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Maintenance obligations

Portugal



Portugal

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 71 1. (a) - Courts for application for a declaration of enforceability and courts for appeal against decisions on such applications

With regard to Article 27(1):

- maintenance cases involving children (whether or not they are minors) or spouses will be heard by the Family and Minors Division (*Juízo de Família e Menores*), if one exists. If not, the case will be heard by the Local Civil Division (*Juízo Local Cível*), if one exists, or the Local General Division (*Juízo Local de Competência Genérica*).
- all other maintenance cases arising due to other family ties, either by blood or by marriage, will be heard by the Local Civil Division, if one exists, or by the Local General Division.

With regard to Article 3(2), the Court of Appeal (*Tribunal da Relação*) is the competent court.

Article 71 1. (b) - Redress procedure

A decision given on appeal may only be contested on a point of law before the Supreme Court of Justice (*Supremo Tribunal de Justiça*).

Article 71 1. (c) - Review procedure

With regard to Article 19(1)(a):

- the review procedure is the extraordinary review procedure laid down in Article 696(e) of the Code of Civil Procedure.

With regard to Article 19(1)(b):

- the review procedure is the extraordinary review procedure laid down in Articles 696(e) and 140 of the Code of Civil Procedure.

The appeal will be heard by the court that handed down the decision under review (Article 697(1) of the Code of Civil Procedure).

Article 71 1. (d) - Central Authorities

Portugal's Central Authority for the purposes of this Regulation is the following government department:

Directorate-General for Justice Administration (Direção-Geral da Administração da Justiça)

Av. D. João II, n.º 1.08.01 D/E- Pisos 0 e 9º ao 14º

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E-mail address: correio@dgaj.mj.pt

correio.dsjcji@dgaj.mj.pt

Website: <https://dgaj.justica.gov.pt/>

Article 71 1. (f) – Competent authorities for enforcement

In cases that relate to maintenance obligations involving children, whether or not they are minors, the court with jurisdiction is:

- the Family and Minors Division, or, if there isn't one, the Enforcement Division (*Juízo de Execução*).

In cases that relate to maintenance obligations between spouses, the court with jurisdiction is:

- the Family and Minors Division, or, if there isn't one, the Enforcement Division.

In cases that relate to maintenance obligations arising due to family ties, either by blood or by marriage, the court with jurisdiction is:

- the Enforcement Division, or, if there isn't one,

- the Central Civil Division (*Juízo Central Cível*) for actions with a value of more than €50 000, or

- the General Division or the Local Civil Division, if one exists, for actions with a value of €50 000 or less.

Article 71 1. (g) - Accepted languages for translations of documents

The language accepted for translations of the documents referred to in Articles 20, 28 and 40 is Portuguese.

Article 71 1. (h) - Languages accepted by Central Authorities for communication with other Central Authorities

The languages accepted by the Central Authority for communication with other Central Authorities referred to in Article 59 are Portuguese, English and French.

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