointed to assess the occurrence of

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parental alienation will within 90 (ninety) days to submit the report, renewable only by judicial authorization based on detailed justification.

Article 6 Featured typical acts of parental alienation or any conduct that hamper the coexistence of child or adolescent parent, or incidental to autonomous action, the judge may, together or separately, subject to civil or criminal liability arising from and the extensive use of suitable legal instruments to inhibit or mitigate its effects, according to the severity of the case:

- I - declare the occurrence of parental alienation and warn the seller;
- II - expand the system of family life in favor of the alienated parent;
- III - provide fine to seller;
- IV - require counseling and / or biopsychosocial;
- V - to determine the change of custody to joint custody or its reversal;
- VI - to determine the setting of interim home of the child or adolescent;
- VII - to declare the suspension of parental authority.

Sole Paragraph. Marked change of address abusive, impracticability or obstruction to family, the court may also reverse the obligation to take or remove the child or teen parent's residence, during the alternating periods of family life.

Article 7 The allocation or change of custody will be given preference by the parent that enables the effective coexistence of the child or adolescent with the other parent in cases where it is impracticable to custody.

Article 8 The change of domicile of the child or adolescent is irrelevant to the determination of competence related to actions founded on right to family life, unless the result of consensus between the parents or a court decision.

Article 9 (VETOED)

Article 10. (VETOED)

Article 11. This Law shall enter into force upon its publication.

Brasília, August 26, 2010, 189 and 122 of the Independence of the Republic.

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