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PLURIPARENTAL FAMILIES:

The Legal Debate in Argentina

Matias R. Parra¹

Abstract: This paper describes the current state of the debate aimed at seeking recognition within the Argentine Civil and Commercial Code of pluriparental families, based on a foundation of consensus among doctrinal and jurisprudential concepts, with criteria derived from a longstanding debate. Furthermore, it analyzes the various points of contention regarding the subsequent effects of such recognition, proposed laws seeking to reform the substantive code, and comparative legal norms.

Keywords: Family Law, Pluriparenthood, Socio-affectivity, Triple Parentage.

Resumen: Este trabajo describe la situación actual del debate que tiene por objeto buscar el reconocimiento por parte del Código Civil y Comercial argentino de las familias pluriparentales, partiendo de una base de conceptos de consenso doctrinario y jurisprudencial, con criterios receptados de un debate que lleva varios años. Asimismo, se analizan los distintos puntos de discusión respecto a los efectos posteriores a su reconocimiento, proyectos de leyes que buscan reformar el código fondal y normativas de derecho comparado.

Palabras Claves: Derecho de Familia, Pluriparentalidad, Socioafectividad, Triple filiación.

Summary: I. INTRODUCTION. II. TRIPLE FILIATION CASES IN ARGENTINA. III. THE ONGOING DISCUSSION: I. Pluriparenthood And Parental Responsibility, II. Pluriparenthood and Succession Law. IV. SUGGESTIONS FOR REFORM. V. THE RECENT CUBAN FAMILY CODE. VI. CLOSING REMARKS. VII. REFERENCES.

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I. INTRODUCTION:

The debate over pluriparenthood has persisted in the national legal arena for quite some time, starting in 2015 when the first triple filiation case² was presented. This ongoing debate has been challenging the binary system established by the Civil and Commercial Code (referred to as CCyC) in matters related to Family Law.

At this stage, it's evident that very few individuals support what's outlined in Article 558, which states that *"Filiation sources. Equality of effects. Filiation can occur naturally, through assisted human reproduction techniques, or through adoption... No person can have more than two filial bonds, regardless of the nature of filiation."*

The number of cases seeking recognition for families with multiple filial bonds in the country is on the rise, with some receiving favourable initial judgments³, others undergoing appeals⁴, and some still awaiting resolution⁵. What's noteworthy is that the majority of these cases have been granted recognition in line with constitutional and treaty-based principles, highlighting the significance of these emerging family structures.

It is important to bring up well-established concepts that are crucial for continuing the discussion and to define a clearer path for our progress.

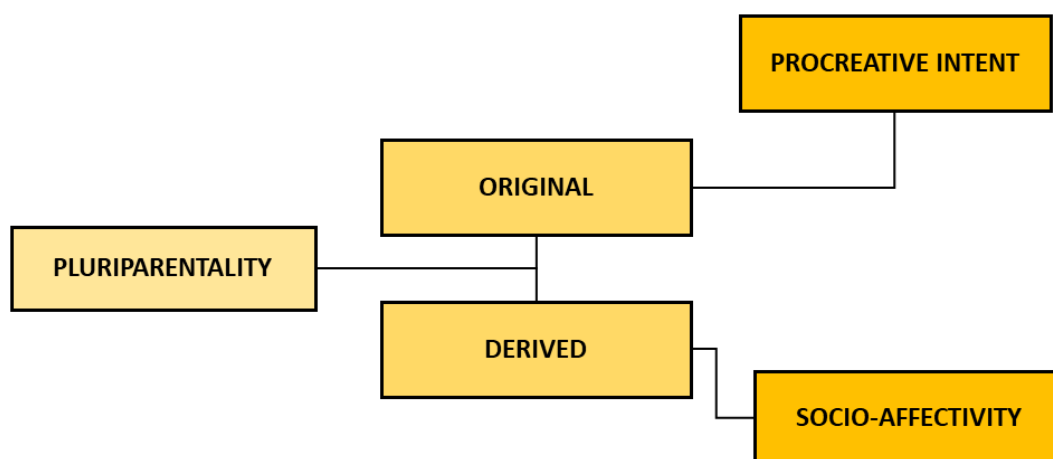
² Dirección Provincial del Registro de las Personas de la provincia de Buenos Aires, 22/04/2015, Disposición 2062/2015, copia oficial -ADLA2015-C, 2933, Cita Online: AR/LEGI/8C35.

