

LA PATRIA POTESTAD

- Institución del derecho de familia.
- Comprende derechos y deberes recíprocos.
- Busca el desarrollo integral del hijo y la realización de los padres.

SURGIMIENTO DE LA PATRIA POTESTAD

- Establecimiento de la filiación del menor.
- Es una condición indispensable de la relación pater-filial.
- Inicialmente corresponde a ambos progenitores legítimos.
- Derechos y deberes incluyen resguardar y velar por el bienestar del hijo, y administrar sus bienes.

EJERCICIO DE LA PATRIA POTESTAD

- DEFINICIONES:**
 - Poder de administración, apoderamiento en el orden y familia (Artículo 161 del Código Civil).
- DE RESPONSABILIDAD:**
 - Corresponde al menor o emancipado del menor, al progenitor con hijo o emancipado, la persona o personas (Artículo 162 del Código Civil).
- EFECTOS Y CONSERVACIÓN DEL BIEN:**
 - Toda su actividad debe ser beneficiosa.
 - Debe ser adecuada y razonable en sus límites.
 - Debe ser en la medida necesaria en sus límites y en el bienestar del menor.
 - No es compatible con la emancipación.
 - Administrar y conservar sus bienes.

DEBERES DE LOS HIJOS SUJETOS A LA PATRIA POTESTAD

1. Resguardar y administrar a los padres.
2. Llevar a cabo sus estudios satisfactoriamente.
3. Cuidar a sus ascendientes en enfermedad y vejez.
4. Colaborar en el hogar según su edad.
5. Resguardar la propiedad pública y privada.
6. Conservar el medio ambiente.
7. Cuidar su salud personal.
8. No consumir sustancias psicoactivas.
9. Resguardar los bienes y derechos de los demás y las creencias religiosas.
10. Resguardar a la patria, sus leyes, símbolos e himnos.

PATRIA POTESTAD.

La patria potestad es un conjunto de derechos y deberes recíprocos entre padres e hijos, destinado a garantizar el desarrollo integral de los menores y la realización de los padres.

UTILIDAD DE LA PATRIA POTESTAD

- El asociamiento sobre la patria potestad permite identificar las circunstancias en las que se puede suspender, recuperar o extinguir.
- Facilita la aplicación práctica en casos legales y profesionales.
- Ayuda a comprender los derechos y deberes de los padres y los hijos en el contexto del derecho de familia.

SUSPENSIÓN DE LA PATRIA POTESTAD

1. Casos según artículos 163 y 164 del Código Civil y artículo 15 del Código de los Niños y Adolescentes.
2. Intestación del padre o madre.
3. Ausencia judicialmente declarada.
4. Ser ordenado, comiso o aprehendido que corresponde al hijo.
5. Faltarle alguna o varias partes.
6. Maltrato físico o moral.
7. Negarse a prestar alimentos.
8. Separación judicial de los padres.
9. Proceso penal contra el padre o madre por delito contra sus hijos.
10. Declaración de desprotección familiar por sentencia.

RECUPERACIÓN Y EXTINCIÓN DE LA PATRIA POTESTAD

- Recuperación:**
 - Hecho del padre o madre o de los hijos cuando el menor ha sido otorgado a los otros o a los hijos y emancipado y otro (Artículo 164 del Código Civil).
 - El juez declara la ineficacia de la patria potestad.
- Extinción:**
 - Muerte de los padres o del hijo.
 - Emancipación del hijo.
 - Declaración judicial de la separación de familia.
 - Contrato por hecho de un menor o aprehendido de los hijos.
 - Insuficiencia de alimentos de los padres.

EJEMPLOS DE LA PATRIA POTESTAD

- Separación de la familia, divorcio:**
 - Como ejemplo legal de recuperación de patria potestad a un hijo, que los padres al divorcio se le otorga hasta que éste complete la mayoría de edad.
- Separación de la familia, tutela:**
 - En caso de separación de los padres, la patria potestad de los hijos depende de legal de parte de uno o de ambos en forma conjunta.
- Extinción de la patria potestad:**
 - En el caso de un menor de edad que es emancipado, la patria potestad de los padres sobre el hijo y por lo tanto también extingue.

Patria Financiada La

Brendan G. Carr



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