

Act No. 0, ,
Amended by Act No. 0, ,
Act No. 471, Feb. 22, 1958
Act No. 1237, Dec. 29, 1962
Act No. 1250, Dec. 31, 1962
Act No. 1668, Dec. 31, 1964
Act No. 2200, Jun. 18, 1970
Act No. 3051, Dec. 31, 1977
Act No. 3723, Apr. 10, 1984
Act No. 4199, Jan. 13, 1990
Act No. 5454, Dec. 13, 1997
Act No. 5431, Dec. 13, 1997
Act No. 6544, Dec. 29, 2001
Act No. 6591, Jan. 14, 2002
Act No. 7427, Mar. 31, 2005
Act No. 7428, Mar. 31, 2005
Act No. 7765, Dec. 29, 2005
Act No. 8435, May 17, 2007
Act No. 8720, Dec. 21, 2007
Act No. 9650, May 8, 2009
Act No. 10429, Mar. 7, 2011
Act No. 10645, May 19, 2011
Act No. 11728, Apr. 5, 2013
Act No. 12777, Oct. 15, 2014
Act No. 12881, Dec. 30, 2014
Act No. 13124, Feb. 3, 2015
Act No. 13125, Feb. 3, 2015
Act No. 13710, Jan. 6, 2016
Act No. 14278, Dec. 2, 2016
Act No. 14409, Dec. 20, 2016
Act No. 14965, Oct. 31, 2017



Act No. 17503, Oct. 20, 2020
Act No. 17905, Jan. 26, 2021
Act No. 19069, Dec. 13, 2022
Act No. 19098, Dec. 27, 2022

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Article 855 (Affiliation)

(1) A child born out of wedlock may be affiliated by its natural father or mother. When the marriage of the parent becomes null and void, the child born between them shall be deemed to be a child born out of wedlock.

(2) A child born out of wedlock, when its father and mother marry, shall be deemed to be a child born during the marriage from the time of the marriage.

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Article 855-2 (Application for Permission for Affiliation)

(1) In cases falling under Article 844 (3), a natural father may file an application with the Family Court for permission for affiliation: Provided, That this shall not apply where the birth of a child born during marriage has been reported.

(2) Where an application is filed under paragraph (1), the Family Court shall determine whether to grant permission, considering the results of tests conducted by scientific means, such as blood type tests by blood sampling and gene tests, prolonged separation or other circumstances.

(3) Where a natural father who has obtained permission under paragraphs (1) and (2) files a report pursuant to Article 57 (1) of the Act on the Registration, etc. of Family Relationships, no presumption

under Article 844 (1) and (3) shall exist.

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Article 856 (Affiliation by Adult Ward)

If a father is an adult ward, he/she may affiliate himself/herself as being the father of his child with the consent of the adult guardian.

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Article 857 (Affiliation of Deceased Child)

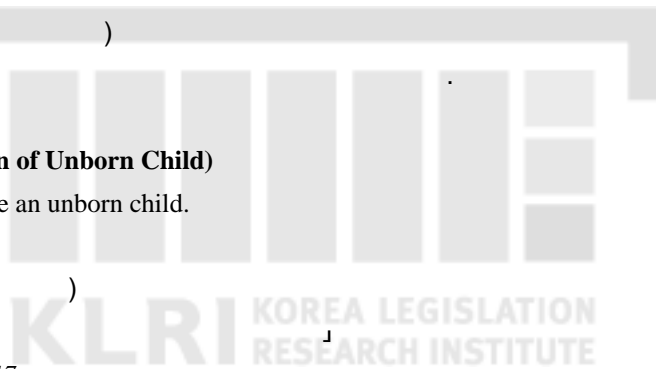
Even after a child has died, if its lineal descendant survives, it may be affiliated as the lawful child.

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Article 858 (Affiliation of Unborn Child)

A father may affiliate an unborn child.

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Article 859 (Effectiveness of Affiliation)

(1) Affiliation shall become effective when it is reported in accordance with the provisions of the Act on the Registration, etc. of Family Relationship. <Amended on May 17, 2007>

(2) Affiliation may be effected by a will. In this case, the executor of a will shall make such report.

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Article 860 (Retrospective Effect of Affiliation)

Affiliation shall be retrospectively effective from the time of birth of the child: Provided, That the right acquired by a third person shall not be prejudiced thereby.

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Article 861 (Revocation of Affiliation)

If affiliation has been made by fraud, duress or grave mistake, its revocation may be claimed to the Family Court within six months from the day when such fraud or mistake becomes known, or such duress disappears. <Amended on Mar. 31, 2005>

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Article 862 (Action of Demurrer against Affiliation)

A child or any other person interested may bring an action of demurrer against an affiliation within one year from the day when it becomes aware of a report of such affiliation.

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Article 863 (Action Demanding Affiliation)

A child, any of its lineal descendants or the legal representative of any of them, may bring an action against its father or mother demanding affiliation by its father or mother.

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Article 864 (Death of Father or Mother and Action Demanding Affiliation)

In the cases mentioned in Articles 862 and 863, if the father or mother of a child has died, an action of demurrer or action demanding affiliation may be brought against the public prosecutor within two years from the day when the death of the father or mother becomes known. <Amended on Mar. 31, 2005>

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Article 864-2 (Affiliation and Responsibility of Fostering Child, etc.)

The provisions of Articles 837 and 837-2 shall apply mutatis mutandis with respect to the responsibility of fostering a child and the visitation right in the case of the affiliation of the child.

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Article 865 (Action Demanding Confirmation of Denial or Existence of Paternity due to Any Other Reasons)

(1) A person who may bring an action in accordance with the provisions of Articles 845, 846, 848, 850, 851, 862 and 863, may bring an action demanding confirmation of denial or the existence of paternity for any reason other than those mentioned in the aforesaid Articles.

(2) In the cases mentioned in paragraph (1), if the party concerned has died, the other party may bring an action against the public prosecutor within two years from the day when it becomes aware of such death.

<Amended on Mar. 31, 2005>

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