³ Juzgado De Familia N° 10 De La Tercera Circunscripción Judicial De Río Negro. "GGAF". Causa N° 4016/2020. 26/8/2021.

⁴ Two men who were in a relationship desired to become parents. To achieve this, they approached a mutual friend and underwent a human-assisted reproduction procedure. The woman became pregnant, and some time later, she gave birth to a girl. In this context, the three adults initiated legal action to have their daughter's triple parentage recognized. The presiding judge ruled in favor of their request. As a result, both men were legally acknowledged as parents, and the last paragraph of Article 558 of the National Civil and Commercial Code was declared unconstitutional and not in accordance with international treaties. Furthermore, the judge ordered the plaintiffs to inform the child of her gestational origin once she reached an appropriate age and maturity. The prosecutor filed an appeal against this decision. Among his arguments, he claimed that invalidating the mentioned law was unnecessary since the legal framework already provided for other family structures for the petitioners. Additionally, he argued that the request was based on the desires of the adults rather than the best interests of the child. - "CMF." Case No. 165446. December 20, 2018.

⁵ Cámara De Apelaciones En Lo Contencioso Administrativo Y Tributario De La Ciudad Autónoma De Buenos Aires, Sala I. "FEF". Causa N° 4821/2017. 28/11/2018.

When we refer to pluriparenthood⁶, we are talking about the potential for an individual to have more than two filial bonds, in contrast to the prohibition outlined in the existing legal code. While the debate initially emerged within the context of Assisted Human Reproduction Techniques (TRHA), over time, this phenomenon has extended to encompass other sources of filiation, including adoption and natural filiation. This is where the concept of "Socioaffectivity"⁷ becomes relevant. This innovative notion, founded on affection and a strong emotional connection between individuals, plays a significant role when addressing the challenges presented by the current legal framework. It introduces a form of filiation that is based on the voluntary assumption of parental responsibilities.



At this point, it's important to clarify that the concepts of pluriparenthood and triple filiation have a genus-species relationship, but they are not synonyms. Pluriparenthood represents the broader category, while triple filiation is a specific subtype and the only one addressed in the national casuistry to date. Hence, we exclusively refer to the latter.

⁶ The term "Pluriparentality" was adopted during the National Civil Law Conference in 2015 by the Commission No. 6 on Family: "Identity and Filiation."

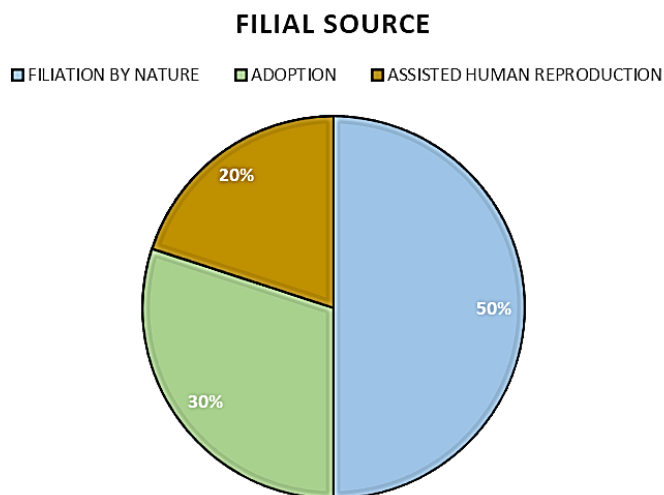
⁷ Socio-affectivity in family relationships should be a present element in all parent-child relationships, regardless of the method of determination or filial typology. However, it can be highlighted that it has an overwhelmingly significant role in adoption matters. More recently, it has been expanded in the field of pluriparental filiation, allowing for the recognition of plural parental bonds. Kowalenko, A. S. (2023). Socioafectividad en el ordenamiento jurídico argentino. *Revista Argumentos: Estudios Transdisciplinarios sobre Culturas Jurídicas y Administración de Justicia*, 2022(15), 59-74. <https://doi.org/10.5281/zenodo.7618143>

Furthermore, within this plurality, there is a classification that distinguishes between original pluriparenthood⁸, found in cases stemming from Assisted Human Reproduction Techniques (TRHA) or Assisted Conception Techniques (TIC)⁹, and derived¹⁰ pluriparenthood, where socioaffectivity is a defining factor.

