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### Brazilian Child Support Enforcement: Comprehensive Protection, Absolute Priority and the Effectiveness of Children's Rights

Tutela alimentar infantojuvenil no Brasil: proteção integral, prioridade absoluta e efetividade dos direitos da criança e do adolescente

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#### Abstract

The article examines child support enforcement for children and adolescents within the Brazilian legal system, in light of the doctrine of comprehensive protection established in Article 227 of the 1988 Federal Constitution and in the Child and Adolescent Statute. Based on bibliographic and documentary research, it analyzes the transformation of Family Law in Brazil, emphasizing the overcoming of a patrimonialist logic and the consolidation of a perspective grounded in human dignity, parental responsibility, and the best interests of children and adolescents. It argues that the effectiveness of child support requires an interpretation compatible with the absolute priority of children and adolescents, so that procedural or patrimonial formalism does not hinder the realization of fundamental rights.

**Keywords:** Child support. Comprehensive protection. Absolute priority. Best interests of the child. Brazilian Family Law.

#### Resumo

*O artigo examina a tutela alimentar de crianças e adolescentes no ordenamento jurídico brasileiro, à luz da doutrina da proteção integral prevista no artigo 227 da Constituição*

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*Federal de 1988 e no Estatuto da Criança e do Adolescente. A partir de pesquisa bibliográfica e documental, analisa-se a transformação do Direito de Família no Brasil, com destaque para a superação da lógica patrimonialista e para a consolidação de uma perspectiva fundada na dignidade humana, na responsabilidade parental e no melhor interesse infantojuvenil. Sustenta-se que a efetividade da prestação alimentar exige interpretação compatível com a prioridade absoluta da criança e do adolescente, de modo que formalismos processuais ou patrimoniais não inviabilizem a concretização de direitos fundamentais.*

**Palavras-chave:** Alimentos. Proteção integral. Prioridade absoluta. Melhor interesse da criança. Direito de Família brasileiro

## 1. Introduction

In Brazil, the constitutionalization of Civil Law repositioned children and adolescents at the center of the legal order, especially following the 1988 Federal Constitution, which broke with the patrimonialist and adult-centered tradition of Family Law. Article 227 of the Constitution assigned to the family, society, and the State the duty to ensure, with absolute priority, fundamental rights such as life, health, food, education, dignity, and family coexistence. This transformation shifted children from the condition of objects of protection to subjects of rights, requiring institutions such as custody, family coexistence, parental authority, and property administration to be interpreted in light of human dignity, affectivity, comprehensive protection, and the best interests of children and adolescents (Dias, 2022; Madaleno, 2021; Pereira, 2022).

This transformation holds particular relevance within the Brazilian context, marked by persistent social inequalities and by a legal history of selective treatment toward poor children and adolescents. Before the 1988 Constitution and the Child and Adolescent Statute, the prevailing paradigm was that of the “irregular situation,” associated with the former Minors’ Code, under which state intervention focused primarily on children and adolescents experiencing poverty, abandonment, or conflict with the law. The doctrine of comprehensive protection, incorporated into the Child and Adolescent Statute (ECA) in 1990, represented a normative and symbolic rupture with this model by affirming that every child and adolescent is a holder of fundamental rights, regardless of class, race, territory, or family condition (Comparato, 2019; Rizzini, 2002).

In the field of child support enforcement, this constitutional transformation assumes decisive practical significance. In Brazil, child support cannot be understood merely as a patrimonial obligation between private individuals, since it constitutes an instrument for guaranteeing the survival, dignity, and full development of children and adolescents. In this sense, maintenance obligations must be interpreted in accordance with the absolute priority established in Article 227 of the Federal Constitution and with the structural principles of the Child and Adolescent Statute. Therefore, procedural or patrimonial formalism cannot prevent the realization of the substantive right to food and subsistence.

Brazilian case law has addressed this issue especially in child support enforcement proceedings. The Superior Court of Justice (STJ) has consolidated the understanding that, under marital property regimes based on community property, the debtor’s share of jointly owned assets may be reached to satisfy child support debts, while preserving the share belonging to the non-debtor spouse or partner. Special Appeal No. 1.830.735/RS reaffirmed this guideline by allowing the proportional attachment of common property, reconciling the patrimonial protection of third parties with the effectiveness of child support claims. Subsequent decisions reinforced the need to prevent improper asset



shielding while rejecting the automatic seizure of assets exclusively owned by third parties unrelated to the maintenance obligation (STJ, 2023; STJ, 2024; STJ, 2025).

