Affection: elements and limits of multi-parenting

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RESUMO

The article identifies the elements and limitations considered for the effectiveness of multiparenthood, emphasizing the principle of affection because it considers it a determining factor for the recognition of the bond socio-affective. It also addresses the procedures used to achieve socioaffective recognition, in addition to the succession rights generated at the time of the pre-feel effectation. Our objective is to analyze the principle of affectivity and its relevance in the recognition of the socioaffective bond and, also, the possibility of realization in the extrajudicial field, evidencing the characteristics of multiparentalidad and the succession effects generated after the established multiparental bond. We used the hypothetical-deductive method for the development of the article, because the conclusions were deduced based on articles, literature and jurisprudence about affectivity and the new family models. We could verify, then, that multiparenthood marked the new concept of family resulting from the transformations of civil law, because it broadened the understanding of the paternal and maternal figures, which should not be determinated only by the factor relationship based on affection, love and care among family members.

Keywords: affectivity; multiparenting; socio-affectivity; family.

1 INTRODUÇÃO

With the development of society, new family conjugations are being built, based on the principle of affectivity, which, in turn, has solidified a new family model that is characterized by the plurality of parents, which are m, biological and affective.

The principle mentioned is not expressed in the Federal Constitution, however, currently, affection is considered the main foundation of family relations, since it is linked to the principle of Human Dignity which has express provision in the Federal Constitution as one of the foundations of the Democratic State of Law.

However, until recently, only those who raised children were considered as parents, i.e. , motherhood and fatherhood were determined by the genetic factor. With the evolution of society
and the social transformations that have occurred, the family scenario has undergone considerable changes, and currently, some families have become constituted in various ways, and all demand legal protection.

Therefore, it seeks to identify which elements and limitations are considered for the recognition of multiparenthood since the family bond has been established from affectivity, a principle of the branch of Family Law that seeks to guarantee the fundamental right to those who have been created by people other than their biological parents.

However, once the state of possession of a child and the possibility of socio-affective recognition are confirmed, it is certain that recognized son or daughter, after regular judicial or extrajudicial proceedings, will have, in his birth, the plurality of fathers and/or mothers since the legal act in comment does not result in the loss of the family power of biological fathers.

Thus, the relevance of the theme on screen is verified, because it disciplines rights guaranteed to the various familiar arrangements of today's world, providing the legitimate and deserved legal certainty. It should be noted that the act of performing socio-affective recognition is, as a rule, irrevocable, in addition to the various effects they generate, including hereditary ones. However, for the realization of this recognition, the parties must prove the affective bond, not being recognized by meredeclaration.

The main objective of the study is the identification of the predominant elements for the realization of socioaffective recognition as well as in the limitations imposed by the Brazilian legal system. Some important questions are still scored for the procedure to be carried out, such as the proof of affection among the members, the characteristics of multiparenthood, its limits and its realization in the extrajudicial sphere and, finally, its succession efeit.

Moreover, the bibliographic method was used, in addition to the documentary study, through the analysis of legislation and jurisprudence related to the theme of multiparenthood, based on the understanding of several doctrinators of the Brazilian Direito, since they address, in their works, the issue of relationships family members and affection in depth, highlighting how affectivity has important role in the construction of new family groups, such as the case of socioaffective affiliation.

2 THE PRINCIPLE OF AFFECTIVITY AS A DETERMINING FACTOR IN FAMILY RELATIONS

With the transformations that have occurred over the years in the concept of family, it is verified that affection has been considered the main foundation of family relationships, because it
transcends the biological issue and is intrinsically linked to the principle of the dignity of the human person, one of the foundations of the Democratic Rule of Law.

In the interpretation of the new family scenario, it is clear that affectivity has become a basic element, since it has become a recurring theme. However, initially, in view of the lack of regulation expressed in the Federal Constitution, it was the object of jurisprudential constructions, in which the higher courts, through these jurisprudence, played an indispensable role to guarantee rights related to the recognition of the bond constituted by affectivity. Since then, it has been recognized more and more by the Brazilian legal system.

In this sense, Calderón (2013, p. 87) elucidates that:

Jurisprudence played a fundamental role in consolidating the legal category of affectivity in the Brazilian system, and that, long before any express legislative provision, it already recognized the affectivity in several cases. There are numerous decisions that, more incisively since the last decade, have granted legal effects to affectivity in various concrete situations.

