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SUCCESSION OF EMBRYOS CONCEIVED POST MORTEM IN THE LIGHT OF THE JURISPRUDENCE OF THE SUPERIOR COURT OF JUSTICE[1]

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ABSTRACT

The study addresses the hereditary succession of embryos conceived post mortem, highlighting the need for regulation to ensure legal certainty and avoid patrimonial conflicts. The lack of a defined deadline for the use of cryopreserved genetic material can generate instability in succession issues, making it urgent to create specific guidelines. The comparative analysis with foreign legal systems, such as the Alain Parpalaix case in France, demonstrates that the problem is not exclusive to Brazil. France, for example, adopted a more flexible interpretation of the autonomy of will, allowing the use of genetic material based on the presumed intention of the deceased. On the other hand, Brazil, according to the case law of the STJ, adopts a more cautious stance, requiring a formal and unequivocal manifestation of the deceased spouse to legitimize post-mortem reproduction, prioritizing legal certainty and succession effects. The research concludes that it is essential to regulate the succession of embryos conceived post mortem to ensure the adequacy of succession law to biotechnological innovations. The creation of specific rules will ensure a balanced approach, in line with advances in assisted reproduction, and will avoid contradictory decisions. The lack of regulation compromises normative coherence, and it is urgent to create a clear and specific legal framework to provide predictability to property and family relations in constant transformation.

Keywords: Hereditary succession. Post-mortem embryos. Regulation. Legal certainty.

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INTRODUCTION

The advancement of assisted reproduction techniques has brought significant challenges to the Brazilian legal system, especially with regard to the patrimonial transmissibility of embryos conceived post-mortem. This new reality requires an in-depth reflection on the applicable succession criteria, especially in the absence of specific legal regulations on the subject.

Brazilian civil legislation establishes that the inheritance is transmitted to living heirs at the time of the opening of the succession (Brasil, 2002). However, the possibility of post-mortem conception, made possible by the freezing of embryos, challenges this premise and raises important legal questions regarding its inclusion in the list of heirs. In this context, the problem that guides the present research is: what are the jurisprudential criteria adopted by the Superior Court of Justice (STJ) for the patrimonial transmissibility of embryos conceived post-mortem?

The case law of the STJ has been the main reference for the resolution of these controversies, as there is no clear normative framework on the subject. Judicial decisions oscillate between a restrictive application of the legal norm and a principled analysis that seeks to ensure the inheritance rights of post-mortem embryos, based on the principles of human dignity and equality among children (Brasil, 2023).

The present research is justified by the need to provide legal certainty to the families involved, as well as by the urgency of making Succession Law compatible with advances in biotechnology. The existing legislative gap compromises the predictability of family and property legal relationships, in addition to accentuating the interpretative divergence between doctrine, legislation and jurisprudence. The comparative analysis with foreign legal systems, notably with the emblematic Alain Parpalaix case, judged in France in 1984, reinforces that this problem is not exclusive to Brazil, and it is essential to comply with the French normative guidelines that support such jurisprudence (França, 1984).

The present research aims to demonstrate the impacts of the absence of legislation on the lives of people who use assisted reproduction techniques, highlighting the need to build a legal framework that disciplines the succession of embryos conceived after the death of one of the parents. Even in the face of the modernization of reproductive techniques, a normative gap persists that generates insecurity and substantial divergence between legal sources.

For the development of the research, a qualitative and exploratory approach is adopted, based on bibliographic and documentary methodology. The deductive method is used, starting from the analysis of constitutional and general principles of Law for the

interpretation of concrete cases. The main sources include specialized doctrine in Succession Law, Family Law and Bioethics, scientific articles, dissertations and recent judicial decisions handed down by the STJ. Normative instruments of the Federal Council of Medicine and the National Council of Justice, as well as constitutional and infra-constitutional norms relevant to the matter, will also be examined.

The article will be structured in three main sections: the first will address the embryo and its legal personality in the Brazilian legal system; the second will analyze the legal foundations of post-mortem succession and the jurisprudential criteria of the STJ; and, finally, the third section will present a comparative examination with French law, in the light of the Alain Parpalaix case, highlighting the impacts of this foreign approach on the Brazilian succession debate.