II. TRIPLE FILIATION CASES IN ARGENTINA:

The Secretary General of Training and Jurisprudence of the Public Defense Ministry has compiled this information, covering the period from August 1, 2015, to December 2022¹¹. From this data, it becomes evident that out of the cases presented, 24 received favorable judgments, indicating a significant advancement in the recognition of pluriparenthood by the Argentine judiciary.

In the following charts, we can observe how pluriparenthood has profoundly impacted all the filiation sources outlined in our legal code. Natural filiation is the area where the highest number of cases developed, followed by adoption as the second most common source.



⁸ Prior to the birth of the child, parents who number more than two agree to exercise caregiving, assistance, and parenting roles based on a common life plan.

⁹ TIC is a procedure that involves performing insemination directly from home, without the intervention of clinical centers or healthcare professionals, in other words, self-insemination.

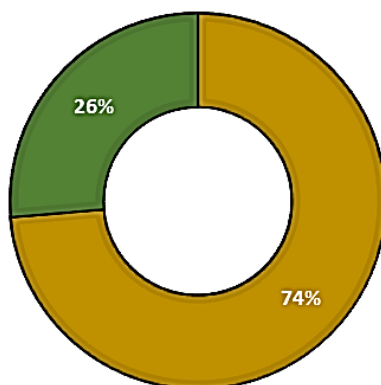
¹⁰ The parental project begins as biparental and becomes multiple when a third parent joins

¹¹<https://repositorio.mpd.gov.ar/jspui/bitstream/123456789/4085/1/2022.12.%20La%20triple%20filiaci%C3%B3n%20en%20la%20jurisprudencia%20argentina.pdf>

Additionally, it was deemed important to consider the approach taken by the judiciary in recognizing pluriparental families. As seen in the majority of cases, magistrates chose to declare the provisions in the Civil and Commercial Code (CCyC) as unconstitutional.

JUDICIAL RESOLUTIONS

■ Unconstitutionality ■ Inapplicability



The latest information is of particular significance, as it was a focal point of discussion during the XXV National Civil Law Conference in Bahía Blanca in 2015¹². The prevailing consensus leaned towards the notion that in cases of pluriparenthood, it is permissible to declare Article 558 of the Civil and Commercial Code (CCyC) as unconstitutional.

In addition, there were resolutions grounded in the idea that the provisions of the underlying legal code should not be enforced. This approach regards declaring unconstitutionality as a substantial institutional step and should be considered a last resort.

"The Civil and Commercial Code serves as a primary safeguard for fundamental rights and human rights. The obligatory constitutional and treaty-based perspective of filial rights emerges from the interplay of Articles 1 and 2 of the CCyC, making it unnecessary to declare the unconstitutionality of the norm if it can be interpreted in light of human rights. A systemic reading

¹² <https://jndcbahiablanca2015.com/Wp-Content/Uploads/2015/10/Conclusiones-06.Pdf>

of the entire Code indicates that challenging the constitutionality of the last part of Article 558 is not required to address cases of pluriparenthood."¹³

From the extensive jurisprudence issued by our courts up to this point, we can discern the influence of socioaffectivity in filial relationships. This influence is characterized by the predominance of individual will and is complemented by other important principles, including identity¹⁴, privacy, equality¹⁵, non-discrimination¹⁶, and one of the foundational pillars in our legal system, the best interests of the child. This principle finds its origin in Article 3 of the Convention on the Rights of the Child, ratified by our country and having a supralegal status since its incorporation into Article 75, paragraph 22 of the Constitution. This provision forms the basis for various regulations that emanate from its spirit, including, for example, the right of children and adolescents to be heard, with their opinions considered and valued according to their level of discernment. It also extends to the realm of adoption, specifying that consent can be given by children from the age of 10, as stated in Article 595 of the Civil and Commercial Code (CCyC).

