



MULTI-PARENTING AND NEW FAMILY CONFIGURATIONS: REFLECTIONS ON PARENTAL DYNAMICS AND CONFLICTS IN LIGHT OF CIVIL LAW DOCTRINE AND BRAZILIAN JURISPRUDENCE

MULIPARENTALIDADE E NOVAS CONFIGURAÇÕES FAMILIARES, REFLEXÕES SOBRE AS DINÂMICAS E CONFLITOS PARENTAIS Á LUZ DA DOUTRINA CIVILISTA E JURISPRUDÊNCIA BRASILEIRA

MULTIPARENTALIDAD Y NUEVAS CONFIGURACIONES FAMILIARES: REFLEXIONES SOBRE LAS DINÁMICAS Y CONFLICTOS PARENTALES A LA LUZ DE LA DOCTRINA CIVILISTA Y LA JURISPRUDENCIA BRASILEÑA

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ABSTRACT

This article aims to analyze the evolution of the concept of family in Brazilian law, with an emphasis on multi-parenthood, parenthood, and socio-affectivity. Since the promulgation of the Federal Constitutions from 1824 to 1988, with emphasis on the 1988 constitution, where it was possible to observe the rupture of the traditional family model, opening space for new arrangements based on affection, coexistence, and parental relationships. The valorization of the dignity of the human

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Multi-parenting and new family configurations: reflections on parental dynamics and conflicts in light of civil law doctrine and brazilian jurisprudence.

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person and the recognition of affection as a legal basis have driven the protection of various family structures. Based on legislation, provisions of the CNJ and doctrine, jurisprudence, especially of the STF, the work argues that Family Law should reflect the plural reality of contemporary society and ensure the legal protection of legitimately constituted emotional bonds.

Keywords: Contemporary Family. Multiparenthood. Socio-affectivity. Brazilian Federal Constitution. Supreme Federal Court. CNJ.

RESUMO

O presente artigo visa analisar a evolução do conceito de família no Direito brasileiro, com ênfase na multiparentalidade, parentalidade e socio afetividade. A partir da promulgação das Constituições Federais de 1824 a 1988, com ênfase na constituição de 1988, onde foi possível observar o rompimento do modelo tradicional de família, abrindo espaço para novos arranjos baseados no afeto, na convivência e nas relações parentais. A valorização da dignidade da pessoa humana e o reconhecimento da afetividade como fundamento jurídico têm impulsionado a proteção a diversas estruturas familiares. Com base em legislação, provimentos do CNJ e doutrina, jurisprudência, especialmente do STF, o trabalho defende que o Direito das Famílias deve refletir a realidade plural da sociedade contemporânea e assegurar a proteção jurídica de vínculos afetivos legitimamente constituídos.

Palavras-chave: Família Contemporânea. Multiparentalidade. Socioafetividade. Constituição Federal de 1988. STF. CNJ.

RESUMEN

Este artículo analiza la evolución del concepto de familia en el derecho brasileño, con énfasis en la multiparentalidad, la paternidad y la socioafectividad. Desde la promulgación de las Constituciones Federales de 1824 hasta 1988, con especial énfasis en la Constitución de 1988, se observó la ruptura del modelo familiar tradicional, abriendo espacio para nuevas estructuras basadas en el afecto, la convivencia y las relaciones parentales. La valoración de la dignidad de la persona humana y el reconocimiento del afecto como fundamento jurídico han impulsado la protección de diversas estructuras familiares. Con base en la legislación, las disposiciones del CNJ, la doctrina y la jurisprudencia, especialmente del STF, el trabajo argumenta que el Derecho de Familia debe reflejar la realidad plural de la sociedad contemporánea y garantizar la protección jurídica de los vínculos afectivos legítimamente constituidos.

Palabras clave: Familia Contemporánea. Multiparentalidad. Socioafectividad. Constitución Federal de 1988. STF. CNJ.