THE LEGAL PERSONALITY OF THE EMBRYO IN THE BRAZILIAN LEGAL SYSTEM

Legal personality is the quality attributed by law to individuals and legal entities so that they can acquire rights and contract obligations. In the case of natural persons, personality arises from birth with life, as provided for in the Civil Code. It is the quality attributed to the human being or entity to be the subject of rights and duties in the legal system.

The unborn child, although not yet having full legal personality, holds an expectation of rights, which guarantees legal protection from conception (Lima, 2021). This anticipation of protection reveals the concern of the legal system with the dignity of the human person from its earliest stages of existence.

Different doctrinal currents differ on the nature of the protection conferred on the unborn child. The natalist theory argues that only live birth confers personality, while the conceptionist theory attributes to the unborn child a formal personality from conception, although conditioned to birth for its fullness. The Federal Supreme Court has already expressed itself in the sense that the rights of the unborn child are indirectly safeguarded, especially in matters related to the right to life and physical integrity (Lima, 2021). Thus, even before birth, the unborn child is already the holder of fundamental rights compatible with his biological condition.

Legal personality is the attribute that confers on the subject the ownership of rights and duties in the civil order. However, when it comes to in vitro embryos, not yet implanted in the mother's uterus, doctrine and jurisprudence differ as to their ownership of legal personality. Part of the doctrine understands that embryos, although they deserve legal protection, cannot be considered persons in the technical-legal sense, since the essential

requirements of personality, such as live birth, do not exist, as provided for in article 2 of the Civil Code (Brasil, 2002). In this sense, the in vitro embryo would not enjoy full legal personality, and would therefore be treated as an entity distinct from the figure of the unborn child.

On the other hand, with regard to the possibility of conferring legal personality to the embryo in vitro, there is controversy among scholars, since the Brazilian Civil Code establishes, in the same article, that the rights of the unborn child are ensured from conception. This legal provision opens the door to discussion about the legal status of embryos that have not yet been implanted, especially in light of the constitutional principles of human dignity and the right to life. As Almada (2021, p. 4) points out, the legal protection of the unborn child from conception can be extended, under certain interpretations, to in vitro embryos, requiring a more in-depth analysis of bioethics and the evolution of assisted reproduction techniques, which challenge traditional legal categories.

Brazilian jurisprudence also presents divergent positions on the matter. In some cases, there is recognition of legal protection for cryopreserved embryos, especially in aspects related to succession and assisted reproduction. However, this protection is not necessarily equivalent to the recognition of legal personality, but rather to limited and conditioned legal protection (Almada, 2021, p. 5). Along these lines, Silva (2021) argues that the cryopreserved surplus embryo is not considered a subject of full rights as a natural person, but rather as an entity with the potential for life that deserves specific legal protection, which imposes ethical and legal limits on its manipulation and disposal.

In situations of death of the parents or family disputes over the destination of the embryo, jurisprudence tends to require an express manifestation in life of those involved as to the future use of the genetic material. In the absence of this authorization, the use of embryos for reproductive purposes may be prohibited, under penalty of violating the autonomy and dignity of the parties involved (Silva, 2021). Thus, the in vitro embryo, although it does not enjoy full legal personality, is treated as a legal asset of a special nature, whose protection requires a balance between constitutional values and bioethical principles.

The principle of the dignity of the human person, enshrined in article 1, III, of the Federal Constitution, is often invoked to sustain the legal protection of the embryo, even if it does not have full legal personality. There are those who argue that, because it represents a potential for human life, the embryo should be the object of normative protection, especially in view of the bioethical and legal implications of assisted reproduction. This view

is supported by the conception that dignity is not restricted to concrete existence, but also reaches the initial stages of life in formation (Dias, 2017).

The right to life, provided for in article 5, caput, of the Federal Constitution, is also the subject of controversy as to its extension to the embryo conceived in vitro. The doctrine diverges on the moment from which legal protection of life should be guaranteed, especially in cases of post-mortem insemination. On the other hand, family planning, governed by article 226, paragraph 7, of the Constitution, ensures the autonomy of individuals regarding the decision to bear children, which includes the right to use assisted reproduction techniques, provided that the ethical and legal limits established by the legal system are observed (Brasil, 1988; Diniz, 2019).