And, in the same sense, it is important to observe the decision in the Adcourt of the Court of Justice of the State of São Paulo, in the following terms:

JUDICIAL RECOGNITION OF PATERNITY. MULTI-PARENTING. Action filed by the biological father for recognition of the fatherhood of the ad. Appealed ruling that recognized paternity founded as a result of positive DNA testing. Appeal brought only by the biological father, challenging the amount relating to the food budget and requiring the exclusion of the name of the registral father from the child's birth seat. Alimony in the case of unemployment or informal employment fixed in sentence at 1/2 of the minimum wage. Needs of the presumed minor. Non-existence in the case of elements related to the current position held by the feeder. Perceived remuneration when employed (until June 2017), contudo, which allow to conclude by the need to reduce the amount fixed in sentence to 1/3 of the minimum wage in case of unemployment or informal employment, to adapt to the possibilities of the food user. Misplaced pretension of exclusion of the registral father of the registro of the minor. Typical situation of multiparenting, confirmed by report of the multidisciplinary team. Existence of socioaffective paternity with the registral father does not exclude the biological paternity of the applicant. Normative precedent given in extraordinary appeal with general repercussion by the Supreme Court. Request that meets the interests and is formulated by all the involved (daughter, registered/social father, mother and biological father) (Court of Justice of São Paulo. Civil Appeal: AC 1001117 - 95.2018.8.26.0125 SP 1001117 - 95.2018.8.26.0125. Judicial recognition of paternity. Multiparenting. 1st Chamber of Private Law. Rapporteur: Francisco Loureiro. February 28, 2020).

In fact, until recently, the principle of affection had no protection in the legal world, because the importance due to affection among family members was not given. It was the changes in society that made such a principle evident. But only with the promulgation of the Federal Constitution in 1988 did the freedoms of human beings in the constitution of their families in
favor of affection be extended.

In view of such modification, Article 227 of the Federal Constitution (BRASIL, 1988) provides that:

Art. 227. It is the duty of the family, society and the State to ensure the right to life, health, food, education, leisure, professionalisation, culture, dignity, respect, freedom and freedom to the family and community coexistence, in addition to putting them safe from all forms of neglect, discrimination, exploitation, violence, cruelty and oppression. (Wording given by Constitutional Amendment No. 65, 2010)

§ 6 - Children, if or not in the relationship of marriage, or by adoption, shall have the rights and qualifications, prohibited any discriminatory designations relating to membership. (our griffin)

Thus, it is verified that there is nothing to mention in distinction in the recognition of children, because all have become equal and have the same rights, being vetoed any distinctions as to their legitimacy.

Moreover, it is also certified that the principle of affection, even if implicit, is the result of the reflexes generated by the essential foundations, constitutive of this social evolution, as occurs with adoption, an affective choice whose family coexistence is seen as an absolute priority assured to the child and adolescent.

In view of this, dias addresses (2015, p. 52):

Even if the word affection is not in the constitutional text, the Constitution has ensnared the affection within the scope of its protection. Here's an example. Recognized the stable union as a family entity, deserving of legal protection, as it is constituted without the seal of marriage, this means that affection, which unites and binds two people, has acquired recognition and insertion in the legal system, that is, there was the constitutionalization of a model of eudemonist and egalitarian family, with greater space for affection and individual fulfillment.

It is important to note that Tartuce (2021) elucidates that the principles serve to structure the planning, generating concrete consequences, due to its remarkable function for society. And there is no doubt that affectivity constitutes a strong code in Contemporary Law, generating profound changes in the way the Brazilian family is thought.

However, it is noteoint the importance of the principle in principle as it stabilizes the socioaffective relations and the communion of life with emphasis on the affection built between parents and children, with scope in every family relationship, whether between spouses, between partners or between children, or between children because of the cultural nature that goes beyond the biological bond of the family.

In fact, although the legal nature of Family Law is private law, it is salutary that the State
should edit rules to protect family relationships, establishing limits and rules that must be observed, as occurred with the publication of provision no. 63/2017 of the National Council of Justice, subsequently amended by Provision No. 83/2019, which allowed the recognition of socioaffective affiliation through extrajudicial means.

According to Magdalene (2018), favorable doctrines work based on the constitutional values of human dignidade and the principle of affection, because socioaffective affiliation arose after the biological truth that gained body with the sacralization of DNA, because before they existed genetic tests, the truth of affiliation was always registral, emerging socioaffective affiliation still in a background in the face of biological truth.

With the social and family transformations that have occurred in recent years, new principles have emerged with the aim of reaching the momentary reality of society, and thus reshaping the legal system according to the reality of today's family structure, among which stands out the principle of affection, intrinsically linked to the principle of the dignity of the human person, considered the mater principle.

