



Incidencia de la Ley 8/2021 en la titularidad y ejercicio ordinario de las funciones parentales [

2022

text (article)

Analítica

Law 8/2021 introduces two modifications to the regulation that the Civil Code makes of parental authority that apparently may not seem to have any significance, but which, nevertheless, are in perfect harmony with the profound paradigm shift produced in the treatment disability law in recent decades. On the one hand, article 156 no longer mentions disability as a determining circumstance for the exclusive attribution to the other parent of the exercise of parental functions, which makes it easier for the parent with a disability to take care of their offspring and exercise their right to family life; On the other hand, the extended and rehabilitated regulation of parental authority disappears, considering that they are too rigid and poorly adapted to the new system of promoting the autonomy of adults with disabilities. It is the purpose of this paper to analyze both innovations in light of the principle of the best interest of the minor who should preside over decisions, be a criterion for control and solution of disputes that may arise in relation to the children in the first case; and in light of the principle of autonomy in the second case, so that the will, desires and preferences of the person with disabilities that are the backbone of the new system are respected when determining, where appropriate, the support measures

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Baratz Innovación Documental

- Gran Vía, 59 28013 Madrid
- (+34) 91 456 03 60
- informa@baratz.es