INTRODUCTION

The family is a social institution that is in constant transformation, influenced by the cultural, political, and legal changes of society. In Brazil, beginning with the Federal Constitution of 1988, the concept of family was expanded, breaking with the patriarchal models previously in force. This new model values human dignity, affection, and equality as the foundations of family relationships.

In this context, new forms of parenthood have emerged, such as socio-affective parenthood and multiparenthood, recognizing that bonds of affection may be as relevant - or even more so - than biological ties. The case law of the Supremo Tribunal Federal (STF) plays a central role in this process, consolidating understandings that recognize the legal value of affection.

This study aims to analyze the evolution of the concept of family in Brazilian law, with an emphasis on multiparenthood, parenthood, and socio-affectivity, addressing historical, doctrinal, normative, and jurisprudential aspects. For this purpose, it draws on the analysis of legislative sources, statistical data, and renowned Family Law scholars, such as Maria Berenice Dias, Rodrigo da Cunha Pereira, Paulo Lôbo, and Luis Edson Fachin, among others.

The article adopts a qualitative methodology, of an exploratory and descriptive nature, based on bibliographic and documentary review. To that end, it analyzes national legislation (such as the CF/88, Civil Code of 2002, and CNJ Provisions), landmark decisions of the STF and STJ, as well as specialized doctrine (Maria Berenice Dias, Rodrigo da Cunha Pereira, Paulo Lôbo, Rolf Madaleno, among others). The study also uses statistical data extracted from official sources, such as the IBGE Demographic Census (2022) and CNJ reports (2023), in order to contextualize the research within the Brazilian empirical reality.

Considering the normative evolution and the complexity of new family configurations, the central problem guiding this research is to analyze the legal criteria adopted by the Brazilian legal system to legitimize multiple affective family ties, with special attention to multiparenthood and the “posse do estado de filho.” It seeks to understand how the Federal Constitution of 1988, the rulings of the STF and STJ - especially those reported by Justice Nancy Andrighi - and CNJ Provisions No. 63/2017 and No. 83/2019 substantiate the recognition of socio-affective parenthood.

The central hypothesis of this research starts from the premise that parenthood in Brazil is no longer restricted to consanguineous ties, making it legally possible and legitimate to recognize multiparenthood and socio-affective filiation, if there is evidence of “posse do estado de filho” and stable affective coexistence. It also assumes that the case law of the STF and the CNJ Provisions have consolidated a new legal paradigm, based on human dignity and the best interests of the child, in accordance with constitutional principles and the plural reality of Brazilian families.

This research is legally justified by the need to understand the adaptation of Family Law to the constitutional values of human dignity (art. 1, III, CF/88), equality of filiation (art. 227, § 6), affection, and the full protection of children and adolescents (art. 227). The social justification lies in the growing demand for recognition of new family structures - such as same-sex families, blended families, single-parent families, and multiparent families - that break away from traditional models

and require inclusive, effective, and coherent responses from the legal system in line with the fundamental rights of those involved, especially children and adolescents in situations of affective vulnerability.

1 THE CONTEMPORARY FAMILY: EVOLUTIONARY ANALYSIS OF THE BRAZILIAN CONSTITUTIONAL AND INFRA-CONSTITUTIONAL NORMS AND THEORETICAL FOUNDATIONS OF THE TRADITIONAL FAMILY AND PATRIARCHY

The family is a dynamic institution, whose forms of constitution and recognition follow the social, political, and cultural transformations of each era. In Brazil, the legal concept of family has undergone profound reformulations from the Constitution of 1824 to the current Constitution of 1988, reflecting a continuous process of normative evolution. It is observed that, throughout the various Constitutional Charters, there have been significant changes regarding family structure, its legal foundations, and the expansion of the rights of its members.