3 CHARACTERISTICS AND LIMITATIONS OF THE EFFECTIVENESS OF THE SOCIO-AFFECTIVE BOND

Multiparenthood consists of conferring on socio-affectivity the same values conferred on the conblood reality, so it is a way of recognizing, in the legal field, what occurs in the world of facts. However, when a person enjoys family life with biological and conblood affiliation, the possibility arises that a person has more than one parent or more than one mother, simultaneously producing legal effects in relation to all of them, including with regard to the succession question.

Aligned with this thought, Madaleno (2018) states that the constitutional text sought to establish the principle of isonomy among all children, thus establishing a new profile in affiliation, of complete equality between all the old social classes of peresthet. Thus, regardless of how the relationships deferred, there will be the same treatment.

The existence of socioaffective kinship, however, is recognized by proving certain elements, and the state of possession of a child is the main one, which occurs when a person exercises parental authority as the father or mother of a third party, that is, when someone who is not a biological father and/or mother practices necessary conduct so that it is necessary to raise and educate children, with love, affection, sustenance and assist to the offspring.

It is important to note what Madaleno asserts (2018, p. 660):
The notion of possession of the state of a child has been receiving shelter in the reforms of the comparative law, which does not establish the parental ties with birth, but rather in the desire to be a parent, and this desire is established in the field of affection, and puts into both legal truth and scientific certainty in establishing membership.

Madaleno (2018) warns us that legal value is not supported by genetic ancestry, but rather in the affective link, because it occurs that many parents generate children by unwanted carelessness, which may reflect a prompt rejection.

Moreover, it is verified that there are several situations that allow the constitution of socioaffective affiliation. We can mention the case of socioaffective motherhood and preservation of biological motherhood when the biological mother dies due to complications of childbirth and a third person raises the child as if her child fossand, during the coexistence, the affection between them is clear and notorious.

One case of this same nature is that of separation, divorce or widower, when the child, the result of union, begins to live with the stepfather or stepmother, establishing a harmonious relationship, watered with affection and care. In this case, the possibility of double motherhood is or paternity by socioaffective recognition to be performed in its own procedure. This procedure may be judicial or extraction and, after being recorded on the margin of the birth seat, there is a legal right to include the name of a second father or second mother to the affective child.

In the above cases, it is verified that the child ceased to have a contact with people of biological affiliation and began to have a relationship with the affective family.

In addition to these situations, there are others in which socioaffective recognition occurs, and there is also the preservation of the coexistence between both bonds, that is, biological and sanguineo, due to the protection of the best interest of the child, especially if it is still in personality formation, in which the two paternities or maternity wards will coexist, as one will not exclude the other.

Add the elucidation of Magdalene (2018, p. 659):

Julie Cristine Delinski, well identifies this new structure of the Brazilian family that starts to give greater importance to affective ties, and it is no longer sufficient for genetic or civil descent, and the integration of parents and children through the sublime feeling of affection is fundamental for the current family. In addition, fatherhood and motherhood have a deeper meaning of what and biological truth, where zeal, filial love and natural dedication to the child reveal an affective truth, a bond of affiliation built by the free desire to act in interaction between father, mother and child of the heart, forming true bonds of affection, not always present in biological affiliation, not least because real affiliation is not biological, but cultural, the result of bonds and relations of feeling cultivated during living with the child and the adolescent.
On the other hand, it is important to verify that, although affectivity is present in the new family compositions, for the realization of socioaffective recognition, there are some limitations:

DECLARATORY ACTION OF MULTIPARENTHOOD. Share proposed by the minor, represented by the mother, and by the maternal grandfather against the biological father, in order for the grandfather to also be recognized as the father of the minor. Judgment that rejected the initial and dismissed the case without resolution of merit. Nonconformism of the authors. Multiparenting that is based on the principle of human dignity and responsible parenthood. Thesis approved by the Supreme Court, in the judgment of Extraordinary Appeal 898.060 (General Repercussion 622). Biological paternity that does not prevent the recognition of the concomitant link of affiliation, based on socioaffective origin, with the legal effectsthemselves. Article 42, § 1, of the ECA, however, which expressly prohibits the adoption of descendants by ascendants. This case does not fall within the exceptions permitted by the case-law of the Superior Court of Justice. A situation that can create confusion in the family structure, as well as in hereditary rules. Sentence that must be upheld. UNPROVIDED APPEAL. (São Paulo Court of Justice. Civil Appeal: AC 10223348720198260602 SP 1022334 – 87.2019.8.26.0602. Declaratory action of multiparenting. 6th Chamber of Private Law. Rapporteur: Ana Maria Baldy. October 28, 2020)

