

Book V.  
Title XXIV.

With whom, in case of divorce, children should live and by whom they should be raised.  
(Divortio facto apud quem liberi morari vel educari debent.)

5.24.1. Emperors Diocletian and Maximian and the Caesars to Caelestina.

Although it is not provided by any constitution of ours or of our divine parents that the division of the children among the parents should be made according to sex, the proper judge, nevertheless, will decide whether, in case of divorce, the children should live with and be supported by the father or the mother.<sup>1</sup>

Subscribed June 16 (294).

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<sup>1</sup> [Blume] See complete note C. 8.46.9; Nov. 117, c. 7; C. 8.8.2 note.