ANALYSIS OF THE GROUNDS OF POST-MORTEM SUCCESSION AND THE CRITERIA ADOPTED BY THE STJ

Hereditary succession can be understood as the legal mechanism by which the assets of a deceased person are transferred to their heirs, whether legitimate or testamentari. It is an institute of Civil Law that aims to ensure the continuity of property relations after death, respecting the will of the deceased, when expressed in a will, or following the legal order of hereditary vocation. In this context, succession is the externalization of the State's protection of the family and property, functioning as an instrument of social pacification (Farias; Rosenvald, 2021).

The legal nature of succession is closely linked to the subjective right of the heir to acquire ownership of the deceased's assets, in a legal phenomenon that operates at the time of death (article 1,784 of the Civil Code). With death, the succession is opened, at which time the heirs are called to succeed, with the immediate transmission of the inheritance, although its effectiveness depends on subsequent legal procedures, such as probate (Brasil, 2002; Gonçalves, 2021). Thus, succession has a translational and declaratory nature, being a right that arises by force of law, but whose effectiveness is conditioned to the acceptance of the heir.

Hereditary succession is governed by a set of constitutional principles that ensure the protection of the dignity of the human person, equality among heirs and the right to property. The principle of equality among children, enshrined in article 227, paragraph 6, of the Federal Constitution, determines that all descendants, whether biological or socio-affective, have the same inheritance rights, without any distinction as to the origin of filiation (Brasil 1988). This principle is reinforced by article 1,596 of the Civil Code, which establishes the legal equality of children. The application of these precepts ensures that the

affective bond, when legally recognized, produces effects even in the succession plan, respecting the constitutional values of isonomy and family protection (Dias, 2022).

In addition to constitutional principles, Succession Law is also guided by specific legal principles, such as the *saisine*, provided for in article 1,784 of the Civil Code, according to which the inheritance is automatically transmitted to the legitimate and testamentary heirs at the time of the death of the author of the inheritance (Brasil, 2002). This principle ensures the continuity of patrimonial ownership, respecting the rights previously established during life by the deceased. Furthermore, the principle of autonomy of will, which legitimizes the disposition of assets by will, finds limits in the rights of the necessary heirs, as established in article 1,846 of the same law. This interaction between constitutional and civil norms ensures a balance between the will of the deceased and the rights of the heirs, being especially relevant in discussions involving socio-affective bonds recognized post mortem (Rodrigues, 2020).

Hereditary succession in Brazilian Law is marked by an evolution that follows the social and political transformations of the country. During the colonial and imperial period, the succession model was strongly influenced by Portuguese Law and by the patrimonial conceptions of the patriarchal family, privileging the firstborn male sex and the legitimate lineage. The Civil Code of 1916 reflected this traditional model, reinforcing the centrality of inheritance within the legitimate family and maintaining distinctions between legitimate and illegitimate children, which limited the participation of certain heirs in the succession (Venosa, 2013). This system represented a rigidly hierarchical society, where family assets were kept under the control of a few, to the detriment of equality among family members.

With the advent of the Federal Constitution of 1988, there was a significant rupture in the legal treatment of succession, especially due to the appreciation of the dignity of the human person and the legal equality between children. From this new constitutional order, the fundamental principles began to directly influence the Law of Succession, requiring the legislator and the interpreter to reread the Civil Code in the light of fundamental rights. This transformation culminated in the Civil Code of 2002, which promoted an equalization between children, recognized the stable union as a family entity with the right to succession and expanded the role of the surviving spouse in the succession process. Historical evolution, therefore, reveals a trajectory of democratization of inheritance law, making it more inclusive and aligned with contemporary constitutional values (Dias, 2020).

Legitimate succession is regulated by the provisions of the Civil Code and occurs automatically when there is no valid will or when it does not include all the assets. In this modality, the inheritance is transmitted in an orderly manner, obeying a hierarchy among

the necessary heirs, such as descendants, ascendants and surviving spouse, as provided for in arts. 1.829 to 1.844 of the Civil Code (Brasil, 2002). The hereditary vocation follows objective criteria established by law, and it is not possible for the author of the inheritance to change this order, which reveals a protective character of the legislator in relation to the family unit and the continuity of the patrimony within the blood ties.