From what is insgiven of the text of the declaratory action, despite the possibility and coexistence of fatherhood and motherhood, it is not possible for there to be socioaffective recognition between the person who will be recognized and his ascendants and brothers, a fence expressed in Art. 10, paragraph 3 of The CNJ Provision No. 63/2017 (BRASIL, 2017), which deals with socioaffective recognition in the extrajudicial sphere. See:

Art. 10. Voluntary recognition of the paternity or socioaffective maternity of a person of any age shall be authorized before the civil registration officers of natural persons.
§ 1 - The voluntary recognition of paternity or maternity will be irrevocable, and can only be disconstituted by judicial means, in the case of will addiction, fraud or simulation.
§ 2 - May apply for recognition of the paternity or socioaffective maternity of children over eighteen years of age, regardless of marital status.
§ 3 - The brothers and sisters may not recognize the fatherhood or socioaffective motherhood of each other or the ascendant. (our griffin)

It is necessary to note that, on August 14, 2019, Provision No. 83 of the CNJ amended Article 10, previously mentioned, having more clarity the list of documents necessary to carry out the procedure, thus preventing the socioaffective recognition for the minor of 12 years in the extrajudicial way, avoiding adoption to the Brazilian, since the socioaffective recognition has, as one of the requirements, the social recognition of such bond and, in the case of children, would not meet this requirement.

Another essential requirement for the procedure is that the would-be father and/or mother be of legal age and that the age difference between them and the child that will be recognized is at least sixteen years old. In addition, the inclusion of a socioaffective ascendant is allowed,
whether on the paternal or maternal side, as provided for in paragraph 1, Article 14 of Provision 83 (BRASIL, 2019).

"art. 1... ......................
§ 1 - Only the inclusion of a socioaffective ascendant, either on the paternal or maternal side, is permitted.
§ 2 - The inclusion of more than one socio-affective ascendant shall be processed by judicial means.

Such limitations were imposed to avoid adoption to the Brazilian woman or even the recognition of the socio-affective bond by other interests, without effectively having the existence of affection among family members. I am so because, unlike adoption, whose affection between the parties, in most cases, is only constructed after the favorable decision of the judiciary, in the implementation of multi-parenthood, affection is an essential previous requirement, as it must be it is proven that the affection and animus of raising such a person as if his son were already existed for a certain time, which is a clear and irrefutable demonstration of the possession of the state of a child.

Thus, it turns out that the National Council of Justice has not yet published these provisions, as it has overcome initial obstacles brought by the Law No. 6.015/1973 (Public Records Law) that does not have about multiparental affiliation and even the Brazilian Civil Code that implicitly provides, in article 1593 (BRASIL, 2002), when it mentions "another origin", let's see:

Art. 1,593. The sco relative is natural or civil, as it results from inbreeding or other origin.

However, with such advances, there is, a priori, no prevalence or hierarchy of biological kinship over the socioaffective, and may even coexist, because the situation should be considered and considered for the purposes of regularization and legal protection.

Thus, in view of the numerous changes that have occurred and the new family configurations of today's world, the decisions of the higher courts have been agreed in order to expand and respect any kind of family constitution, whose bonds of health and those of the socioaffective must always follow together that this union is beneficial, especially considering the social and affective interests of the child or adolescent involved.

4 PROCEDURES FOR THE IMPLEMENTATION OF MULTIPARENTING

With family transformations and the expansion of the concept of family, based on the
principle of affectivity, in which it has recognized multiparenthood, it is verified that, initially, such bonds were possible to be effected only by judicial. However, when analyzing the specific case, the judge made the decision recognizing or not socioaffective affiliation.

Thus, as previously mentioned, with the advent of The CNJ Provision No. 63/2017, it is that the possibility of the effectiveness of the affective socio-social bond was established in the extrajudicial way, and this document was amended in 2019 by Provision No. 83/2019, in which it established some criteria for performing the procedure.

Thus, it is notorious the scope taken involving the theme since the demands referent to socioaffective recognition began to be carried out directly in extrajudicial services, in a faster, accessible and simplified way, regularizing numerous consolidated situations in fact and avoiding the propositura of demands Judicial.