¹³ Juzgado De Primera Instancia De Personas Y Familia De Segunda Nominación De Orán, "PI". Causa N° 16725/2020. 10/8/2021.

¹⁴ "The right to identity is a human right. When it involves minors, this right is explicitly recognized in Articles 7, 8, and 9 of the Convention on the Rights of the Child (CRC). Therefore, the right to identity encompasses every child's right to: be registered immediately after birth, have a filial link, a name, a nationality, and, to the extent possible, know their parents and be cared for by them (Article 7). They also have the right for their identity to be preserved in family relationships without undue interference (Article 8) and to live and remain with their biological family, unless this is not possible due to well-founded reasons in the best interests of the child (Article 9). The right to identity thus encompasses other rights that hold autonomous or separate significance."Juzgado De Familia De Luján De Cuyo. "FANR". Causa N° 717/2020. 7/9/2022.

¹⁵ "Equality as a constitutional principle and the balance between autonomy of will and public order recognize the ability of family members to freely decide on options inherent to the privacy of family life. Authorizing the triple filiation pursued in this case, in terms of a life project based on love, is nothing more than respecting the guidelines set by the highest judicial authority in the region regarding human rights, in relation to the right to private and family life (Article 11 of the American Convention on Human Rights), personal integrity (Article 5.1 of the American Convention on Human Rights), personal liberty (Article 7.1 of the American Convention on Human Rights), equality, and non-discrimination (Article 24 of the American Convention on Human Rights) in terms of the right to form a family, which plays a central role in accordance with Article 17 of the American Convention on Human Rights."Juzgado Nacional En Lo Civil N° 7. "KDV". Causa N° 21175/2022. 22/6/2022.

¹⁶ "Article 558 of the CCCN is contrary to the principle of equality and non-discrimination because the family that [...] they have built, formed, and sustained in practice and over time, and that they wish the State to recognize as such, cannot exist due to the explicit prohibition established by the questioned norm."Juzgado De Familia De Tercera Nominación De Córdoba. "EMM". Causa N° 9620991. 11/4/2022.

In close relation to the topic at hand, a pertinent argument was put forward by the National Civil Court No. 7 in the case "KDV," under case number 21175/2022, dated June 22, 2022:

"The best interests of the child lie in the recognition of their family reality, whatever it may be, with a focus on the parental role that all of them effectively perform. If a child is born into a pluriparental family, they have the right for the state to protect their family environment and provide legal recognition of their actual filiation."

III. THE ONGOING DISCUSSION:

The current situation in the country revolves around two proposals concerning the recognition of this new family structure. Firstly, there is a question about the possibility of a comprehensive approach to pluriparenthood and, as a result, suitable regulation. In opposition, there are those who believe, a position to which we adhere, that the current state of knowledge regarding this phenomenon still has certain facets that require further study. Therefore, as a transitional measure until a comprehensive regulation is in place, the removal of the prohibition outlined in Article 558 is proposed.

In this section, we will explore some potential solutions discussed in legal doctrine regarding the effects of recognizing pluriparenthood, including how it impacts issues such as parental responsibility and succession rights. Additionally, we will briefly mention a bill that aims to amend Article 558 of the Civil and Commercial Code (CCyC) and incorporate this new reality into positive law.

To begin, it seems important to consider an excerpt from the resolution of the Family Court of First Nomination in Córdoba, "VMGA," in Case No. 10994016/2022 from November 2022:

"Contemplating a comprehensive and organic regulation of pluriparenthood is extremely complex, not due to the effects that occur after its recognition, but rather because of the multitude

of situations that can give rise to it - both original and derived modalities - as well as the foundational causes on which the third party's filiation, who is currently excluded, should be based. Should it be limited to only three situations? Should it only apply in cases where procreational intent precedes? Should it only apply in the presence of socioaffectivity? Should socioaffectivity through adoption be included? Or should socioaffectivity be considered a new and fourth source of filiation?"

We agree with the statement regarding the complexity of regulating this new family structure. Legal scholars have extensively analyzed this legal situation, raising numerous questions. At the same time, considerable progress has been made in addressing some of these questions.

I. Pluriparenthood And Parental Responsibility:

Regarding the effects that may arise from recognizing pluriparenthood and the functioning of families in the context of family law, we believe that the solutions are more practical than they may initially seem.