An analysis of the Brazilian reality also reveals significant limitations in traditional coercive mechanisms. Although child support claims are among the most frequent cases before State Courts, data regarding civil imprisonment for nonpayment indicate a low correlation between the number of enforcement actions and the effective satisfaction of maintenance obligations. Data from BNMP 3.0 registered, in November 2025, 2,592 individuals imprisoned for civil debt nationwide and 32 in the state of Tocantins, suggesting that civil imprisonment functions more as a mechanism of moral pressure than as a structural solution for enforcing maintenance obligations (Brasil, 2025; Terra, 2023; Martins, 2023; Madaleno, 2021). The BNMP 3.0 data were collected from the CNJ statistical panel in November 2025 and analyzed descriptively.

Against this background, the article examines child support enforcement concerning children and adolescents in Brazil from the perspective of the doctrine of comprehensive protection, investigating how the legal system and superior court jurisprudence reconcile the protection of family assets with the effectiveness of maintenance claims. The central problem consists of evaluating to what extent the constitutional principle of the absolute priority of children and adolescents has been materialized in Brazilian judicial practice, especially in the face of patrimonial, procedural, and social obstacles that hinder the prompt satisfaction of maintenance obligations.

The article is grounded in the hypothesis that comprehensive protection requires a functional interpretation of marital property regimes, parental responsibility, and enforcement techniques, thereby overcoming excessively formal interpretations that compromise the subsistence of children and adolescents. The general objective is to demonstrate that the effectiveness of child support enforcement in Brazil requires the integration of constitutional foundations, adequate patrimonial mechanisms, and public policies aimed at supporting compliance with maintenance obligations. As specific objectives, the article systematizes the evolution of comprehensive protection within Brazilian Law, examines the constitutionalization of Family Law, reconstructs the STJ's line of precedents concerning child support enforcement and preservation of marital property shares, and articulates this panorama with the need for more efficient strategies to ensure the concrete protection of children and adolescents.

## **2. Classical and contemporary doctrine on the Rights of children and adolescents in Brazil**

Maria Berenice Dias (2022) constitutes a fundamental reference for understanding the transformations of Brazilian Family Law after the constitutionalization of Civil Law brought about by the 1988 Federal Constitution. The author demonstrates that the shift in family relations from patrimonial concerns to affectivity directly impacted the way the Brazilian legal system began to address custody, family coexistence, and the protection of children and adolescents. According to Dias (2022), traditional Family Law institutions in Brazil were reinterpreted in light of constitutional principles such as human dignity, family solidarity, and the doctrine of comprehensive protection.

Regarding custody, Dias (2022) emphasizes that, within Brazilian law, custody ceased to be understood as a parental right and came to be recognized as a right of the child and adolescent. The author highlights that the custody modalities provided by the Brazilian legal system (sole custody, shared custody, and alternating custody) must always be analyzed from the perspective of the child's best interests, taking into account



emotional stability, preservation of affective bonds, and the adequacy of the family environment for the healthy development of the child.

The patrimonial dimension of child and adolescent protection also receives careful treatment in Dias's work. The author analyzes how the administration of minors' assets in Brazil is subject to specific legal rules designed to prevent abuses and preserve the patrimony of children and adolescents. Dias (2022) stresses that parental authority, although granting parents the administration of their children's property, also imposes duties and limitations, prohibiting acts of disposal that may compromise the child's assets without prior judicial authorization, in accordance with Article 1,691 of the Brazilian Civil Code.

Rolf Madaleno (2021) offers a relevant contribution by relating constitutional principles to the effective protection of children and adolescents within Brazilian family relations. The author argues that the contemporary Brazilian family is structured around the principle of affectivity, which has acquired legal status and now guides judicial decisions concerning custody and family coexistence.

Madaleno (2021) thoroughly examines the principle of the best interests of the child, demonstrating that it constitutes a true interpretative guideline for all norms involving the rights of children and adolescents in Brazil. For the author, the best interests principle is not a vague or indeterminate concept but rather a directive requiring interpreters to consider concrete elements such as the family context, the psychological conditions of the child, the quality of affective bonds, and the parents' capacity to provide an adequate developmental environment.