The Constitution of 1824, still under the imperial regime, understood the family in light of Catholic doctrine, prioritizing religious marriage and patriarchal authority. Article 5 recognized Catholicism as the official religion, admitting other forms of worship only in a restricted manner, while Article 179, section XXIX, addressed the civil rights of the family in a generic way. With the Constitution of 1891, during the First Republic, the secularization of the State occurred and exclusive recognition was given to civil marriage, as provided in Article 72, § 4. This Charter also guaranteed the civil rights of illegitimate children and equality in marriage (Article 72, § 6), beginning the disassociation between family and religion.

The subsequent constitutions deepened the role of the State in family protection. The 1934 Constitution highlighted the importance of marriage as the foundation of the family (Article 144) and provided protection for motherhood, childhood, and women (Articles 124, item "f," and 121, § 4). The 1937 Constitution, under the authoritarian *Estado Novo* regime, maintained a traditional conception of family, valuing hierarchy, and conservative morality (Articles 124 and 125). In 1946, during the process of redemocratization, the family was recognized as the foundation of society (Article 163), with protective norms for motherhood and youth (Articles 157, IV and VII), as well as the recognition of civil marriage (Article 168).

During the military regime, the Constitution of 1967, reinforced by Constitutional Amendment No. 1 of 1969, reaffirmed marriage as the foundation of the family (Article 175) and provided protection for motherhood, childhood, and adolescence (Article 165, sections IV and VII), although within a conservative model. Finally, the Federal Constitution of 1988, known as the

“Citizen Constitution,” broke with traditional paradigms and adopted a plural and inclusive conception of family. Article 226 recognizes various forms of family entities, such as stable unions and single-parent families, in addition to guaranteeing equality between spouses and protection of filiation without discrimination. Articles 227 to 230 complement this framework, assigning to the family, society, and the State the duty to ensure the rights of children, adolescents, young people, and the elderly, based on the principles of human dignity, solidarity, and affection.

The traditional conception of family, consolidated by the Civil Code of 1916, was based on a patriarchal model, inherited from Roman Law, in which the father exercised power over all family members. Such a structure reflected a hierarchical, authoritarian, and exclusionary logic. Within this context, women occupied an inferior legal position, restricted to the private sphere and deprived of legal autonomy (Dias, 2022).

Moreover, filiation was rigidly regulated: only children born within marriage were considered legitimate, while children born outside of it were discriminated against, including regarding inheritance rights. Families formed outside marriage, such as free unions, single-parent families, or same-sex families, were legally marginalized (Venosa, 2023).

Some authors, among them Maria Berenice Dias, denounce this structure as exclusionary, patriarchal, and incompatible with the principles of human dignity and equality. For the author, the traditional model of family is selective and incapable of encompassing the complexity of contemporary human relationships (Dias, 2022). Similarly, Rodrigo da Cunha Pereira argues that traditional Family Law legitimizes relations of power and domination, rather than relations of affection and solidarity (Pereira, 2019).

Considering the social and cultural transformations of the twentieth century, such as female emancipation, the recognition of gender equality, and the appreciation of affectivity, the concept of family underwent profound doctrinal and jurisprudential revisions. Authors such as Paulo Lôbo and Silvio de Salvo Venosa identify a paradigmatic transition, where the legal family bond came to be founded not only on marriage or consanguinity, but also on affection and family coexistence - values that came to be legally recognized (Lôbo, 2011; Venosa, 2023).

Historically, Family Law was tied to a patriarchal conception, centered on male authority and the formality of marriage, assigning to women a subordinate role and disregarding family bonds that did not conform to the heteronormative, matrimonial, and biological pattern (Farias; Karvat, 2024). This reductionist view, as highlighted by various scholars, does not reflect the plurality of family arrangements present in current Brazilian social reality. Criticism of the traditional model has

emphasized its inadequacy in light of fundamental rights, especially about the recognition of family diversity and the appreciation of affective relationships as legitimate legal elements.