One of the key areas where triple filiation cases have a significant impact is in the exercise of parental responsibility in plural families. It's important to understand that the application of the principles related to parental responsibility is carried out in accordance with the current family law, with necessary adjustments for these cases. For instance, in situations where the consent of each parent is required, it would be three consents instead of two. In the event of opposition from any of the parents, it would be necessary to seek judicial authorization, just as it would be the case if there were only two parents.¹⁷

¹⁷ ARTICLE 645 - Acts Requiring the Consent of Both Parents. If the child has a dual parental link, the express consent of both parents is required for the following cases:

- a) Authorize adolescent children between the ages of sixteen and eighteen to marry;
- b) Authorize them to join religious communities, armed forces, or security forces;
- c) Authorize them to leave the Republic or permanently change their residence abroad;
- d) Authorize them to appear in court in cases where they cannot act on their own;
- e) Administer the children's property, unless administration has been delegated in accordance with the provisions of this Chapter.

In all these cases, if one of the parents does not give their consent or is unable to provide it, the judge must make a decision, taking into consideration the family's best interests.

Regarding parental care, we lean towards a shared custody arrangement, following the suppletory regime, and under the indistinct modality. As per *Article 650: "Modalities of shared parental care, shared parental care can be alternating or indistinct. In alternating care, the child spends periods of time with each of the parents based on the family's organization and possibilities. In the indistinct arrangement, the child primarily resides in one of the parent's homes, but both parents share decision-making responsibilities and equitably distribute caregiving duties."*

In terms of child support, the main implication we understand is the increase in both primary¹⁸ and subsidiary¹⁹ obligors.

Another crucial issue in cases of pluriparenthood is the child's surname. On this point, we align with the argument used in the case resolved by the Family Court of San Isidro in May 2023:

"The 'triple filiation'... undoubtedly raises crucial questions about the child's identity, whose rights must be protected. What's more, during the interview, the minor himself expressed an interest in keeping his surname - the one he has used throughout his life - and maintaining a family relationship with the plaintiff here."²⁰

This serves as a compelling illustration of how the Best Interests of the Child principle operates and how it should be correctly applied in cases concerning the child's rights. Furthermore, while this instance pertains to derived pluriparenthood, when multiplicity of parentage arises in an original context, we believe that it's advisable for the parents to come to a mutual agreement regarding the child's surname. In cases of disagreement, the adoption of a random drawing or lottery system could be considered as a fair resolution method.

II. Pluriparenthood And Succession Law:

When the act involves adolescent children, their express consent is required.

¹⁸ Art 537 - 668 CCyC

¹⁹ Art 538 - 676 CCyC.

²⁰ "R.C.H. c/ O.A. s/ acciones de impugnación de la filiación"

The existence of multiple filial relationships also carries implications in the realm of inheritance law, a matter we should examine closely. It's important to emphasize that, based on the principles of equality and non-discrimination, we don't see any hindrances preventing both the children and parents of a pluriparental family from being eligible for inheritance under the existing legal framework. In this context, some legal experts believe that the impact is primarily quantitative rather than qualitative²¹. In other words, the more legitimate heirs there are, the smaller the individual inheritance share they would receive. Consequently, the children in pluriparental families should be recognized as legitimate heirs, as outlined in the Civil and Commercial Code (CCyC). Similarly, this same assertion applies to ascendants in relation to the assets of the pluriparental child.

IV. SUGGESTIONS FOR REFORM:

There are two proposals that have been registered in the National Congress. One was in the Chamber of Deputies in 2017²², and the other was in the Senate in 2022. This time, we will focus on the Senate's project²³, as it deals with the issue of pluriparenthood as its central theme, in contrast to the proposal in the Chamber of Deputies.

Under file number 1116/22, the project is authored by Senator Cristina López Valverde from San Juan and others. It aims to amend the Civil and Commercial Code (CCyC) in its articles related to filial bonds and their limit of two. The project proposes:

"Article 1: Amend Article 558 of the Civil and Commercial Code of the Nation, which will be worded as follows:

ARTICLE 558: Sources of filiation. Equality of effects. Filiation can occur by nature, through assisted human reproduction techniques, or by adoption. Full adoption, natural filiation, or filiation through assisted human reproduction, whether matrimonial or extramatrimonial, have the same

²¹ Pérez Gallardo, L. (2019). El nuevo desafío de la filiación para el derecho de sucesiones: la multiparentalidad. *Revista de Derecho de Familia*, 91.