Testamentary succession, on the other hand, is an expression of the autonomy of the will of the testator, who may dispose of up to half of his estate, provided that the legitimate share of the necessary heirs is respected. The will is, therefore, a unilateral, solemn, and very personal legal act, through which the author of the inheritance establishes provisions of last will, being able to appoint heirs, legatees, and even recognize children (Rodrigues, 2021). However, its validity depends on the fulfillment of formal requirements, provided for in arts. 1,857 to 1,875 of the Civil Code (Brasil, 2002), and may be challenged in court for defects of will or non-observance of form. Thus, while legitimate succession reflects the presumed will of the legislator, testamentary succession reveals the manifest will of the deceased, provided that it is limited by the principles of legality and protection of the reserved portion.

Succession capacity consists of the legal ability to be the holder of hereditary rights, that is, to receive assets and rights left by the author of the inheritance. As provided for in the Civil Code, both people already born and unborn children are called to succession, as long as they were conceived at the time of the opening of the succession (Brasil, 2002). In addition, legal entities can benefit from a will, as long as they are legally constituted on the date of succession. The doctrine emphasizes that the existence of the person is not enough; it is necessary that it does not incur in a cause of exclusion provided for by law, such as indignity or disinheritance, which make the apparently legitimate heir unfit to succeed (Silva, 2023). Thus, the capacity to succeed is related not only to the legal existence of the heir, but also to his conduct and his compliance with the legal criteria for receiving the inheritance.

The hereditary vocation is the institute that determines who are entitled to succeed the deceased, based on legal criteria provided for in the Civil Code. It is a mechanism that organizes the distribution of the assets of the deceased when there is no valid testamentary disposition, obeying a previously established legal order. This order follows a logic of family and affective proximity, giving priority to descendants, ascendants, spouse and, in their absence, to collaterals up to the fourth degree (Brasil, 2002). The foundation of this structure lies in the protection of the family and the presumption that the estate must remain within the closest family nucleus (Silva, 2023).

The order of hereditary vocation is expressly governed by article 1,829 of the Civil Code, which establishes a rigid sequence between legitimate heirs. In first place are the descendants, competing with the surviving spouse; then, the ascendants, also in competition with the spouse; later, the spouse comes alone; and, finally, collaterals up to the fourth degree. The absence of any of these heirs takes the inheritance to the State, in the form of the inheritance in abeyance and, subsequently, vacant. The doctrine highlights that this order cannot be changed by the will of the author of the inheritance, except within the limits of testamentary succession, which reinforces the cogent character of legitimate succession (Silva, 2023).

According to the consolidated case law of the Superior Court of Justice, there is an objective interpretation of the legal provisions that deal with succession, with special attention to the principle of *saisine* (article 1,784 of the Civil Code), according to which, with the opening of the succession, the inheritance is immediately transmitted to the legitimate and testamentary heirs. In the judgment of REsp 2.034.650/SP, under the system of repetitive appeals, the STJ established the thesis that the statute of limitations for the inheritance petition action should be counted from the opening of the succession, and the final and unappealable nature of the cumulative or parallel paternity investigation action is irrelevant. This understanding seeks to ensure legal certainty and avoid the indirect imprescriptibility of the inheritance claim, even in cases where the recognition of filiation occurs late (STJ, 2024).

In the same vein, Special Appeal No. 2029809/MG reiterated this position by stating that the initial term of the statute of limitations for filing the inheritance petition is the date of the opening of the succession, even if the recognition of filiation is sought later, in its own or cumulative action. The Court ruled out the application of the subjective theory of *actio nata*, adopting the objective aspect, in accordance with arts. 177 of the Civil Code of 1916 and 189 of the Civil Code of 2002, in order to avoid perpetuating the possibility of filing an inheritance action. This guideline aims to ensure the predictability and stability of legal relationships in the field of succession (STJ, 2024).

In addition, the STJ reinforced that it is fully feasible for the heir to file an inheritance petition action, even if his status as heir has not been definitively judicially recognized. This understanding is in accordance with article 1,798 of the Civil Code, which establishes that those already conceived at the time of the opening of the succession may succeed. For this reason, the heirs apparent do not have possession of the inheritance, but only its possession, and may be compelled to return the assets when the recognition of legitimate heir occurs. Thus, the understanding that hereditary ownership is acquired from the opening

of the succession is reaffirmed, consolidating the objectivity of the *actio nata* in the succession field (STJ, 2024).

