

Faculty of Law



DPRI2203 Family Law I

[30h+18h exercises] 4.5 credits

This course is taught in the 1st semester

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

Aims

The compulsory "Principles of Family Law" course introduced students to an understanding and critical analysis of the major topics of Family Law. The compulsory "Family Law I" and optional "Family Law II" courses allow students to assimilate the rules of Belgian substantive law in a more rigorous and in-depth way by considering certain specific topics in family law. For Family Law I two of these specific topics have been selected because of their theoretical and practical importance: the Belgian substantive law of marriage (Prof. J.L. Renchon) and the Belgian substantive law of affiliation and the status of the child (Prof. J. Sosson). The objective of the course is that students become capable of understanding these areas in all their precise implications, including their implementation by the courts or in the resolution of concrete situations requiring the application of legal rules.

Main themes

Contents :

- marriage and the status of the couple: personal effects, property during marriage (matrimonial regimes);
- affiliation and status of the child: establishment of affiliation, parental authority and obligation of maintenance, personal and patrimonial status of the child, protection and rights of the minor child;
- management of the family's property and the protection of the person: donations and wills, mental patients, persons under legal protection.

Method :

Because this course is intended for large numbers, teaching is a lecture. So as to favour a precise and rigorous study of the legal rules applicable to these topics, the course integrates compulsory reading by the student of various Court decisions with the comments of the doctrine.

Content and teaching methods

Content

I. MARRIAGE (Prof. J.L. Renchon)

The first part of the course is dedicated to marriage, including both personal and inheritance aspects.

It includes four sections:

- the conditions of validity of the marriage;
- the personal effects of the marriage;
- the inheritance effects of the marriage generally described as the marriage settlement of the couple;
- the legal aspects of the marriage;

The right of divorce, which is a part of the rights of marriage in the broad sense, is only taught in the Family Law II course.

II. AFFILIATION AND STATUS OF THE CHILD (Prof. J. Sosson)

The second part of the course is dedicated to the affiliation and status of the child. It includes three sections:

- the establishment of affiliation;
- the effects of affiliation;
- the personal and inheritance status of the minor child.

Method

I. MARRIAGE (Prof. J.L. Renchon)

The objective of this course is to allow students to acquire a rigorous and detailed legal knowledge of one of the subjects of personal and patrimonial family law. This implies that the student can acquire the competence to understand, assimilate and clarify the set of legal rules governing this subject. The course book (syllabus) contains statements and explanations of these legal rules. It is completed by decisions of the courts, which, by applying these rules, contribute to clarifying their meaning. These legal decisions are part of the course material and must be read attentively and studied in- depth by students, so that they can explain how the application of the rule of law has led to these particular decisions.

Since the syllabus, annexed Courts decisions includes, contains the statement of the legal rules which must be understood and be integrated by the students, the oral class will not be a repetition of the syllabus, and all the material will not be so resumed such which during the oral class.

The oral class proceeds as follows:

- explanation of fundamental problems;
- statement of difficult questions requiring further study;
- analysis of certain decisions of jurisprudence or concrete situations requiring the application of the legal rules taught.

A good integration and an assimilation of the material by the student implies from then on, even though this way to work is not still usual in the Law Faculty of UCL, that the student was able to proceed to a first reading in the syllabus of the material taught before every oral class.

II. AFFILIATION AND STATUS OF THE CHILD (Prof.. J. SOSSON)

The oral class focused on the application of the principles studied. Legal rules and the legal principles concerned are explained by a global but synthetic theoretical point of view. During the oral class, these rules and principles will be approached and explained by leaving from a practical point of view or exemplatif strictly while following the structure of the syllabus.

Examples will allow to expose, to explain and to clarify theoretical principles resumed in the syllabus. A critical and reflexive approach of the subject will be also held. According to the pursued objective which is to bring the student to be put into practice subject, the learning of the knowledge supposes:

- A first approach during the oral class by means of cases leading to the statement of principles;
- A second apprehension by means of a study putting in correlation the cases seen in the course and the analysis of principles resumed in the syllabus.

The student is so brought, to integrate material, to put in connection his notes (resuming cases) and the syllabus (resuming the synthetic statement of theoretical principles

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)

Mandatory