As mentioned, Provision 63/2017 was innovative in the issue of socioaffective recognition, because it brought, in section II, article 10, with about paternity and socioaffective motherhood and guiding how to proceed with socioaffective recognition in the extrajudicial sphere and its limitations, such as minimum age and limits of fathers or mothers.

In fact, in order for the procedure to be carried out, it is necessary that the affective bond be stable and socially known, so that the Civil Registry Officer will attest to the existence of such a bond through objective verification, that is, concrete elements will be verified to guide me to the Provision.

In the intention of coating the act more safety, provision no. 83 was published in 2019, which amended Article 10 of Provision No. 63, and added some documents, capable of attesting to the existence of the bond, namely, the school appointment as responsible or representative of the student; registration of the alleged child in health insurance or in a welfare body; official record of which live in the same home unit; marriage bond - marriage or stable union - with the biological ascendant; registration as dependent on the applicant in associative entities; photographs at relevant celebrations; statement of witnesses with a notarised firm.

However, the list presented, although important, is not exhaustive, and the absence of such documents does not prevent the decision of the Officer to grant the act and effect the registration at the margin of the term of birth. From then on, it will give the recognized the plurality of father or mother, and all legal effects will come into existence.

On the other hand, it is important to note that, even if the affective relationship is public knowledge and notorious, it will not be legally recognized automatically, so the parties' application is necessary. If you are recognised as a minor under eighteen years of age, there
must be the express consent of your parents and, in the absence of these, you will be referred to the local court unless one of the parents is dead.

In this sense, referral may be waived, according to the recent approval of Statement No. 6, in the 1st Day of Notarial and Registral Law that took place on August 4 and 5, 2022 at the head of the Federal Regional Court of the 5th Region (TRF5), with the following:

Statement 6: "The procedure for recognizing socioaffective affiliation should not be referred to the analysis of the Judiciary, when the absence of consent of the parent occurs due to his previous death".

Moreover, in the case of larger and capable persons, the Officers, endowed with public faith, will analyze the facts and documents gathered and decide whether or not to defer the application. However, in the case of children under eighteen years of age, the file must necessarily be submitted to the Public Ministry, in addition to the consent of the minor, a situation similar to the adoption processes for people over 12 years of age.

If the file is forwarded, after manifestation of the Parquet, if favorable, the registration will be performed, which will include the name of the affective genitor or genitor in the birth seat of the recognized. However, if the Public Prosecutor understands that the documents added are not sufficient to meet the requirements and the opinion is unfavorable, the Officer shall communicate to the applicant, and the file will be filed.

Moreover, as provided, both in the administrative and judicial areas, it is possible that there is recognition of socioaffective affiliation in concomitance with conblood affiliation. However, unlike the judicial route, in the administrative way, there is limitation, being possible the inclusion of only a socioaffective ascendant, either on the paternal or maternal side. And, also, it is possible only for cases of children older than 12 (twelve) years. In other cases, the procedure should be carried out by judicial means.

4.1 SUCCESSION EFFECTS

Article 5, XXX of the Federal Constitution provides for the guarantee of the right of inheritance, as well as the right of succession is also disciplined by the Brazilian Civil Code, which lists as possible forms of succession the following: succession in general, legitimate succession, testamentary succession and inventory and sharing.

In view of the provisions of Article 227, § 6 of the Federal Constitution (BRASIL, 1988), on equality between children, whether or not they come from marriage, it is certain that all have the same rights and obligations, so equality of affiliation also reaches the foster children
and the recognized socioaffectively, and any discrimination is being denied.

Similarly, the 2002 Civil Code seals any difference between children, as well as the Federal Constitution, which guarantees the inheritance rights to all consanguineous children, adopted or, even, recognized socioaffectively, along the lines of the Provision of the National Council of Justice.

Regarding the effects of the effects of socioaffective recognition, Kümpel and Ferrari (2017, p. 491) describe:

Right to inheritance: if you have multiparenting, your child will be entitled to receive your share of the legitimate part of as many fathers or mothers as you have. In the reverse situation, the legitimate child, if he does not have descendants or spouses, will be divided by all the fathers and mothers of the cujus. Thus, there is a succession allotment.

And yet, it has art. 1,836 of the Brazilian Civil Code:

In the absence of descendants, the ascenders are called to succession, in competition with the surviving spouse. Paragraph one. In the ascendant class, the nearest degree excludes the most remote, without distinction of lines. Second paragraph. With equality in degree and diversity in line, the ascendants of the paternal line inherit half, with the other being the mother's level (BRASIL, 2002, art. 1,836).