Madaleno's work also stands out for its analysis of shared custody, which became the general rule in the Brazilian legal system following Law No. 13,058/2014. The author argues that shared custody represents a significant advancement in implementing the best interests principle by ensuring the preservation of meaningful bonds with both parents and promoting shared parental responsibility. Nevertheless, Madaleno (2021) warns that the imposition of shared custody cannot be absolute, since judges must assess the existence of minimum conditions of cooperation between the parents, otherwise risking harm to the child's healthy development.

Rodrigo da Cunha Pereira (2022) complements this discussion by legally grounding affectivity as a value protected by the Brazilian legal system. Pereira argues that affectivity cannot be reduced to mere sentiment, but rather constitutes a structuring legal principle of Brazilian Family Law, guiding the interpretation of norms and supporting the protection of children and adolescents.

The author maintains that the legal recognition of affectivity represents a necessary evolution to adapt Family Law to contemporary social transformations, in which affective bonds have become central to the constitution and maintenance of family relations. Pereira (2022) demonstrates that affectivity concretely manifests itself in various Brazilian legal institutions, such as multiparenthood, adoption, and custody criteria, all guided by the prioritization of the well-being of children and adolescents.

When addressing the patrimonial protection of minors, Pereira (2022) emphasizes that affectivity also guides the interpretation of norms regulating the administration of children's and adolescents' assets in Brazil. The author argues that patrimonial protection cannot be dissociated from comprehensive protection and should instead be understood as an instrument for ensuring the material and social development of minors. In this sense, conflicts between the patrimonial interests of parents and children must always be resolved in favor of the child or adolescent, in accordance with the principle of absolute priority established in Article 227 of the Brazilian Federal Constitution.



Contemporary Brazilian doctrine therefore consolidates the understanding that children and adolescents are full subjects of rights entitled to special legal protection. Custody, family coexistence, and patrimonial protection are no longer analyzed from the perspective of adult interests but rather as instruments for implementing the best interests of the child and adolescent, a principle that guides both public and private action within family relations.

## **2.1 Constitutional, historical and interdisciplinary foundations of comprehensive protection in Brazil**

The legal protection of children and adolescents in Brazil must be understood through a constitutional, historical, and interdisciplinary lens. The 1988 Federal Constitution represented a decisive rupture with the former model of the “irregular situation,” which had guided the Minors’ Code and treated poor, abandoned, or law-conflicting children as objects of state intervention. With Article 227, the Constitution established the duty of the family, society, and the State to ensure, with absolute priority, the rights of children, adolescents, and youth, inaugurating a new legal paradigm based on comprehensive protection, human dignity, and the recognition of children and adolescents as subjects of rights.

Ingo Wolfgang Sarlet (2001) provides an essential theoretical foundation for understanding comprehensive protection as an expression of fundamental rights. According to the author, fundamental rights possess immediate effectiveness and bind not only the State, but also private actors in their interpersonal relations. This understanding is especially relevant in the family sphere, since parental authority, custody, family coexistence, and patrimonial administration must be exercised in accordance with the dignity of the child and adolescent. In this sense, the horizontal effectiveness of fundamental rights limits private autonomy whenever family practices compromise essential rights, legitimizing state intervention in cases of violence, neglect, or violation of children’s rights.

The constitutional centrality of human dignity also requires that social rights such as education, health, food, housing, and family coexistence be treated as legally enforceable claims. For Sarlet (2001), the dignity of the human person, established in Article 1, III, of the Brazilian Constitution, projects itself over all branches of law and requires the protection of the minimum conditions necessary for the development of personality. Applied to childhood and adolescence, this means that the principle of absolute priority cannot be reduced to a merely programmatic guideline, since it imposes concrete duties on the family, society, and public authorities.

Fábio Konder Comparato (2019) contributes to this debate by situating the protection of children and adolescents within the broader historical affirmation of human rights. The author shows that the recognition of children as subjects of rights is a relatively recent achievement, consolidated throughout the twentieth century through international instruments such as the 1959 Declaration of the Rights of the Child and the 1989 Convention on the Rights of the Child. In the Brazilian case, this international movement influenced the 1988 Constitution and the Child and Adolescent Statute, both of which broke with the tutelary and selective logic that had historically marked the treatment of poor children.