THE ALAIN PARPALAIX CASE: AN EXAMINATION COMPARED WITH BRAZILIAN SUCCESSION LAW

The first paradigmatic case on the possibility of human reproduction after the death of one of the spouses occurred in France, in 1984, and became known as the **Parpalaix case**. Alain Parpalaix, diagnosed with testicular cancer, decided to freeze his semen before chemotherapy sessions, expressing the desire to start a family with his partner, Corine Richard, in the future. A few days after the wedding, Alain passed away. With the support of the deceased's family, Corine asked the sperm bank to return the genetic material to carry out artificial insemination, but had her request denied due to the absence of a legal provision at the time (Garcia, 2021, p. 13).

Faced with the denial, Corine filed a lawsuit seeking authorization for the use of the frozen semen. The Tribunal de Grande Instance de Créteil ruled in favor of the woman, recognizing that the contract signed with the cryopreservation center was not a simple deposit contract, but an atypical contract, the object of which — cryopreserved semen — was not prohibited, although it was not expressly permitted by current legislation. The Court considered that there was no violation of French law, since procreation was understood as one of the purposes of marriage. Thus, the sperm bank was ordered to deliver the genetic material to a doctor indicated by Corine (Santos, 2017, p. 66).

However, due to the time elapsed, the sperm were no longer viable, which made it impossible to achieve fertilization. Although it did not generate practical effects in the field of succession, the case had wide international repercussions, boosting ethical and legal debates on post-mortem artificial insemination and encouraging several countries — including Brazil — to reflect on and seek specific regulations on the subject (Garcia, 2021, p. 13; Santos, 2017, p. 66).

It was not possible to locate the official number of the judgment referring to the Alain Parpalaix case, handed down in 1984 by the Court of Créteil, but the information extracted from doctrine and case studies is fundamental to understand the legal and symbolic framework of this precedent.

In the judgment of Special Appeal No. 1,918,421, the 4th Panel of the Superior Court of Justice faced a relevant controversy over the possibility of implantation of frozen embryos after the death of one of the spouses, in the absence of formal and express authorization. The case dealt with the intention of a widow to use cryopreserved embryos, based on a

contractual clause signed with the hospital, which provided that, in the event of the death of one of the spouses, the embryos would remain in the custody of the survivor. The São Paulo Court of Appeals had authorized the implantation, but the decision was overturned by the STJ, which understood that the existence of an express, unequivocal and formal manifestation of the deceased in life was essential in order to authorize post-mortem insemination (Brasil, 2024).

The winning vote, delivered by Justice Luís Felipe Salomão, highlighted that the custody clause is not to be confused with consent for implantation and that reproductive decisions with effects that go beyond the individual's life must obey strict formalities. The legislative gap in the Civil Code of 2002 regarding post-mortem assisted reproduction and the need to follow Resolution No. 2,168/2017 of the Federal Council of Medicine and Provision No. 63/2017 of the CNJ were also highlighted, both requiring prior, specific and formal authorization for the use of the genetic material of a deceased person. The minister emphasized that such authorization must occur through a will or other instrument with an equal degree of formality and legal guarantee, under penalty of compromising the succession planning and autonomy of the deceased subject of law (Brasil, 2024).

The comparative analysis between the Alain Parpalaix case, judged in France in 1984, and the recent Special Appeal No. 1,918,421, decided by the 4th Panel of the STJ, reveals contrasting legal approaches to post-mortem artificial insemination. In the French precedent, even in the absence of a specific legal rule on the use of semen after death, the Court of Créteil recognized the right of the widow to use the genetic material, based on the presumed will of the deceased and the understanding that procreation constitutes one of the legitimate purposes of marriage (Santos, 2017, p. 66). The atypical conservation contract was interpreted in favor of the couple's reproductive autonomy, reflecting a more permissive stance in the face of the normative gap (Garcia, 2021, p. 13).

