Dear Sir/Madam:

We are providing the following information in response to your request of April 19, 2017, concerning the current law regarding the legitimation of children born in the State of Guerrero, Mexico; the law regarding legitimation for children born out of wedlock in that state from 1990 to 2000; and whether the current Civil Code for the State of Guerrero applies retroactively to births that occurred prior to the most recent Code amendments.


With respect to your request concerning the law regarding legitimation for children born out of wedlock in Guerrero from 1990 to 2000, we located in our collection a 1990 edition of the Guerrero Civil Code that was in force in the state from 1937 through 1993, when it was repealed by the current Guerrero Civil Code. (CÓDIGO CIVIL DEL ESTADO DE GUERRERO (Editorial Porrúa 1990), bibliographic information at https://lccn.loc.gov/91128581.)

The 1937 Guerrero Civil Code included a chapter on filiation with a subchapter entitled “Of Legitimation” (De la Legitimación), according to the 1990 edition of the Code. Rules provided by this subchapter indicated that children born out of wedlock could be considered born in wedlock provided that the parents subsequently married and expressly acknowledged the children as theirs, either jointly or separately. (Id. arts. 354, 355.) Acknowledgment could take place before or during the marriage ceremony, or during the marriage. (Id. art. 355.) If the child was acknowledged by the father and the birth certificate of the child provided the name of the mother, express acknowledgement from her was not necessary in order for legitimation to become effective, nor was acknowledgement from the father necessary if his name was registered in the birth certificate. (Id. art. 356.) Legitimation was effective from the day on which the parents married, even if acknowledgment took place afterwards. (Id. art. 357.)

The 1990 edition of the 1937 Guerrero Civil Code is the latest edition of the Code available at the Law Library of Congress. Because the Law Library’s collection does not include a later
edition of that Code, we are unable to determine whether the rules provided by its chapter on legitimation were amended or repealed between 1990 and 1993.


Finally, concerning your question on whether the current Civil Code for the State of Guerrero applies retroactively to births that occurred prior to its most recent edition, we note that the Code indicates that its provisions may be applied to facts or acts that took place before its enactment, provided that no vested rights are violated. (1993 CÓDIGO CIVIL art. Cuarto transitorio.)

This letter summarizes key provisions relevant to the questions presented. If you have further questions concerning these issues, please call me at (202) 707-7104 or email me at ggue@loc.gov. We hope this information is helpful.

Sincerely,

Gustavo Guerra
Senior Foreign Law Specialist