Thus, it is of paramount importance to mention the inverse succession issue, which occurs when the death of the socioaffectively recognized child precedes that of its parents, biological and/or affective. And this son, if he did not give descendants or spouse, will have his inheritance divided equally among his ascendants, or, having spouse, divided in competition with this.

On the subject, Gonçalves (2019, p. 200), precepts that:

Multiparenthood, which "may not be so beneficial, whether to the person of the child or to society itself, since, through this, the child could plead alimony of two fathers or two mothers, increasing the resources of their survival, and também could plead for increased inheritance rights, in view of duplication of parents. However, in view of the bilaterality of family actions, the child would also have a duty to support a greater number of parents, who could also require custody of the child and still have inheritance rights at the time of his pre-death."

It is also important to verify the content of Article 1,784 of the Civil Code (BRASIL, 2002) which states that "After succession, inheritance is transmitted, from the outhee, to legitimate and testamentary heirs".

According to Gonçalves (2019), inheritance is not restricted to the transfer of property left by the deceased, it also includes the credits and debts, direitos and obligations, claims and shares held by the deceased, and those proposed against him since they were transferable.
Thus, when the deceased child has a plurality of fathers and/or mothers in their birth seat, their debts, obligations, credits and debts, as well addressed by the author mentioned above, are transferred to the parents, so the parties respond to the equivalent part of each.

In addition, art. 1,786 of the Civil Code (BRASIL, 2002) provides that "the succession is by law or by provision of last will". Therefore, it is necessary to verify the types succession, observed their source, that is, if legitimate by virtue of law and testamentary due to manifestation of last will, which is concretized through the will, which, being this, drawn up public or private instrument.

Thus, due to the equality of protected affiliation in the Brazilian legal settlement, in the case of children recognized socioaffectively, whether in the judicial or extrajudicial way, they will have the same rights and the same obligations of the consanguineous children, soon will be legitimate heirs of the father or mother socioaffective without any distinction.

5 CONCLUSION

Given the transformations of society and the new family configurations, multiparenthood arose, with the objective of safeguarding the various family scenarios, having as a basic principle affectivity, which overcame rules established by outdated norms, which established a single model familiar cast dan from place to current model.

Indeed, it is known that norms cannot achieve recurrent transformations in various social aspects and, with the principle of affectivity, it was no different, because many situations of fact existed and lacked regularization to legal protection.

However, initially, provoked by popular demand, the jurists encountered numerous difficulties in the decisions that reached the courts and, in the face of each specific case, each judge had made its decisions favorable or not to the recognition of the affective bond and, being recognized, made it possible, from then on, the plurality of fathers and/or mothers in the birth seat, allowing coexistence of biological and affective bonds.

Thus, initially, the principle of affectivity was approached as a determining factor for the protection of family law, which allowed a dynamic in the family scenario, leaving only fathers and mothers considered and considered by the blood factor, as well as the important role played by the judiciary regarding the demands related to multi-parenting.

In view of the numerous actions proposed, it is verified that many studies and decisions were handed down until the Supreme Court ruled in 2016, Extraordinary Appeal 898.060, Theme 622, with binding effect for the whole any similar decision. The publication of the Provision of
the National Council of Justice No. 63 of 2017, in which it regulated the recognition of socio-affective affiliation in administrative headquarters, taking as the basis of affection that is intrinsically linked to the principle of the Dignity of the Human Person, which is one of the foundations of the Democratic State of Law and inscribed in Article 1 of the Federal Constitution.

In fact, it was found that the principle of affection is paramount importance in family relationships in today's world, so it is necessary to observe its characteristics, elements and limitations of the effectiveness of the socio-affective bond in order to clarify the various social issues related to affection, especially today, when socioaffective recognition is performed, in most cases, by extrajudicial means, being judicialized only in some specific situations, such as when it involves under 12 years or in cases of recognition post mortem.

It is also known that, with socioaffective recognition, there are several effects among which (i) the successions of both legitimate inheritance and inverse inheritance, this being when the recognized socioaffectively dies and leaves no descents or spouses, and (ii) the rights and obligations, which must be analyzed before the plurality of parents.

Finally, it should be noted that the theme studied was received with fervour by jurists and is of paramount importance, because it protects the various modalities of family constitutions. However, not all social issues related to the theme are disciplined by law, because, despite the numerous situations of fact that have been regularized, the possibility of carrying out administratively and uniformity before the courts only occurred from the publication of the Provision CNJ No. 63/2017 since they still lack the provision expressed in the Brazilian Civil Code.
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