In turn, the Brazilian STJ, in REsp 1.918.421, adopted a significantly more restrictive position, requiring the existence of **express, unequivocal and formal** authorization to carry out post-mortem insemination (Brasil, 2024). The Court pointed out that, in the case of decisions that project existential and patrimonial effects beyond life, the will of the deceased must be manifested by means of an instrument endowed with legal certainty, such as a will or notarized document. This requirement of formalism, which does not exist in the French case, shows a concern of the Brazilian legal system to safeguard both succession planning and the autonomy of the will post mortem, in line with the regulations of the CFM and the CNJ. Thus, there is a tendency in Brazil to standardize assisted reproduction practices involving post-mortem situations more rigorously.

CONCLUSION

The research showed that the succession of embryos conceived *post-mortem* represents a relevant legal challenge, especially in view of the regulatory vacuum existing in Brazil. The analysis showed that the absence of specific regulation generates legal uncertainty, leading to divergent interpretations in the Judiciary and directly impacting the inheritance rights of these embryos. The study revealed that, although the case law of the STJ has sought to fill this gap, the decisions still lack uniformity, which can compromise the protection of those involved and the predictability of property relations.

In addition to the need for express regulation, the research highlighted that the discussion about the succession of these embryos must consider not only patrimonial aspects, but also fundamental principles of law, such as the dignity of the human person and equality among children, regardless of the form of conception. The lack of legislative clarity may result in the exclusion of heirs who, biologically, have a link with the deceased, which may constitute discrimination incompatible with the constitutional principles in force.

Another relevant point identified in the study is the importance of the prior and express consent of the deceased for the use of their genetic material after death. The STJ has adopted this criterion as an essential requirement for the attribution of inheritance rights to embryos conceived *post-mortem*, which demonstrates the need to establish clear rules regarding the recognition of filiation and its patrimonial effects. In addition, the research highlighted that the absence of a defined deadline for the use of cryopreserved genetic material can generate conflicts and instability in hereditary succession, making it essential to establish specific guidelines.

The comparative analysis with foreign legal systems, such as the Alain Parpalaix case in France, reinforced that the problem is not exclusive to Brazil and that countries that faced similar situations also went through intense legal debates before defining regulatory frameworks. In France, a more flexible interpretation of the autonomy of the will prevailed, allowing the use of genetic material based on the presumed intention of the deceased. In Brazil, the current case law of the STJ, such as REsp 1.918.421, adopts a more cautious stance, requiring a formal, express, and unequivocal manifestation of the deceased spouse to legitimize post-mortem reproduction, prioritizing legal certainty and succession effects (Brasil, 2024; Santos, 2017).

Thus, the study concludes that the regulation of the succession of embryos conceived *post mortem* is indispensable to ensure legal certainty and avoid contradictory decisions. The creation of specific rules will contribute to the adequacy of inheritance law to biotechnological innovations, ensuring that advances in assisted reproduction are

accompanied by legal mechanisms that ensure rights and duties in a balanced way. Based on the analysis carried out, we found that the lack of regulation compromises normative coherence, and the creation of a specific legal framework becomes urgent to ensure predictability to property and family relations in constant transformation.

REFERENCES

1. BRAZIL. Constitution of the Federative Republic of Brazil of 1988. Brasília: Presidency of the Republic, 2020. Available at: http://www.planalto.gov.br/ccivil_03/constituicao/constituicaocompilado.htm. Accessed on: June 6, 2023.

2. OLIVEIRA, José Maria Leoni Lopes de. The protection of the fundamental right of inheritance of the child arising from post-mortem assisted reproduction. 2019. 189 f. Thesis (Doctorate in Law) – Estácio de Sá University, Rio de Janeiro, 2019. Depository library: Sectorial Library Campus Presidente Vargas Centro I.

3. SANTIAGO, Maria Carolina Nogueira Nomura. *Post mortem*: the question of succession of cryopreserved embryos. 2020. 183 f. Dissertation (Master's Degree in Law) – Pontifical Catholic University of São Paulo, São Paulo, 2020. Depository library: PUC/SP.

4. LIMA, Rodrigo da Costa. *The legal personality and the rights of the unborn child*. 2021. Final Paper (Graduation in Law) – Faculty of Law, Federal University of Minas Gerais, Belo Horizonte, 2021.