From a constitutional theory perspective, Cláudio Pereira de Souza Neto and Daniel Sarmiento (2008) reinforce that social rights cannot depend solely on discretionary political choices. The authors argue that these rights impose positive duties of action and negative duties of non-regression, preventing legislative or administrative measures that



reduce the level of protection already achieved. This reasoning is particularly relevant to the rights of children and adolescents in Brazil, since Article 227 establishes a binding constitutional command that must guide public policies, budgetary priorities, judicial decisions, and private conduct. The absolute priority of children's rights therefore requires preferential allocation of public resources and interpretative prevalence in conflicts involving patrimonial, administrative, or family interests.

The constitutional protection of children and adolescents also has a patrimonial dimension. Luiz Edson Fachin (2001), by developing the idea of a minimum patrimony indispensable to a dignified life, offers an important framework for interpreting patrimonial institutes in light of existential values. The author argues that patrimony should not be treated merely as an economic category, but as a material condition for autonomy, dignity, and social participation. In relation to children and adolescents, this perspective justifies the special protection of their assets and supports the use of patrimonial enforcement mechanisms when necessary to guarantee child support and subsistence. Thus, the protection of patrimony must serve the realization of fundamental rights, rather than operate as an obstacle to them.

A historical and sociological reading further reveals the depth of the Brazilian rupture promoted by comprehensive protection. Irene Rizzini (2002) demonstrates that, during the Imperial period and the First Republic, state intervention over poor children had a hygienist and disciplinary character, aimed more at protecting society from so-called "minors" than at guaranteeing rights. The 1927 and 1979 Minors' Codes were structured around the doctrine of the "irregular situation," which authorized intervention over children in poverty, abandonment, or conflict with the law, reinforcing the distinction between "children" from privileged classes and "minors" from popular classes.

According to Rizzini (2002), the 1988 Constitution and the Child and Adolescent Statute represented a paradigm shift because they rejected the selective and stigmatizing logic of the previous model. This transformation was not a mere concession by the State, but the result of intense social mobilization by organizations, social movements, and institutions committed to the defense of children's rights. The doctrine of comprehensive protection therefore emerged as a democratic achievement, recognizing all children and adolescents as holders of rights regardless of their socioeconomic condition, race, territory, or family background.

Francisco Pilotti contributes to this analysis by situating the Brazilian experience within the broader Latin American context. The author observes that several countries in the region adopted, during the 1980s and 1990s, legal frameworks inspired by the Convention on the Rights of the Child and based on the doctrine of comprehensive protection. However, Pilotti also warns that the existence of advanced legislation does not automatically ensure the effectiveness of rights. The implementation of comprehensive protection requires institutional systems capable of articulating public policies, rights councils, guardianship councils, defense institutions, and mechanisms of social participation.

In the Brazilian case, this comparative perspective reveals both advances and persistent limitations. The creation of the Child and Adolescent Statute, Guardianship Councils, and Rights Councils represented important institutional progress. Nevertheless, structural challenges remain, including social inequality, insufficient public investment, regional disparities, and the persistence of authoritarian practices in institutions dealing with children and adolescents. These obstacles demonstrate that comprehensive protection is not only a legal doctrine, but also a political and social project that demands permanent institutional and cultural transformation.



Therefore, the constitutional, historical, and interdisciplinary foundations of comprehensive protection show that the rights of children and adolescents in Brazil result from a complex process of normative innovation, social struggle, and institutional reconstruction. Human dignity, absolute priority, the best interests of the child, and the horizontal effectiveness of fundamental rights constitute interpretative vectors that condition the application of all Family Law institutions, including custody, family coexistence, patrimonial protection, and child support enforcement. In this sense, comprehensive protection must be understood not as an abstract formula, but as a constitutional mandate aimed at transforming legal practice and ensuring the concrete protection of children and adolescents in Brazilian society.

### **3. The protection of children's subsistence rights in Brazilian family law**

In light of the doctrine of comprehensive protection, the effectiveness of child support enforcement in Brazil requires the reinterpretation of traditional enforcement mechanisms, especially those of a patrimonial nature, in order to ensure the concrete realization of the right to subsistence. The main challenge does not lie in the absence of normative recognition, since the Brazilian Constitution, the Child and Adolescent Statute, and Family Law doctrine already affirm the priority of children's rights. Rather, the difficulty lies in the actual capacity of judicial decisions to produce practical effects. The constitutional recognition of the right to food and subsistence becomes insufficient when enforcement is frustrated by asset concealment, strategies aimed at avoiding judicial attachment, or the inefficiency of available coercive instruments.