In this context, the evolution of Brazilian constitutions shows a gradual movement to overcome the traditional view of marriage and family. Initially, over the years, new constitutions expanded the legal recognition of different forms of family constitution, as evidenced above. The Constitution of 1934 allowed, for the first time, religious marriage to produce civil effects, provided legal requirements were met, while Constitutional Amendment No. 9/1977 instituted divorce, breaking with the idea of the indissolubility of the marital bond. Finally, the Constitution of 1988 consolidated previous advances and innovated by expressly recognizing stable unions and single-parent families as family entities, in addition to establishing equality between spouses and children, regardless of origin.

Thus, the 1988 Charter represented a paradigmatic rupture by incorporating democratic and inclusive values into Family Law, emphasizing affective relationships and the diversity of family arrangements. As Costa (2006) observes, although civil marriage continues to be the full form of family constitution, the inclusion of stable unions and other nonconventional forms demonstrates the adaptation of the legal system to contemporary social complexity, in line with the constitutional principles of human dignity and equality.

The enactment of the 1988 Federal Constitution marked a milestone in the legal recognition of the plurality of family entities in Brazil. Article 226 of the Federal Constitution enshrined the family as the foundation of society but innovated by not restricting this protection to civil marriage. Stable unions (art. 226, §3º) and single-parent families (art. 226, §4º) came to be recognized as family entities, establishing a new paradigm of inclusion and pluralism.

Moreover, Article 227 of the Federal Constitution granted special protection to family coexistence as a fundamental right of children and adolescents, reinforcing the centrality of affection in parental relationships. This emphasis on affective coexistence provided the basis for the recognition of socio-affective parenthood, multiparenthood, and adoption based on affection, detached from exclusively biological parentage (Madaleno, 2021).

The constitutionalization of Civil Law, as advocated by Gustavo Tepedino, introduced a new hermeneutic for Family Law, guided by constitutional principles such as human dignity (art. 1º, III), gender equality (art. 5º, I, and art. 226, §5º), and pluralism (art. 1º, V) (Tepedino, 2004).

Affectivity, although not explicitly expressed as a constitutional norm, came to be recognized as a legal value by doctrine and jurisprudence, assuming a relevant role in the construction of family legal bonds (SCHREIBER, 2008). Such recognition was consolidated by the Supreme Federal Court,

particularly in the decisions affirming same-sex unions as family entities (STF, ADI 4277 and ADPF 132).

Luis Edson Fachin, in addressing the constitutional family, argues that the family nucleus must be understood as a space of dignity, solidarity, and affection, and not merely as an economic or reproductive unit (Fachin, 2003). Thus, Family Law adapts itself to social reality, and not the other way around, guaranteeing legal protection to all types of family arrangements that promote the dignity of their members.

Based on this broader and more inclusive conception, it is observed that the Brazilian legal system has gradually kept pace with social transformations regarding the structure and function of the family. The Civil Code of 1916 reflected a patriarchal and hierarchical model, centered on male authority and legitimacy conferred solely by marriage, disregarding affective bonds or arrangements outside the matrimonial standard. In this context, women occupied a position of subordination, and extramarital relationships were stigmatized and legally unprotected.

The overcoming of this view began with normative milestones such as the Divorce Law (Law No. 6.515/1977), which broke with the indissolubility of marriage and allowed new family configurations, and was deepened with the Civil Code of 2002, strongly influenced by the 1988 Constitution. This new code enshrined equality between spouses and children, recognized the stable union as a family entity, and broadened legal protection to parenthood regardless of its origin. Norms such as the Child and Adolescent Statute (1990) and the Elderly Statute (2003) reinforced the protective function of the family, emphasizing affective bonds and intergenerational care.

Furthermore, initiatives such as the Family Statute Bill (PLS 470/2013) reflected the legislative effort to consolidate a more pluralistic approach, capable of encompassing different forms of family coexistence, including those not contemplated by the traditional model. Although archived, this bill reaffirms the need for a Family Law committed to human dignity, in line with the understanding of Fachin (2003), for whom the family must be recognized as a space of affection, solidarity, and mutual respect, and not reduced to a mere normative or productive institution.

