

Act CCXI of 2011
on the Protection of Families*

The family is an autonomous community established in human history before the emergence of law and the State, which rests on moral grounds.

The family is the most important national resource of Hungary. As the basic unit of society the family is the guarantee for the nation's survival and the natural environment of the development of human personality, which must be respected by the State.

Growing up in a family is safer than any other possibility. The solid ground for the establishment of the family is marriage, which is a union for life based on mutual love and respect, therefore it must always be held in great esteem. The family fulfils its mission if a lasting and firm relationship of the mother and the father reaches fruition in their responsibility for children.

There is no sustainable development or economic growth without the birth of children and the expansion of families. The commitment to have children must not result in the impoverishment of the family.

There is no well-functioning society without harmoniously functioning families.

Intergeneration relationships, including those between grandparents and grandchildren, have particular significance in the lives of families.

The State shall promote the reconciliation of work and family life.

Family protection and the reinforcement of family welfare is a task shared by the State, local governments, non-governmental organisations, media providers, and businesses. The achievement of these objectives also receives special attention from Churches.

In order to preserve and reinforce each of the preceding values, to create a predictable and safe regulatory environment for family protection and the promotion of family welfare, and to enforce the Fundamental Law, Parliament hereby adopts the following Act by virtue of Article L, paragraph (3) of the Fundamental Law:

CHAPTER I
OBJECTIVES AND BASIC PRINCIPLES

Section 1 (1) The State shall protect the institutions of family and marriage, also by reason of their own dignity and value.

(2) The protection of sound family relations has particular significance for the safeguarding of physical, mental and psychological health.

(3) In support of demographic processes which ensure the nation's survival, the State shall promote the commitment to have children under the relevant Acts of Parliament, and shall assist parents in fulfilling their commitment to have children.

(4) In order to enable every child to be brought up in a family, the State shall support adoption and shall strive to establish a fast adoption procedure which is completed within reasonable time, keeping in mind the interests of children.

Section 2 (1) The support of families shall be separated from the eligibility-based social provision system. The State shall primarily contribute to responsible parenting by providing subsidies. The State shall strive to ensure the conditions of home making and housing to families which bring up minors.

(2) The support of families shall be a priority in planning the budgets of Hungary from time to time.

* The Act was passed by Parliament at its sitting held on 23 December 2011.

Section 3 (1) Embryonic and foetal life shall be entitled to protection and respect from the moment of conception, and to support under the relevant Acts of Parliament.

(2) Awareness of the value of human life, a healthy lifestyle, responsible and intimate relationships which serve to prepare for marriage and for family life shall be the subject of education provided in primary and secondary educational institutions.

Section 4 (1) Working parents shall be entitled to receive assistance from the State in finding a place for their children for the period of their working time.

(2) The State shall assist parents who bring up children in securing employment by providing such day care and supervision services for minors that cater for the needs of families in a flexible manner.

(3) The State shall especially encourage and support the day care and supervision of minors in small communities and in homely circumstances.

Section 5 In support of the objectives enshrined in this Act and of child protection, media providers shall be obliged to provide their services by according respect to the institution of marriage and the value of the family and parenting. The State shall encourage the presentation of programs and media contents which convey the values of the family and parenting. The legal consequences applicable to breaches of law committed by media providers shall be regulated by the relevant Act of Parliament.

Section 6 (1) The State shall promote and support the development and preservation of a family-friendly attitude in all fields of social and economic life.

(2) The State shall make sure to simplify administrative procedures related to family life, and shall strive to enable families to use their rightful subsidies and services with a minimum of administrative burdens.

CHAPTER II

FAMILY STATUS AND THE CONSEQUENT PRINCIPAL OBLIGATIONS AND RIGHTS

1. Establishment of family status

Section 7 (1) The family shall be a system of relations which generates an emotional and economic community of natural persons, based on the marriage of a man and a woman, next of kinship or adoptive guardianship.

(2) Next of kinship shall be established by descent or adoption.

2. The right to succession

Section 8 (1) In the event of intestate succession (hereinafter: legal succession), succession shall primarily be a right of spouses and persons that are related to each other by next of kinship or lineal relation up to the statutory degree of relation or by adoption.

(2) The State and other persons shall only be entitled to legal succession in the absence of the persons mentioned in subsection (1).

(3) The spouse of the testator shall be entitled to dower as regulated by the relevant Act of Parliament.