In this context, the principle of absolute priority, established in Article 227 of the 1988 Federal Constitution, operates as an essential interpretative guideline. It imposes on the Judiciary the duty to ensure that maintenance claims prevail over formal legal structures whenever such structures may frustrate the protection of children and adolescents. Child support enforcement must therefore be understood not merely as a civil obligation between private individuals, but as an instrument for protecting human dignity and giving practical effect to the best interests of children and adolescents.

The consolidation of absolute priority as a guiding principle for interpreting maintenance obligations can be observed in the jurisprudence of the Brazilian Superior Court of Justice. Recent decisions indicate the formation of a hermeneutical line that privileges the material realization of child support rights over excessive formalism. In this sense, the Court has increasingly sought to reconcile the protection of family patrimony with the effectiveness of maintenance claims, recognizing that patrimonial arrangements cannot be used to undermine the subsistence rights of children and adolescents.

Special Appeal No. 1,830,735/RS, reported by Justice Marco Aurélio Bellizze and decided in 2023, constitutes a leading case in this field. In that judgment, the Superior Court of Justice admitted the attachment of the debtor's share in assets subject to a community property regime, even when such assets were formally registered in the name of the spouse or partner. The decision recognized that this measure does not violate the marital share of the non-debtor spouse, provided that the attachment is limited to the debtor's proportional share. Thus, the Court sought to ensure the effectiveness of child support claims without unduly harming the patrimonial sphere of third parties.

From this precedent, it is possible to identify the consolidation of an understanding according to which patrimonial protection cannot serve as an obstacle to the satisfaction of maintenance claims, especially when the property regime is used as a strategy for asset shielding. Brazilian case law has therefore moved toward a functional reading of Civil



Law, guided by the constitutional priority of children and adolescents and by the need to prevent patrimonial forms from defeating substantive rights.

A later decision, the Internal Appeal in the Appeal in Special Appeal No. 2,676,369/MG, decided in 2024, reinforced this orientation by delimiting the contours of patrimonial liability within marital relations. The Court held that the automatic attachment of assets belonging to a third party unrelated to the proceedings is not admissible, even when that third party is the debtor's spouse, unless it is demonstrated that the debt was incurred for the benefit of the family entity. This understanding reveals the need to balance the protection of the non-debtor spouse's marital share with the effectiveness of enforcement, avoiding both undue liability and illicit asset shielding.

Although Special Appeal No. 2,195,589/GO, decided by the Superior Court of Justice in 2025, does not deal directly with maintenance obligations, it offers an important contribution to understanding patrimonial liability within family relations, especially under the partial community property regime. The judgment allows the spouse to be included as a defendant in the enforcement proceedings when the obligation, incurred during the marriage, is presumed to have benefited the family unit, pursuant to Articles 1,643 and 1,644 of the Brazilian Civil Code, while safeguarding due process and the opportunity to produce evidence to the contrary. This reasoning reveals a logic of patrimonial co-responsibility grounded in the communion of interests and family solidarity, without being confused with the regime of grandparental support, whose obligation is subsidiary and complementary under Article 1,698 of the Civil Code.

This jurisprudential orientation reveals the overcoming of a strictly formal reading of family patrimony. It recognizes that the organization of assets within the family cannot serve as an instrument for evading responsibilities, especially when the obligation is connected to subsistence. Contemporary doctrine has similarly emphasized the need to functionalize patrimonial institutions, subordinating them to existential values and to the effectiveness of fundamental rights (Fachin, 2001; Dias, 2022; Madaleno, 2021).

Brazilian forensic practice demonstrates the recurrence of strategies aimed at frustrating child support enforcement, particularly through asset concealment. It is common for debtors to concentrate assets in the name of third parties, especially spouses or partners, in order to hinder judicial attachment and prevent satisfaction of the maintenance claim. Specialized literature recognizes that concealment and simulation of assets are recurring practices in Family Law disputes, often used as mechanisms of resistance against compliance with family obligations (IBDFAM, 2021).