2 JUDICIAL ACTIONS AVAILABLE FOR THE RECOGNITION OF MULTIPARENTALITY AND SOCIO-AFFECTIVE PATERNITY/MATERNITY

There are different procedural and administrative avenues for the recognition of socio-affective parenthood or multiparent hood in the Brazilian legal system. The main ones are listed below:

Action for the Recognition of Socio-affective Paternity or Maternity: Based on Article 1,593 of the Civil Code, this action seeks to legally recognize the existence of an affective parental bond, even if a biological bond already exists. As explained by Maria Berenice Dias (2019, p. 286), “essa ação pode ser proposta pelo filho ou pelo pai ou mãe afetivo, e deve provar a convivência estável, pública e o exercício da função parental.”

Action for Multiparent hood: This is a more recent action that gained strength after the judgment of RE 898.060/SC (2016). In this case, the plaintiff seeks the simultaneous recognition of two or more parental bonds: one biological and another affective. Multiparent hood can be recognized both judicially and incidentally in actions for civil registry rectification, custody, or child support.

Action for Investigation of Paternity/Maternity with Request for Socio-affective Inclusion: This action is used when there is doubt about the origin of parentage, but recognition of socio-affective parenthood is also sought in parallel. It allows that, even if the biological father/mother is identified, the affective bond may also be legally recognized.

Civil Registry Rectification: Based on Article 109 of the Public Registry Law (Law No. 6,015/1973), this action seeks to modify or include data in the civil registry, especially the name of the socio-affective father/mother.

Extrajudicial Recognition (CNJ Provision No. 63/2017): If there is consensus among the parties, it is possible to recognize socio-affective paternity or maternity directly at the notary's office. CNJ Provision No. 63/2017 allows this measure, provided that public and continuous coexistence is proven, as well as mutual consent.

As highlighted by Maria Berenice Dias (2019, p. 290), “o reconhecimento extrajudicial da filiação afetiva é um avanço na desburocratização do acesso aos direitos da criança e do adolescente.” Jurisprudence has also recognized these possibilities. In REsp 1.348.536/SP, the STJ admitted the recognition of socio-affective paternity even when a biological father exists, based on the protection of the child's best interest.

In HC 145.363, the STJ reinforced that “o reconhecimento da filiação afetiva deve ser garantido mesmo que existem dúvidas quanto à origem biológica, desde que comprovado o vínculo de fato.”

Therefore, the current legal system offers multiple pathways for the recognition of affective parenthood and multiparenthood, always grounded in the dignity of the human person and the best interest of the child.

3 THEORETICAL FOUNDATION: MULTIPARENTALITY, SOCIO-AFFECTIVE PARENTHOOD, AND *POSSE DO ESTADO DE FILHO*³

As seen in the previous section, the Brazilian family structure has undergone significant transformations in recent decades, driven by cultural, social, and legal changes. In this new context, Family Law has come to incorporate categories that were previously marginalized, such as socio-affective parenthood and multiparenthood, aligning itself with the principle of human dignity. The analysis of the categories of parenthood, socio-affectivity, and multiparenthood allows us to understand the criteria by which the legal system today recognizes the various forms of legitimate family bonds.

With the enactment of the Federal Constitution of 1988, the normative paradigm of the family shifted from the patriarchal model, centered on marriage and consanguinity, to a plural conception of family.

According to Anderson Schreiber (2013, p. 51), “a afetividade se converteu em valor jurídico constitucional, sendo princípio que deve orientar a aplicação das normas de Direito de Família.” This conception was fundamental for the emergence of the notion of filiation based on the parental function and not merely on genetic origin. Rolf Madaleno (2022) argues that “a família é uma realidade emocional antes de ser jurídica,” and that “o afeto justifica o nascimento, a permanência e até o término de vínculos jurídicos.”

The recognition of affection as a legal foundation of filiation was consolidated by the jurisprudence of the Supreme Federal Court, especially in the judgment of RE 898.060/SC. In this decision, with recognized general repercussion, the STF declared that “o afeto, presente de forma contínua e pública, é elemento suficiente para gerar vínculo de parentalidade jurídico.” In this sense, multiparenthood was consolidated, that is, the possibility of coexistence of both biological and socio-affective parental bonds.