5. ALMADA, Juliano de. In vitro embryos and the possibility of their legal personality: an analysis in the light of the Brazilian legal system. *Iuris in Codice – Student Journal of the Graduate Program in Law*, v. 1, n. 2, p. 1–11, 2021. Available at: https://revistas.unilasalle.edu.br/index.php/Iuris/article/view/8423. Accessed on: 04 Apr. 2025.

6. SILVA, Nathália. The legal destination of surplus embryos in the light of the dignity of the human person. *Journal of the Faculty of Law of UFMG*, Belo Horizonte, n. 79, p. 377-396, jul./dez. 2021. Available at: https://revista.direito.ufmg.br/index.php/revista/article/view/1352. Accessed on: 04 Apr. 2025.

7. ALMEIDA, Thays Silva de. Post-mortem artificial insemination in the face of the Brazilian legal system. 2022. Course Completion Work (Bachelor of Law) – Federal University of Maranhão, São Luís, 2022.

8. CEREWUTA, Pollyanna Marinho Medeiros; TELES, Anna Isabel de Souza; SOUZA, Samara Pereira de. Socioaffectivity: legal effects on succession law and its *post-mortem recognition*. VirtuaJus, Belo Horizonte, v. 4, n. 6, p. 189–204, 1st sem. 2019. ISSN 1678-3425.

9. VENOSA, Sílvio de salvo. Civil law family law. Volume 6. 13th ed. São Paulo: Atlas S.A., 2013.

10. DIAS, Maria Berenice. The historical evolution of succession law and its constitutionalization. Brazilian Journal of Succession Law, Porto Alegre, n. 2, p. 35–50, jul./dez. 2018.

11. SILVA, Larissa Guedes da. The legal (in)effectiveness of post-mortem multiparenthood in Brazilian Succession Law. 2023. 60 f. Final Paper (Graduation in Law) – Faculdade Santa Teresa, Manaus, 2023.

12. BRAZIL. Superior Court of Justice. Jurisprudence in Theses No. 235: Testamentary Succession. Brasília: STJ, 2023. Available at: https://www.stj.jus.br/sites/portalp/Paginas/estudos/jurisprudencia-em-teses.aspx. Accessed on: 05 Apr. 2025.

13. BRAZIL. Superior Court of Justice. *Special Appeal 2.034.650/SP, rel. Min. Marco Aurélio Bellizze, Second Section, judged on May 22, 2024, DJe May 28, 2024*. Brasília, DF: STJ, 2024.
14. BRAZIL. Superior Court of Justice. *Special Appeal No. 2029809/MG.* Rapporteur: Justice Marco Aurélio Bellizze. Brasília, DF, 22 May 2024. Available at: https://jurisprudencia.stj.jus.br. Accessed on: 5 Apr. 2025.

15. SANTOS, Charlene Côrtes dos. *The hereditary vocation in post-mortem homologous artificial insemination*. Porto Alegre: UFRGS, 2017. Available at: https://www.tjdft.jus.br/institucional/jurisprudencia/informativos/2014/informativo-de-jurisprudencia-n-o-292. Accessed on: 10 Apr. 2025.

16. BERALDO, Anna de Moraes Salles. *Succession effects of post-mortem homologous assisted human reproduction: an analysis in the light of constitutional civil law*. 2021. Course Completion Work (Graduation in Law) — Pontifical Catholic University of São Paulo, São Paulo, 2021.

17. GARCIA, Gabriela Sampaio. *Post-mortem artificial insemination and inheritance law.* Mackenzie - Adelpha Digital Repository, 2021.

18. BRAZIL. Superior Court of Justice. Implantation of frozen embryos in a widow requires express authorization from the deceased, the Fourth Panel decides. Brasília, DF: STJ, 9 Apr. 2024.

19. BERALDO, Anna de Moraes Salles. Succession effects of post-mortem homologous assisted human reproduction. 2010. 133 f. Dissertation (Master's Degree in Law) – State University of Rio de Janeiro, Faculty of Law, Rio de Janeiro, 2010.

20. MONTALBANO, Ana Caroline Oliveira. Post mortem insemination and its effects on family law and succession. ESMESC Journal, Florianópolis, v. 19, n. 25, p. 9-26, 2012.