

Faculty of Law



DPRI2223 Family Law II

[30h+18h exercises] 4.5 credits

This course is taught in the 2nd semester

Teacher(s): Jean-Louis Renchon, Jehanne Sosson
Language: French
Level: Second cycle

Aims

After the two compulsory courses of the degree programme ("Principles of Family Law" and "Family Law I") this course provides more specialist training for students of Family Law, by considering the links between certain specific topics in family law and their practice. This link implies both the explanation and understanding of situations as they are lived and as they demand a suitable legal answer, and the analysis of problems created by the application of legal rules. Within this framework, two particularly significant family situations have been chosen for study: divorce and death.

Main themes

Content :

- Part I : Divorce and the separation of unmarried couples. We consider the legal help brought to the management of the break-up of a couple, divorce proceedings, personal and inheritance effects of divorce, including the division of assets between the ex-spouses or ex-partners.
- Part II : Death. The course will cover the rights and duties of deceased's relatives, the ways and effects of the transmission of estates, and the liquidation of the inheritance.

Method

The characteristics of the subject mean that part of the teaching is in lecture-form, to show how legal rules are applied to the subject, and part will consist of analysing practical cases or files to see how solutions to the questions raised are arrived at. Some of the cases may be presented to the students before the course, so that they can prepare their answers themselves.

Content and teaching methods

Part I - DIVORCE (Prof. J.Sosson)

Content

The first part of the course is structured around the following subjects:

- the various modes of separation and dissolution of marriage;
 - divorce by mutual consent; - divorce for fault; - maintenance obligations after the break-up of a couple; - the division of assets; - particular aspects of the break-up of unmarried couples. Methods Subject is seen by means of a practical application from a "casus-file". A presentation of this "file" and an overview will be supplied by means of a resuming video a " first consultation " of each spouse with their lawyer. After a synthesis by the tutor, legal basic principles relative to every subject, the students will be brought to apply concretely these principles (clarified in the supplied supports) to the "casus-file". The students are invited to prepare for the course by reading the course book before this one, what allows them better understanding of the application of principles in the case realised in the course by the tutor.

Part II - DEATH (Prof. J.L. Renchon)

Contents

The second part of the course is divided into two parts, one considering the situation before the death and the other after the death of a person. In the first part, we discuss the personal and inheritance measures which can be taken by a person in anticipation of their death. In the second part, we analyse the consequences which can result from the death of a person, as in the plan of the transmission of the personal or extra-patrimonial privileges as the transmission of its "succession", by trying to consider, as far as possible in the available time, the problems which can arise and the answer which can be found.

Methods

It is more difficult to realise the objectives of a course such as this, than when the teaching is centred on the learning of legal rules themselves. As the students have not yet had much opportunity to learn and assimilate Belgian legal rules applicable to the death of a person, one can not make the impasse on the explanation of these rules. Experience shows that it is generally easier for students to understand these rules by having a course book (syllabus), rather than by reading specialised articles. A syllabus is given to students, which contain statements and explanations of the legal rules that govern the subject. However there is a risk that students may limit themselves to the information contained in this syllabus, while the objective of the course goes beyond the assimilation of theoretical legal rules. So as to confront students with practical application , the syllabus is completed by documents emanating from practice, which are collected by the tutor and students. Consultation and analysis of these documents should allow real situations, and the concrete problems that can arise from them, to be analysed. In addition, during the oral course, efforts are made to apply the legal rules to real cases. In order for this teaching method to succeed, it is essential that students make the effort, before the course, to acquaint themselves with a basic knowledge of the legal rules and to read a certain number of documents, so that we can dedicate enough time during the course to the analysis and resolution of concrete problems.

The examination may be either a written test or an oral examination in front of one of the two course tutors, according to the decision taken every year by the Conseil d'année. The examination material for the second part of the course will be constituted as much by the syllabus as by the collection of documents. Evaluation will consider the students' capacity for clear and rigorous reformulation of the legal rules as well as their explanations of the concrete situations and documents which have been analysed during the course.

Other information (prerequisite, evaluation (assessment methods), course materials recommended readings, ...)

The syllabus is provided at the beginning of the six-month period of teaching.

Other credits in programs

DROI22	Deuxième licence en droit	(4.5 credits)
DROI23	Troisième licence en droit	(4.5 credits)