



## CC Art. 33

# Custody and Access

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## TITLE 02 — FAMILY LAW · CHAPTER 05 — PARENTAL AUTHORITY AND CUSTODY

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- 1** Where the parents of a child do not live together, whether by reason of divorce, separation, or otherwise, they shall agree on the arrangements for the custody of and access to the child.
  - 2** Custody includes the right and duty to have the child reside with the custodial parent and to make day-to-day decisions concerning the child's welfare.
  - 3** In the absence of agreement between the parents, the Royal Chancellery shall, upon application, determine the custody and access arrangements, having regard to:
    - a. The best interests of the child, as the paramount consideration
    - b. The wishes of the child, if the child is of sufficient age and maturity to express a view
    - c. The ability and willingness of each parent to provide care and a stable environment
    - d. The existing relationship of the child with each parent and with other persons of significance to the child
    - e. Any history of abuse, neglect, or violence by either parent.
  - 4** Joint custody is preferred where it is in the best interests of the child and where both parents are able to cooperate in the exercise of shared responsibility.
  - 5** The non-custodial parent has the right of regular access to the child, unless the Chancellery determines that access would be contrary to the welfare of the child.
  - 6** Custody and access arrangements may be modified by agreement of the parents or by determination of the Chancellery upon a material change of circumstances.
  - 7** The Royal Chancellery shall, where practicable, seek the cooperation of host jurisdictions in the recognition and enforcement of custody and access orders, in accordance with the Fundamental Laws.
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DOCUMENT INFORMATION	
<b>CITATION</b>	CC Art. 33 — “Custody and Access”, <i>Civil Code of Kaharagia</i> (2026).
<b>STATUS</b>	In force
<b>SOURCE</b>	<a href="https://kahalex.kaharagia.org/article/civil/33">https://kahalex.kaharagia.org/article/civil/33</a>