The III Civil Law Conference of the Federal Justice Council (CJF), through Enunciado nº 256, also expressly recognized that “A posse do estado de filho (parentalidade socioafetiva) constitui modalidade de parentesco civil” (CJF, 2006), thus expanding the normative value of affection beyond the moral sphere.

Luis Edson Fachin (2011, p. 67) affirms that “a afetividade se converteu em elemento estruturante da família contemporânea, como expressão da liberdade e da dignidade da pessoa

³ Legal status of child based on socio-affective parenthood

humana,” which legally legitimizes arrangements such as homoaffectionate families and multiparental families.

Parenthood, in the current legal context, is a functional concept that encompasses the exercise of duties of care, protection, and education, and not merely genetic origin. Paulo Lôbo (2019, p. 102) defines parenthood as “a relação jurídica entre pais e filhos fundada no desempenho das funções parentais, independentemente da origem biológica.”

The Civil Code, in Article 1,593, already admits that filiation may have a “biological or civil” origin, including adoption and socio-affective relationships. The recognition of multiparenthood was reinforced by the STF in RE 898.060/SC, which authorized the simultaneous inclusion of two fathers, one biological and one affective, in the civil registry, without the need to exclude any of the bonds.

At the administrative level, CNJ Provision nº 63/2017 expressly authorized the extrajudicial recognition of socio-affective filiation at the notary’s office, upon proof of affective, public, and lasting coexistence with the child. This innovation allowed broader access to the legal recognition of real family bonds, breaking away from the biologizing tradition.

The issuance of CNJ Provision No. 63/2017 represented a significant milestone in the modernization and debureaucratization of Family Law in Brazil. Aiming to standardize civil registry certificate models nationwide, the provision also innovated by regulating the voluntary recognition of socio-affective paternity and maternity within the extrajudicial scope, as well as the registration of children born through assisted reproduction. By allowing family bonds based on affection to be formally recognized through an administrative procedure, without the need for judicial action, the CNJ incorporated into registry practice the doctrinal and jurisprudential advances already consolidated in the legal system, particularly regarding the valuation of affectivity as a structuring principle of parental relationships, in line with the constitutional paradigm inaugurated by the 1988 Constitution.

However, to enhance legal certainty and regulate sensitive aspects of extrajudicial recognition, CNJ Provision No. 83/2019 amended provisions of Section II of Provision No. 63, imposing new criteria for formalizing these bonds. Among the main changes are the limitation of the minimum age of the child to be recognized (over 12 years), the mandatory consent of the minor up to 18 years of age, and the requirement of objective evidence of socio-affectivity through documents and other evidentiary elements. Additionally, the provision began to require a prior opinion from the Public Prosecutor’s Office for validation of the act and restricted the possibility of extrajudicial multiparentality to only one socio-affective ascendant, referring other cases to judicial consideration. These changes aim to ensure the effectiveness of the principle of the best interest of the child and

adolescent, as well as to prevent fraud and simulations that could compromise the stability of recognized family relationships.

In summary, Provisions No. 63 and No. 83 interact by seeking a balance between speed and legal certainty in the recognition of socio-affective filiation. While facilitating access to justice and promoting the inclusion of new family structures, they do not disregard the protection of fundamental rights, especially those of the minors involved. Consequently, they reinforce the role of affection, cohabitation, and responsibility as legitimate foundations of contemporary parenthood, aligning Family Law with the requirements of human dignity and the plurality of family formations recognized by the Brazilian legal system.