²² <https://www.hcdn.gob.ar/proyectos/proyecto.jsp?exp=1669-D-2019>

²³ <https://www.senado.gob.ar/parlamentario/comisiones/verExp/1116.22/S/PL>

legal effects according to the provisions of this Code. No person can have more than two filial bonds, regardless of the nature of the filiation, unless, due to the specific circumstances of the case, the child with sufficient age and maturity unequivocally expresses the will to have more than two filial bonds.

Article 2: Amend Article 578 of the Civil and Commercial Code of the Nation, which will be worded as follows:

ARTICLE 578: Consequence of the general rule of dual filial bond. If a filiation is claimed that would nullify a previously established one, a corresponding challenge action must be exercised prior to or simultaneously with the filiation claim, except as provided in the last paragraph of Article 558."

Among the justifications, it is mentioned that the bill aims to mitigate the rule of dual filiation contained in our CCyC and take into account the jurisprudence and doctrine developed around the concept of triple filiation and pluriparenthood. The proposed law suggests introducing an exception to the current rule based on the unequivocal will of the child to have more than two filial bonds.

In our view, the project falls short by basing the exception to filial binary on the unequivocal will of a child with sufficient age and maturity. We believe that this solution, while not entirely wrong, is only feasible in cases of derived triple filiation, where a child with the necessary age and maturity can assert their will and include a third parent. However, in cases of original pluriparental families where the primary factor is the will and agreement of three adults to become parents, regardless of the technique they use to carry out their life plan together, the modification would have no effect. This is because the unborn child would be unable to express their will, leaving them once again outside the realm of legal certainty.

Based on the project's justifications, it is clear that what is proposed for regulation is well-defined. However, the error lies in the legislative technique adopted in the wording of the article, specifically, "*unless, due to the specific circumstances of the case, the child with sufficient age and maturity unequivocally expresses the will to have more than two filial bonds.*" We believe that the exception should have been based on the best interests of the child, which is one of the guiding

principles of current family law, as evidenced by the majority of cases resolved by the courts up to this point.

To conclude this section, it is essential to address the conclusions reached by Commission No. 7 on Families at the XXVIII National Civil Law Conference in 2022²⁴, which took place in Mendoza, focusing on pluriparenthood and the various reform proposals under consideration.

Firstly, the interpretative conclusions reached by the majority or unanimously were:

1. "Socio-affectivity as a fact of reality requires reevaluating the presence of the emotional reference in the lives of children and adolescents in various situations, such as delegation of parental responsibility, judicial custody, guardianship, and support systems. (In favor: Unanimity)"

2. "The emotional relationships of children and adolescents with emotional references resulting from intergenerational bonds must be safeguarded and promoted. (In favor: Unanimity)"

3. "Socio-affectivity can be understood as a form of 'affection' characterized by reciprocity and closeness. (In Favor: Unanimity)"

4. "In cases where pluriparental filiation is recognized by a court judgment, it must necessarily be based on the guiding principle of the best interests of the children, which will be defined in each case. (In favor: 24)"

5. "Socio-affectivity is not an autonomous source of filiation. (In favor: 30)"

6. "Integration adoption, whether full or simple, does not imply pluriparenthood per se, unless expressly provided for by the court judgment. (In favor: 20)"

²⁴ <https://mendozalegal.com/omeka/files/original/d3206ba7ee736f4147f6a4da5bee9a27.pdf>

Regarding the conclusions about legislative reform proposals, it is important to note that no consensus was reached. However, it is essential to analyze some of the proposals to continue feeding the debate.

