

# **With the decision of the Constitutional Court dated 26/07/2023, file numbered 2023/3, decision numbered 2023/139**

20/10/2023

With the decision of the Constitutional Court dated 26/07/2023, file numbered 2023/3, decision numbered 2023/139; the 4th subsection of Article 314 of the Turkish Civil Code numbered 4721 which states that **“The names of the adopted spouses are written as the mother and father’s names in the civil registry of minors who are adopted by the spouses together and who do not have the mental competence.”** was annulled unanimously as it was found to be contrary to Articles 20 and 40 of the Constitution, on the grounds that adults and minors are not considered legally equal in terms of lineage established through adoption, in cases where spouses adopt adults together and one spouse adopts the adult child or adopted child of the other spouse, it is not allowed to write the names of the adopting spouses as mother and father names in the civil registry, adult adopted children are not given the right to request that the names of the adoptees be written as the mother’s and father’s names in the civil registry and civil registry records should not lead to confusion of lineage.

The decision will enter into force nine months after its promulgation in the Official Gazette.

You can access the full text of the decision at <https://www.resmigazete.gov.tr/eskiler/2023/10/20231019-13.pdf>