From a social perspective, the 2022 Demographic Census conducted by IBGE provided detailed information about the composition of Brazilian households, analyzed according to the kinship or cohabitation relationship of residents with the household head. As explained by João Hallak, Deputy Director of IBGE Research, these data, derived from the basic questionnaire, provide a “first portrait of household composition” and classify domestic units into categories such as single-person, nuclear, composite, or extended households, addressing the presence of a spouse or children. Marcio Minamiguchi, IBGE manager, clarified that this analysis of household units does not constitute a complete study of the concept of family, as more specific data on nuptiality and the identification of a father or mother for all residents are collected in the Census sample questionnaire.

Parallel to this description of household composition by IBGE, the Brazilian social reality encompasses the emergence of various “new family entities,” arising from social and cultural transformations. Among these arrangements are “reconstituted” or “blended” families, formed by individuals who had previous relationships and now compose a new family, often with children from past relationships. The complexity of these relationships and the presence of children living with people who, while not their biological parents, play a fundamental role in their lives, reinforce the legal relevance of socio-affective parenthood.

Cíntia Rosa Pereira de Lima (2020, p. 147) states that “multiparentality represents a legal response to the plural reality of contemporary families, serving as an instrument to uphold human dignity.” Similarly, Maria Berenice Dias (2019, p. 283) argues that “denying the recognition of multiparentality is to contravene the principles of affection and equality.”

These changes reflect a Family Law that adapts to societal transformations and increasingly recognizes multiple, simultaneous, and legitimate bonds, grounded in cohabitation and affection, rather than solely in biology.

In this current context, socio-affective paternity or maternity has come to be defined as the bond constructed through affection, manifested in stable, public cohabitation with the appearance of a filial relationship. This relationship is legally identified through the so-called *posse do estado de filho*, which is characterized when someone treats another person as a child and is socially recognized as such.

Giselda Hironaka (2018, p. 193) explains that “a posse do estado de filho é formada por três elementos: o nome, o tratamento e a fama, sendo critério essencial para o reconhecimento jurídico da filiação afetiva.” Based on this understanding, both the Judiciary and the civil registries have begun to recognize parental relationships even in the absence of a biological bond or formal adoption.

The legal implications of socio-affective filiation are multiple: the socio-affective child has the right to a name, inclusion in the civil registry, child support, inheritance, custody, and family cohabitation. Recent jurisprudence recognizes multiparentality, allowing, for example, a child to have two fathers and one mother in their birth certificate.

Rodrigo da Cunha Pereira (2020, p. 88) highlights that “a parentalidade socioafetiva rompe com o paradigma da consanguinidade e redefine os contornos do parentesco jurídico,” promoting the social function of the family. Rolf Madaleno (2022) affirms that “a filiação afetiva não apenas possui validade jurídica, como deve ser estimulada pelo ordenamento como forma de proteção da infância e da juventude.”

Data from CNJ (2023) reveal that more than 20,000 acts of socio-affective filiation recognition have been carried out extrajudicially since the issuance of Provision No. 63, demonstrating the consolidation of this practice. According to IBGE (2021), more than 5.5 million Brazilian children live in households without the presence of the biological father, many being raised by stepfathers, grandparents, stepmothers, or same-sex couples - situations in which affection has become the most appropriate criterion for legal recognition of filiation.

Regarding these issues, the Supreme Federal Court (STF) has played a central role in constructing a new concept of family in Brazil, recognizing forms of filiation founded on affectivity rather than solely on biology. Multiparentality and socio-affective parenthood have become legally accepted, marking a profound change in the Brazilian legal system.

The main milestone of this transformation was the judgment of Extraordinary Appeal (RE) 898.060/SC, adjudicated in 2016, with general repercussion recognized under Theme 622. The established thesis was clear: “A existência da paternidade socioafetiva, declarada ou não em registro civil, não impede o reconhecimento do vínculo de filiação com o pai biológico, com os efeitos jurídicos próprios” (Brasil, STF, RE 898.060/SC, 2016). This understanding enabled multiparentality,

that is, the possibility for a person to have two or more legally recognized filiation bonds, one biological and another socio-affective, without one needing to exclude the other.