One proposal is to amend Article 558 of the Civil and Commercial Code of the Nation, by eliminating its last sentence, which reads: "*ARTICLE 558: Sources of filiation. Equality of effects. Filiation can occur by nature, through assisted human reproduction techniques, or by adoption. Full adoption, natural filiation, or filiation through assisted human reproduction, whether matrimonial or extramatrimonial, have the same legal effects according to the provisions of this Code.*"

The proposal that gained the most general acceptance, with 15 votes in favor, 9 against, and 13 abstentions, is as follows:

"It is proposed to modify the last part of Article 558 with the following text: 'No person can have more than two filial links, regardless of the nature of the filiation. This limit may be extended if there are justifiable reasons at the discretion of the judiciary.'"

This proposal is considered viable as leaving the recognition of a family to judicial discretion is seen as unfeasible and lacking legal security.

The next proposal lacks legitimacy since, as mentioned earlier, socio-affectivity cannot act as an autonomous source of filiation:

"It is proposed to modify Article 558 with the following text: 'Sources of filiation. Equality of effects. Filiation can occur by nature, through assisted human reproduction techniques, by adoption, or by socio-affectivity. Full adoption, by nature, through assisted human reproduction techniques, marital and extramarital, or through socio-affective relationships, have the same effects in accordance with the provisions of this Code.'"

"It is proposed to modify the last part of Article 558 with the following text: '...No person can have more than two filial links. This provision does not apply to certain cases of assisted human reproduction techniques and integration adoption.'"

This proposal is not considered accurate since it overlooks and excludes cases of derived pluriparentality that occur in natural filiation.

Finally, a modification to Article 578 of the CCyC was proposed, which was well received by the presenters in general:

"It is proposed to modify Article 578 with the following text: 'Double filial link. Exception. If a filiation is claimed that implies nullifying a previously established one, the corresponding impugnation action must be exercised prior to or simultaneously. The provisions of the preceding paragraph do not apply if the prior or simultaneous impugnation goes against the best interests of the child in consideration of pre-existing socio-affectivity.'" (In favor: 17)

This aligns with what is observed in court practice, where cases typically originate from an impugnation, and, beyond the prohibition established in Article 558, not displacing pre-existing bonds contributes to a better integration and interpretation of the principles and provisions governing the subject.

V. THE RECENT CUBAN FAMILY CODE:

We have already discussed the predominant role that socio-affectivity has taken in current Family Law, and from that, several questions have arisen. Among them, the one that interests us here is how to incorporate or give legal force to this concept in our positive law. Is socio-affectivity a new principle of modern family law? Or is it more of a new source of filiation?

Although there is consensus in national doctrine regarding socio-affectivity and its relationship with sources of filiation, there is a reluctance to recognize it as a new source. It's interesting to observe what happened in Cuba and its new Family Code²⁵, which came into effect at the end of September 2022 after being approved through a popular referendum.

²⁵ <https://www.minjus.gob.cu/sites/default/files/archivos/publicacion/2022-09/goc-2022-o99.pdf>

"Article 3. Principles: The relationships that develop within the family are based on dignity and humanism as supreme values and are governed by the following principles: a) Equality and non-discrimination; b) plurality; c) individual and shared responsibility; d) solidarity; e) socio-affectivity..."

In its initial articles, the Cuban code incorporates socio-affectivity as a principle governing family matters, to which one can resort as an interpretative guideline for integrating the norms in case of any gaps.

"Article 50. Sources and Types of Filiation Filiation can occur through:

a) Natural procreation, resulting in consanguineous filiation;

b) the legal act of adoption, resulting in adoptive filiation;

c) the expressed will to establish maternity or paternity of the commissioning parties through the use of any assisted reproduction technique, leading to assisted filiation; and

d) the judicial recognition of socio-affective filial ties built from the state of being a daughter or son with regard to mothers and fathers, giving rise to socio-affective filiation."

Here, we encounter the recognition of socio-affectivity as a source of filiation, alongside those already recognized by Argentine law. Furthermore, the article in question refers to filiation encompassing both the bonds of procreation and parentage as well as the social and affective bonds that make a person hold the status of mother, father, daughter, or son.