(4) A legal share of inheritance shall be due to the testator's descendant, spouse and parents if the testator has no legal

heir on devolution of the inheritance or in the case of intestacy. The amount, basis, calculation and distribution of the legal share of inheritance and the detailed rules for disinheritance are laid down in the relevant Act of Parliament.

3. Parental obligations and rights

Section 9 (1) The mother and the father shall have the same obligations and rights in the family on the grounds of parental responsibility, with the differences laid down in the relevant Act of Parliament.

(2) Parents shall have the obligation and right to responsibly care for and bring up their minors in a family, and to ensure the conditions required for the physical, mental, psychical and moral development of their children, and their access to education and healthcare.

(3) The parents of minors shall especially be obliged

a) to respect the human dignity of their children,

b) to cooperate with their children,

c) to inform their children about the issues that affect them according to their age and maturity and to take into consideration their opinions,

d) to provide their children with guidance, advice and help to assert their rights,

e) to take the necessary measures to assert the rights of their children,

f) to cooperate with the persons and bodies which contribute to the provision of their children and with the authorities,

g) to cater for the supervision of their children under the relevant law when their children stay in a public area and/or an entertainment facility by night.

(4) Parents shall be obliged to use all support received in respect of their children to care and bring up their children.

(5) The parents of minors shall be entitled to receive information about the provisions which facilitate the responsible upbringing of their children and assistance in parenting.

Section 10 Parents shall be obliged to support children, even by restricting their own necessary support in the case of minors, in the way and with the exceptions defined by the relevant Act of Parliament.

Section 11 The annulment of marriage, the establishment of its validity, existence or non-existence, and the dissolution of marriage shall fall within the competence of courts as defined by the relevant Act of Parliament.

4. Obligations and rights of children living in families

Section 12 (1) School-age children, as defined by the relevant Act of Parliament, shall be obliged to meet their learning requirements to the best of their abilities.

(2) Minors shall be obliged to abstain from any lifestyle which damages their health according to their age and maturity, and to cooperate with their parents for their care and upbringing.

Section 13 (1) Minors shall have the right to be brought up in a family environment of their own, which ensures their welfare and physical, mental, psychological and moral development.

(2) Minors shall have the right to receive assistance in being brought up in a family, developing their personality, averting any situation which endangers their development, and in adapting to society.

(3) Minors shall only be separated from their parents or other relatives for their own physical, psychical and mental development in the cases and manner defined by the relevant Act of Parliament.

(4) Minors shall not be separated from their families on the grounds of economic danger alone. In such cases the State shall be obliged to ensure the conditions of providing care to minors in a family as necessary.

(5) Minors separated from their families shall be reunited with their families as soon as possible if the statutory conditions are met. To this end, the State shall adopt all necessary measures.

Section 14 Children of age shall be obliged to support either of their parents who is incapable of supporting themselves through no fault of their own under the relevant Act of Parliament.

CHAPTER III

THE PROTECTION OF THE FAMILY AND THE COMMITMENT TO HAVE CHILDREN IN THE FIELD OF EMPLOYMENT

Section 15 (1) Parents who bring up minors shall be entitled to special labour law protection under the relevant Act of Parliament and to allowances which ensure the reconciliation of their parental role and work and the protection of family life throughout their employment. In order to reconcile family and work, the State shall encourage work in a part-time regime and in other atypical work arrangements.

(2) Parents who bring up at least three minors, bring up minors alone or bring up children with a permanent illness or serious disability shall be entitled to further allowances in consideration of such circumstances throughout their employment under the relevant Act of Parliament.

Section 16 (1) Pregnant mothers and parents who bring up minors shall be entitled to allowances under the relevant Act of Parliament in respect of

- a) an amendment of their employment agreements due to a change of workplace,
- b) the possibility of working in an extraordinary and/or night regime,
- c) the obligation to work in another town or village, and
- d) the working time allowance of a medical examination related to pregnancy.

(2) Women who are pregnant or bring up a child under the age of one year may only be employed in such a job fit for their health status to which they gave their consent and where their basic salary is not lower than in their previous jobs. Offering or creating the right job shall be the duty of employers. Employers who cannot provide such jobs shall release such women from work and pay their basic salary as defined by the relevant Act of Parliament.

Section 17 Parents shall be entitled to unpaid leave under the relevant Act of Parliament for

- a) the home provision of their children at least until the age of three or the age limit defined by the relevant Act of Parliament in the case of seriously disabled children or twins,
- b) the home care of their children at least until the age of twelve and as long as they can certify the justification of personal care later on.

