

Advanced Family Law (B001729)

Due to Covid 19, the education and evaluation methods may vary from the information displayed in the schedules and course details. Any changes will be communicated on Ufora.

Course size *(nominal values; actual values may depend on programme)*

Credits 6.0 **Study time** 180 h **Contact hrs** 45.0 h

Course offerings and teaching methods in academic year 2020-2021

A (semester 2) Dutch Gent lecture 45.0 h

Lecturers in academic year 2020-2021

Verschelden, Gerd RE21 lecturer-in-charge

Offered in the following programmes in 2020-2021

	crdts	offering
Master of Science in Teaching in Social Sciences (main subject Laws)	6	A
Master of Laws in Laws	6	A

Teaching languages

Dutch

Keywords

Law of Persons – Family Law – Family Property – Fundamental Rights

Position of the course

This course explains in depth the earlier lectured Law of Persons and Family (Property) Law, to result in a more specialist and academic knowledge of this field. With regard to the ethical, political, sociological and economic circumstances that influence the Law of Persons and Family Law, a frame of reference is constructed in which new regulations and developments are situated.

Contents

This course focuses on recent legislative, jurisprudential and doctrinal developments in Law of Persons and Family (Property) Law *sensu lato*. Belgian Law of Persons and Family (Property) will be analysed regarding the principle of equality and the laws of treaties. Special attention is given to the jurisprudence of the Constitutional Court, esp. judgements stating that provisions of internal Family Law are at odds with fundamental rights. Attention will also be paid to empirical analysis of Belgian Family Law.

Initial competences

Basic knowledge of the concepts of the Law of Persons and Family Law is necessary.

Final competences

- 1 A thorough knowledge of the recently changed elements of the Belgian Law of Persons and Belgian Family (Property) Law
- 2 A deeper insight in the historical evolution of the Law of Persons and Family (Property) Law and the influence of ethical, political, sociological and economic circumstances
- 3 The ability to find and analyse swiftly and accurately national and international rules and regulations of the Law of Persons and Family (Property) Law in order to apply them effectively in complex and in-depth cases
- 4 An ability to reflect critically on voids in current Law of Persons and Family (Property) Law
- 5 Awareness for the necessity of empirical analysis of Family Law in order to evaluate

legislation

- 6 Knowledge of the results given by the most recent empirical analysis of Belgian Family Law
- 7 An academic thorough perception of the direction of future Law of Persons and Family (Property) Law
- 8 Being able to assess the legal implications that are brought for by recomposed families, adaptation of sex registration and medically assisted reproduction
- 9 The ability to help people and families find a legal 'made to measure' solution to their Family (Property) Law related problems, with respect to the differences between various types of families and regarding gender and sexual preferences of each individual
- 10 Translate and solve complex cases of the law of persons or family (property) orally in layman's terms

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

Access to this course unit via an exam contract is unrestricted

Teaching methods

Lecture

Extra information on the teaching methods

During lectures, the Law of Persons and Family Law are approached interactively and profoundly. Legislation, jurisprudence and doctrine are illustrated from a casuistic point of view.

Students are made attentive to legal briefings and conferences on the subject of Belgian Family Law. Students are given the opportunity to attend - for free - to all initiatives at Ghent University undertaken by the lecturer.

Learning materials and price

The most recent source material can be downloaded through Minerva. Students are free to print what they need or find useful.

A recent edition of the Civil Code and the Procedural Code. Free choice of edition, as far as the code isn't annotated.

References

- Barbaix, R. *Handboek familiaal vermogensrecht*, Antwerpen-Cambridge, Intersentia, 2018, 1026 p.
- Barbaix, R., *Familiaal vermogensrecht in essentie*, Antwerpen-Cambridge, Intersentia, 2018, 422 p.
- Declerck, C. en Pintens, W., *Schets van het familiaal vermogensrecht*, Brugge, die Keure, 2019, 530 p.
- De Page, H. en Van Gysel, A.-Ch., *Traité élémentaire de droit civil belge*, I, *Les personnes*, Brussel, Bruylant, 2015, 2 vol., 1641 p.
- Leleu, Y.-H., *Droit des personnes et des familles*, Brussel, Larcier, 2020, 888 p.
- Leleu, Y.-H., *Droit patrimonial des couples*, Brussel, Larcier, 2014, 580 p.
- Pintens, W. en Declerck, C. (eds.), *Patrimonium 2019*, Brugge, die Keure, 2019, 398 p.
- Senaev, P. en Declerck, C., *Compendium van het personen- en familierecht*, Leuven/Den Haag, Acco, 2020, 728 p.
- Senaev, P., Swennen, F. en Verschelden, G. (red.), *Personen- en familierecht. Artikelsgewijze commentaar met overzicht van rechtspraak en rechtsleer*, Mechelen, Wolters Kluwer, permanent geactualiseerd, losbladig.
- Swennen, F., *Het Personen- en Familierecht. Een Benadering in Context*, Antwerpen-Cambridge, Intersentia, 2019, 585 p.
- Van Gysel, A.-Ch., *La famille*, Luik, Anthemis, 2018, 348 p.
- Van Gysel, A.-Ch. en Sauvage, J., *Le couple*, Luik, Anthemis, 2018, 420 p.

Course content-related study coaching

Before after every lecture students will be able to download the PowerPoint-presentation through Minerva.

For additional information students can contact the lecturer or the guest lecturer.

Questions requiring an extensive answer will only be answered in person, i.e. not by e-mail.

Evaluation methods

end-of-term evaluation

Examination methods in case of periodic evaluation during the first examination period

Oral examination

Examination methods in case of periodic evaluation during the second examination period

Oral examination

Examination methods in case of permanent evaluation

Possibilities of retake in case of permanent evaluation

not applicable

Extra information on the examination methods

The end-of-term evaluation is an oral examination containing at least three open questions (including all of the course). It is required that the student shows a profound knowledge of the Law of Persons and Family (Property) Law. The student must be able to solve complex actual problems without written preparation (using the Civil and Judicial Code as well as given jurisprudence) within a reasonable amount of time. The student needs to be critical about current Law of Persons and Family Law and needs to be able to point out voids and unconstitutionality in this area. Remedies for these problems should be brought forth with an academic, well-founded perception of the Law of Persons and Family (Property) Law that exceeds current views on the topic.

Calculation of the examination mark

Facilities for Working Students

Please be aware that the lectures (or at least correct notes of these lectures) are crucial for the understanding of the large amount of content in this course.
If possible, lectures will be recorded.