From a legal perspective, such conduct may constitute fraud against enforcement under Article 792 of the Brazilian Code of Civil Procedure, in addition to violating objective good faith under Article 422 of the Civil Code and characterizing abuse of rights under Article 187 of the same Code. The instrumentalization of the family structure as a mechanism of patrimonial shielding distorts the purpose of marital property regimes and compromises the effectiveness of child support enforcement, whose object is the guarantee of the subsistence of children and adolescents.

In this context, the Superior Court of Justice has advanced toward relativizing patrimonial forms whenever evasion or concealment of assets is demonstrated. The possibility of attaching the debtor's share, even when the asset is formally registered in the spouse's name, as well as the admission of measures such as reverse piercing of the corporate veil in analogous situations, reflects a functional reading of Civil Law guided by the absolute priority of children and adolescents and by the need to ensure the effectiveness of maintenance claims (Didier Jr. et al., 2026; Neves, 2023).



Thus, a hermeneutical inflection is consolidated in Brazilian law, shifting the focus from the formal protection of patrimony to the material realization of fundamental rights. This movement prevents the patrimonial structure of the family entity from being used as a shield for fraudulent practices, especially when the right to subsistence is at stake. In this scenario, the jurisprudence of the Superior Court of Justice does not merely express technical evolution; it also incorporates, in concrete terms, the foundations of comprehensive protection into the field of child support enforcement.

#### **4. Civil imprisonment and the limits of personal coercion in Brazilian child support enforcement**

In contrast to the advances observed in the effectiveness of patrimonial enforcement mechanisms, especially following the consolidation of case law regarding the attachment of marital shares, personal coercion through civil imprisonment reveals significant limitations concerning its ability to ensure the satisfaction of child support claims in Brazil. Provided for in Article 528, §7, of the Brazilian Code of Civil Procedure and authorized by Article 7, §7, of the American Convention on Human Rights, civil imprisonment for child support debtors constitutes an exceptional measure intended to compel compliance with the obligation and guarantee the fundamental right to subsistence of children and adolescents, in accordance with the principle of absolute priority established in Article 227 of the Federal Constitution.

Despite its normative legitimacy, the practical effectiveness of civil imprisonment has been widely questioned. The measure operates predominantly as a mechanism of psychological coercion, without producing direct economic impact on the satisfaction of maintenance claims. In contexts of economic vulnerability, deprivation of liberty may further compromise the debtor's productive capacity, hindering income generation and, consequently, compliance with the obligation. In this regard, legal doctrine argues that personal coercion should be employed only subsidiarily, when patrimonial and indirect enforcement mechanisms prove insufficient, otherwise becoming a merely punitive instrument with low material effectiveness (Madaleno, 2021; Oliveira; Rezende, 2024).

Empirical analysis reinforces this limitation. Data extracted from the Statistical Panel of the National Prison Monitoring Database (BNMP 3.0), maintained by the National Council of Justice and analyzed with reference to November 2025, indicate the existence of 2,592 individuals imprisoned for civil debt throughout Brazil, a category essentially related to nonpayment of child support obligations. In the state of Tocantins, 32 individuals were deprived of liberty under these circumstances, corresponding to approximately 1.23% of the national total. These figures reveal a low absolute and relative incidence of civil imprisonment, especially when compared to the high number of child support enforcement proceedings pending before Brazilian State Courts.

The discrepancy between the number of maintenance enforcement proceedings and the contingent of civil prisoners suggests that the incarceration of debtors does not constitute a central mechanism for the effectiveness of child support claims. Unlike patrimonial enforcement instruments, which allow the direct attachment of financial resources, civil imprisonment does not, by itself, ensure the payment of support to the claimant. Its function is indirect, aimed at pressuring the debtor into payment, which means that its effectiveness depends on the existence of real economic capacity and accessible assets.

This limitation becomes even more evident when considering the socioeconomic profile of debtors, who are frequently inserted in contexts of informality, unemployment, or low income. Under such circumstances, civil imprisonment may further reduce the



concrete possibilities of compliance, since it removes the debtor from productive activities without creating material mechanisms capable of satisfying the obligation. Although constitutionally authorized and procedurally regulated, the measure demonstrates limited effectiveness when used in isolation.