Section 18 The relevant Act of Parliament shall grant protection from dismissal to parents who

- a) bring up children under the age of three,
- b) care their ill children,
- c) are pregnant or are on maternity leave or unpaid leave for the home care of their children, and who participate in a human reproduction treatment or in a child adoption procedure.

Section 19 Parents who return to work after receipt of the child care allowance shall be employed part-time as defined by the relevant Act of Parliament at least until their children turn the age of three years.

Section 20 (1) In order to assist families in performing their tasks related to the commitment to have children and to parenting under the relevant Act of Parliament,

- a) both parents shall be entitled to supplementary leave,
- b) breastfeeding mothers shall be entitled to a working time allowance, and
- c) women who are pregnant and give birth shall be entitled to maternity leave.

(2) The period of maternity leave shall be at least twenty-four weeks unless the mother is unable or unwilling to care her child after birth.

Section 21 Other laws, employment regulations and individual employer arrangements may establish rules that are more favourable than the employment protections and allowances under this Act for employees who bring up children, especially if such employees must not only bring up children but also care other family members in need.

CHAPTER IV

STATE SUPPORT FOR FAMILIES AND THE COMMITMENT TO HAVE CHILDREN

Section 22 (1) In determining taxes and contributions deductible from the income from work of families bringing up children, the State shall take into consideration the costs involved by the commitment to have children and parenting.

(2) In order to enforce the provisions in subsection (1), the State shall support families with family allowance for their children as defined by the relevant Act of Parliament.

Section 23 (1) The State shall provide financial support or in-kind benefits as a contribution to the costs related to pregnancy and childbirth and to the costs of parents related to childcare and parenting at least until the age of three, and to schooling.

(2) The form and amount of support shall be different for each family as defined by the relevant Act of Parliament, especially according to family structure, the number and age of children brought up in the family, the child's permanent illness or serious disability, the existence of the social security status of parents as defined by the relevant Act of Parliament and to the preliminary period of such status.

(3) In case the provisions on the amount of support and on the period and criteria of eligibility for support are amended, a period of at least one year after promulgation of such amendment shall be provided in preparation for its coming into force, unless it is favourable for the beneficiary of such provision.

Section 24 The State shall provide a discount on contributions as defined by the relevant Act of Parliament for the part-time employment of parents who bring up children and for their employment after receipt of a financial provision for child care.

Section 25 (1) In order to encourage intergeneration cooperation, the State shall strive to achieve that family members assume increasing responsibility for each other and that such responsibility is recognised.

(2) Parents who bring up children shall contribute to the maintenance of the pension system by parenting. The State shall offset pension disadvantages arising from the commitment to have children under the relevant Act of Parliament.

CHAPTER V
CLOSING PROVISIONS

5. Coming into force

Section 26 (1) This Act shall come into force on 1 January 2012 with the exception laid down in subsection (2).
(2) Sections 7, 8, 17 and 19 shall come into force on 1 July 2012

6. Compliance with the cardinal Act requirement of the Fundamental Law

Section 27 Sections 1–25 of this Act shall be considered as a cardinal Act by virtue of Article L, paragraph (3) of the Fundamental Law.

7. Legal amendments

Section 28 (1) Section 96(2) of Act IV of 1952 on marriage, family and guardianship shall be superseded by the following provision:

“(2) The person

- a) with whom the child has been placed by the guardianship office with temporary effect [Section 91(2)],
 - b) with whom the child has been placed by the court [Section 72/A(1)],
 - c) who has adopted the child in his or her family with the consent of the guardianship authority
- shall be appointed to serve as the guardian or adoptive guardian of the child.”

(2) Section 96 of Act IV of 1952 on marriage, family and guardianship shall be extended to include the following subsection (3):

“(3) The guardianship authority shall appoint the person defined by subsections (2)a)–c) to serve as adoptive guardian, unless the child has been placed with foster parents, in a children’s home or in any other boarding institution with temporary effect.”

Section 29 In Act XXXI of 1997 on child protection and guardianship administration,

- a) the word “guardian” in Sections 20/B(2) and 71(3) and in the closing parts of Section 80(1) shall be replaced by the words “adoptive guardian”,
- b) the words “as guardian” in Section 71(2) shall be replaced by the words “as adoptive guardian”,
- c) the words “as his or her guardian” in Sections 75b) and 75/Ab) shall be replaced by the words “as his or her adoptive guardian”.

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