

Stepparent to Claim Custody over Stepchild under Chinese Laws

Description

While researching on China laws and practice on cross-border children abductions, just came across an interesting piece of news about a stepmother sued to assert her right of custody over her stepchild against the child's biological mom in a China court.



Stepparents Custody over Stepchild

In that case, a stepmom married her husband some years ago, and the husband brought a child from his prior marriage into the newly formed family. Apparently, the woman has a good heart and has got along well with the stepchild. Unfortunately, five years later, the husband died in an accident. Instead of turning over the stepchild to his biological mom, the stepmom sued the biological mom in a China court claiming that the custody of the child should be CHANGED into her hands, or in other words, the custody of the child should be vested in her in light of the de facto custody over the stepchild in the past.

To allow you better understand the claim of the stepmom, we need to inform you of the basic regime of China custody laws and practice as between parents and children.

Article 26 of China Civil Code says: parents are the guardians or custodians for their minor children.

[to be continued]

Date Created

May 2023

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