For this reason, procedural and Family Law scholarship has increasingly emphasized the greater adequacy of patrimonial and indirect coercive mechanisms, such as electronic asset freezes through SISBAJUD, registration in debtor databases, formal protest of judicial decisions, atypical enforcement measures, and incentives for consensual dispute resolution. These instruments demonstrate greater potential to promote voluntary compliance and to produce concrete results in satisfying maintenance claims, proving more compatible with the logic of comprehensive protection (Didier Jr. et al., 2026; Neves, 2023; Madaleno, 2021; IBDFAM, 2023).

An integrated reading of doctrine, jurisprudence, and empirical data therefore reveals an asymmetry between the enforcement instruments available within the Brazilian legal system. While patrimonial enforcement, especially after the strengthening of marital share attachment and proportional patrimonial liability, presents greater potential for effectiveness, civil imprisonment reveals itself to be a measure of limited material impact. This does not imply denying its legal legitimacy, but rather recognizing its exceptional, subsidiary, and instrumental nature.

In this scenario, civil imprisonment should be interpreted as an *ultima ratio* within child support enforcement, always subject to the principles of proportionality, reasonableness, comprehensive protection, and absolute priority. The persistence of its use as the principal coercive mechanism reveals a tension between the normative structure and its practical effectiveness. The protection of children's and adolescents' maintenance rights requires a broader enforcement model capable of articulating patrimonial mechanisms, indirect coercive instruments, and public policies aimed at promoting compliance with support obligations. Only through such an approach can child support enforcement move beyond a merely repressive logic and approximate its constitutional purpose: to concretely guarantee the rights to subsistence, dignity, and the full development of children and adolescents.

## 5. Conclusion

The consolidation of the doctrine of comprehensive protection within the Brazilian legal system imposed the reconfiguration of Family Law institutions, shifting the focus from a patrimonialist logic toward a structure grounded in human dignity, the best interests of the child, and the principle of absolute priority afforded to children and adolescents. This transformation is not limited to the theoretical sphere, but also requires a reinterpretation of the mechanisms for enforcing maintenance obligations in order to ensure the material effectiveness of the right to subsistence.

The analysis developed in this study demonstrated that, in the patrimonial sphere, the Superior Court of Justice has consolidated an orientation aimed at flexibilizing traditional Civil Law structures, particularly by admitting the attachment of the debtor's share in community property regimes. This jurisprudential evolution reveals the overcoming of patrimonial formalism as an obstacle to the satisfaction of maintenance claims, affirming the prevalence of a functional interpretation guided by the doctrine of comprehensive protection.

On the other hand, the analysis of personal coercion demonstrates significant limitations regarding the effectiveness of civil imprisonment as an enforcement mechanism. Data from the National Prison Monitoring Database (BNMP 3.0) indicate its



low incidence when compared to the volume of child support enforcement proceedings, as well as its limited capacity to produce concrete results in satisfying maintenance claims. This scenario reinforces the understanding that civil imprisonment, although legally authorized, possesses a predominantly subsidiary character, operating more as a mechanism of indirect pressure than as an effective instrument for compliance with support obligations.

The comparison between the analyzed mechanisms reveals a significant asymmetry within the Brazilian child support enforcement system. While patrimonial instruments present greater potential for effectiveness, personal coercion demonstrates structural limitations, especially in contexts of economic vulnerability affecting debtors. This finding indicates the need to reorient enforcement strategies, emphasizing the prioritization of patrimonial measures and the adoption of complementary instruments capable of promoting compliance with maintenance obligations.

In this sense, the effectiveness of child support protection requires an integrated approach capable of articulating patrimonial attachment mechanisms, indirect coercive techniques, and public policies aimed at encouraging compliance. Civil imprisonment should therefore be understood as an *ultima ratio* measure, compatible with the logic of comprehensive protection only when inserted into an enforcement model that prioritizes concrete results in guaranteeing the right to subsistence of children and adolescents.

It may therefore be concluded that the effectiveness of child support enforcement, in light of the principle of absolute priority, depends less on the expansion of coercive instruments and more on the reinterpretation of existing mechanisms from a material perspective. The contemporary challenge lies in ensuring that child support enforcement is capable of producing effective results, transforming the constitutional promise of comprehensive protection into a concrete guarantee of dignity and full development for children and adolescents.

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