Regarding the binary filial relationship, the Code addresses it in Article 55, stating that *"As a general rule, daughters and sons have two filial bonds. When there is one filial bond, we are dealing with single parenthood, and with more than two filial bonds, we are dealing with multiparenthood."*

It is worth noting that the Cuban code chose to use the term "multiparentality," in contrast to the national doctrine and jurisprudential voices in Argentina, where we refer to

"pluriparentality." In the Glossary of Terms²⁶ accompanying the Bill of the Cuban Family Code, multiparentality is defined as follows: "It is the filial legal situation created when consanguineous mothers and fathers converge concerning the same person, with socio-affective mothers and fathers recognized by the court. It implies the convergence of different parentages in one person, both consanguineous and socio-affective, with equal rights. The person will thus have more than two parental bonds."

The following article, as an exception, provides: *"Exceptionality of Multiparentality. 1. Exceptionally, a person may have more than two filial bonds, either for original or supervening reasons. 2. Regardless of the cause, the filial bond is legally formed independently of the biological or genetic relationship of the individuals involved. 3. For the determination of surnames and their order, if the daughter or son is a minor, the court takes into account what is most beneficial according to their best interest and respect for their identity."*

Furthermore, Articles 57 and 58 refer to the types of pluriparentality, listing the cases that each encompasses:

"Original causes of multiparentality: a) Cases of assisted filiation where, in addition to the couple, a third person providing gametes or the surrogate, who may or may not provide the egg, wants to assume motherhood or fatherhood, by mutual agreement with them; and b) any other case in which, based on the common life project, it is foreseen to conceive a daughter or son by more than two people."

"Article 58: Causes of multiparentality that arise subsequently, taking into account the principles of the best interests of the daughter or son and respect for the family reality: a) Cases of socio-affective constructed filiation, without leading to the displacement of established filiations; and b) adoptions for integration."

²⁶https://www.trinidad.gob.cu/images/Versi%C3%B3n_25_del_proyecto_de_C%C3%B3digo_de_las_Familias.pdf. page 145.

Finally, Article 59 addresses derivative pluriparentality exclusively based on socio-affectivity: *"Multiparentality arising from socio-affectivity. 1. In the case of multiparentality arising from socio-affectivity, taking into account all the concurrent circumstances and hearing the opinion of the daughter or son who is a minor, in accordance with their psychological maturity, capacity, and progressive autonomy in the relevant cases, the recognition of filiation in favor of those who have requested it may or may not be granted.*

2. The circumstances referred to in the previous paragraph relate to the proven presence of a clear and stable socio-affective family bond, regardless of whether or not there is a biological link between a person and the daughter or son; the behavior of the person who, as a legal mother or father, has commendably fulfilled the duties that correspond to them in terms of social and family parenthood, and those whose intention, will, and actions can be presumed to be those of mothers or fathers.

3. The daughter or son and the prosecutor may also claim multiparentality arising from socio-affectivity."

While the legal approach of the Cuban Code is quite different from what we might eventually adopt, it is interesting to consider and continue enriching the debate. The perspective proposed by this code could be the subject of numerous studies regarding its correlation with our legal system and how some of its ideals could inform our own.

VI. CLOSING REMARKS:

The discussion at the national level, as we have seen, is currently following different paths than the situation in Cuba. We understand that the explicit regulation of pluriparental families in the CCyC would require an extensive reform of the legal framework, and that the potential effects of such recognition deserve deeper analysis, as do the various potential scenarios that may arise in the future and are still uncertain. However, we believe that the current state of the debate, where the goal is to simply remove the binary rule without comprehensive regulation, is a significant step forward. This way, cases of pluriparentality would have a simpler recognition,

both in their original form, resolved administratively, and in their derivative form, resolved in our courts, as has been the case so far.

Regarding the debate around recognizing socio-affectivity as a source of filiation, we share the consensus that it should not be formally recognized as a new source of filiation. We believe that the recognition of socio-affectivity can be addressed, as it has been, by considering other prevailing principles in family law, such as the Best Interests of the Child. The interaction of socio-affectivity and filiation sources can coexist in harmony without the need to introduce a new filiation source into our legal system.

After many years, we continue to embrace the ongoing debate, which is always the right path. Time might seem to be against us, but at least we are getting closer, and most importantly, we are making steady progress. What matters is that people are already talking about this, debating it, and studying it. The important thing is that more than twenty families now have a recognition that they couldn't have imagined just a few years ago. For their sake and for the families of the future, we must continue working to build an inclusive, human, constitutional, and convention-based Family Law for everyone.

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