

Fundamental Changes on the Delivery of the Child and Establishment of Personal Relationship with the Child are Published

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Law numbered 7343 on the Amendments to the Enforcement and Bankruptcy Law and Certain Laws ("**Amendment Law**") was published in the Official Gazette dated 30 November 2021 and numbered 31675 and entered into effect on the same day. With the Amendment Law, fundamental changes on the delivery of the child and establishment of personal relationship with the child within the scope of Enforcement and Bankruptcy Law numbered 2004 and Juvenile Protection Law numbered 5395 ("**JPL**").

Some remarkable amendments in the Amendment Law are summarized below:

- The amendment made to article 182 of Turkish Civil Code numbered 4721 allows the change of custody in case of non-compliance with the decision of establishment of personal relationship with the child.
- As per article 41/A added to the JPL, the court decisions regarding the delivery of the child or establishment of personal relationship with the child will no longer be carried out through the execution offices, but through the Directorate of Legal Support and Victim Care ("**Directorate**") under the Ministry of Justice. The judgements and injunction decisions will be carried out by experts such as psychologists, pedagogues, social workers, child development specialists or advisory teachers who are assigned by the Directorate. In places where no specialist is available, the procedures will be carried out by teachers.
- Pursuant to articles 41/B and 41/C added to the JPL, if the Directorate is made aware of that the judgements and injunction decisions regarding the delivery of the child or establishment of personal relationship with the child has not been obeyed, will contact the obliged party and issue an order to bring the child to the designated place on the specified day and time and deliver the child to the right holder. If the order is not fulfilled, the child will be taken forcibly by the specialist or the teacher, and also by getting help from the law enforcement if necessary.
- In accordance with article 41/D added to the JPL, the delivery of the child and establishment of personal relationship with the child will be carried out in certain places determined by the Directorate. The governorships and municipalities will determine suitable places for the delivery, or organize if doesn't exist, allocate vehicles, and assign drivers.
- As per article 41/F added to the JPL, those who do not comply with the judgements or injunction decisions regarding the delivery of the child or establishment of personal relationship with the child, or those who prevent fulfillment of such decisions will be subject to disciplinary imprisonment.
- Pursuant to article 41/H added to the JPL, all activities regarding the execution of the judgement or injunction decision on the delivery of the child or establishment of personal relationship with the child are exempted from all kinds of legal fees. In addition, all expenses except for the attorney fees incurred for the execution of these proceedings will be covered by the Ministry of Justice.
- The principles regarding the implementation of the amendments will be determined by the regulation to be issued by the Ministry of Justice within 6 months.

Please find the full text of the Amendment Law [here](#). (Only available in Turkish)

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