Even before this decision, state courts and the Superior Court of Justice (STJ) had already been adopting rulings in this sense, recognizing *posse do estado de filho* as a valid element for constituting parenthood (Dias, 2019). This movement represents the “overcoming of the biologicist paradigm, centered exclusively on blood,” which is why the STF decision reflects the understanding that the legal filiation bond must protect the child and recognize the affective and cohabitation reality that sustains them, not just genetic origin (Lobo, 2019). By affirming affectivity, a legitimate criterion was adopted for the recognition of filiation in contemporary law, with value equivalent to consanguinity (Pereira, 2020).

Thus, constitutional jurisprudence has advanced toward consolidating a more plural and protective legal model of human dignity, especially for children and adolescents.

Regarding *posse do estado de filho*, it is important to highlight that this institution is the main criterion adopted by the Judiciary for recognizing socio-affective filiation. It is characterized by the presence of three classical elements: name, treatment, and reputation (*nomen, tractatus, fama*).

Name: when the child is socially treated as such, including the use of the surname of the socio-affective father or mother. Treatment: when there is continuous cohabitation and the exercise of parental functions, such as care, education, affection, and responsibilities. Reputation: when society recognizes that relationship as being between parent and child.

Nome: quando o filho é tratado socialmente como tal, incluindo o uso do sobrenome do pai ou da mãe socioafetiva. Trato: quando há uma convivência contínua e o exercício das funções parentais, como cuidados, educação, afeto e responsabilidades. Fama: quando a sociedade reconhece aquela relação como sendo de pai/mãe e filho.

According to Giselda Hironaka (2018, p. 193), “a posse do estado de filho é formada por três elementos: o nome, o tratamento e a fama, sendo critério essencial para o reconhecimento jurídico da filiação afetiva.”

The Civil Code, in art. 1.593, already allows filiation to have “biological or civil” origins, and doctrine and jurisprudence have interpreted this norm considering the principle of human dignity (art. 1, III, CF/88).

Proof of the socio-affective bond can be provided through witnesses, photographs, documents, school records, or any other means that demonstrate stable and public cohabitation between the child and the socio-affective parent.

Furthermore, *posse do estado de filho* has practical effects: it can justify granting custody, awarding child support, recognizing filiation, and entitlement to inheritance, according to articles 1.694 and 1.829 of the Civil Code.

Rolf Madaleno (2022, p. 161) recalls that “a posse do estado de filho é a manifestação mais concreta da parentalidade socioafetiva e precisa ser reconhecida como fonte legítima de vínculos jurídicos, inclusive sucessórios.”

Jurisprudence has applied these principles based on a constitutional interpretation of Civil Law, privileging affective bonds over mere biological origin.

4 FINAL CONSIDERATIONS

Based on the analysis developed throughout this study, it is possible to affirm that the legal recognition of multiparentality constitutes a significant advance in the consolidation of a plural, inclusive Family Law, committed to the constitutional principles of human dignity, affectivity, and the best interest of the child and adolescent. The jurisprudence of the Supreme Federal Court, especially in the judgment of RE 898.060/SC, reaffirms the possibility of the coexistence of biological and socio-affective bonds, without establishing a hierarchy between them.

The study revealed that multiparentality is not only legally possible but socially necessary, reflecting the real transformations of family structures. Socio-affective parenthood, recognized through *posse do estado de filho*, consolidates itself as an instrument for the enforcement of fundamental rights and for overcoming the biological paradigm that for a long time limited the recognition of family relationships.

However, the consolidation of this reality requires continuous interpretative and legislative efforts that ensure legal certainty, especially in the spheres of succession, registration, and the exercise of parental authority. Law must keep pace with the complexity of human relationships, promoting solutions that reconcile respect for plurality with the protection of vulnerable subjects.

It is concluded, therefore, that multiparentality represents a decisive step in the redefinition of the concept of family, demanding from legal practitioners' sensitivity, knowledge, and commitment to the concrete reality of people, especially regarding the valorization of affective bonds and the full protection of childhood and youth.

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