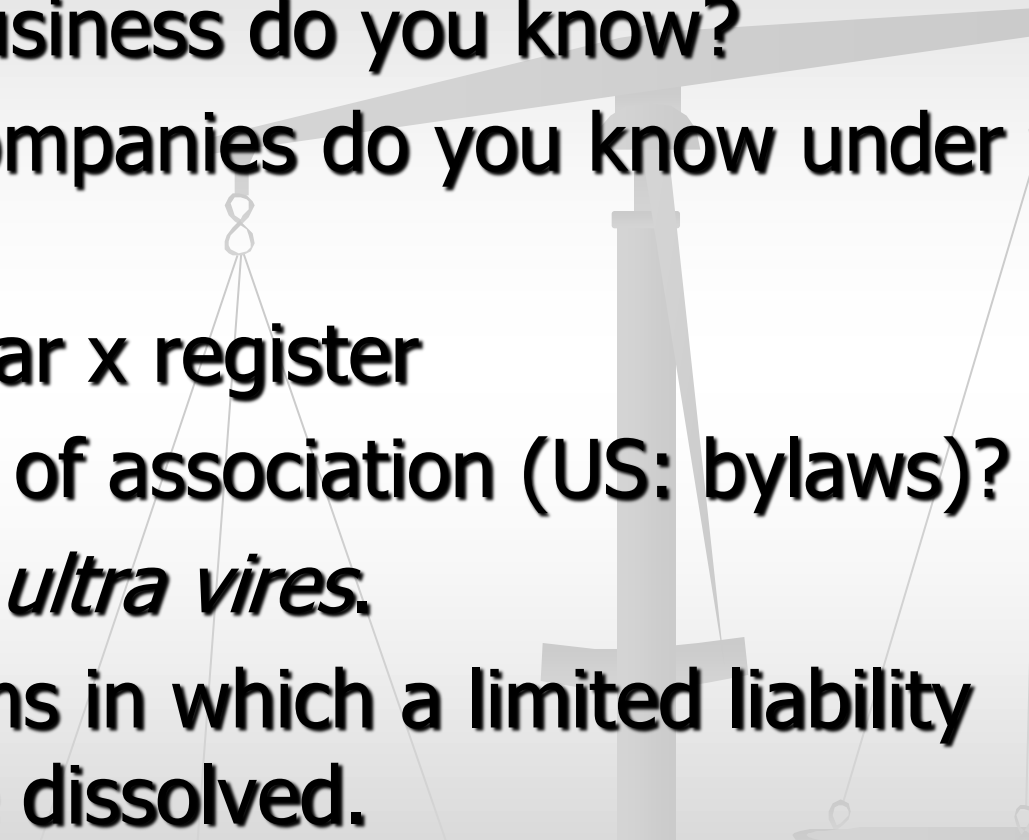




# Family Law

**English for Lawyers I.3**

# Revision: Running a business

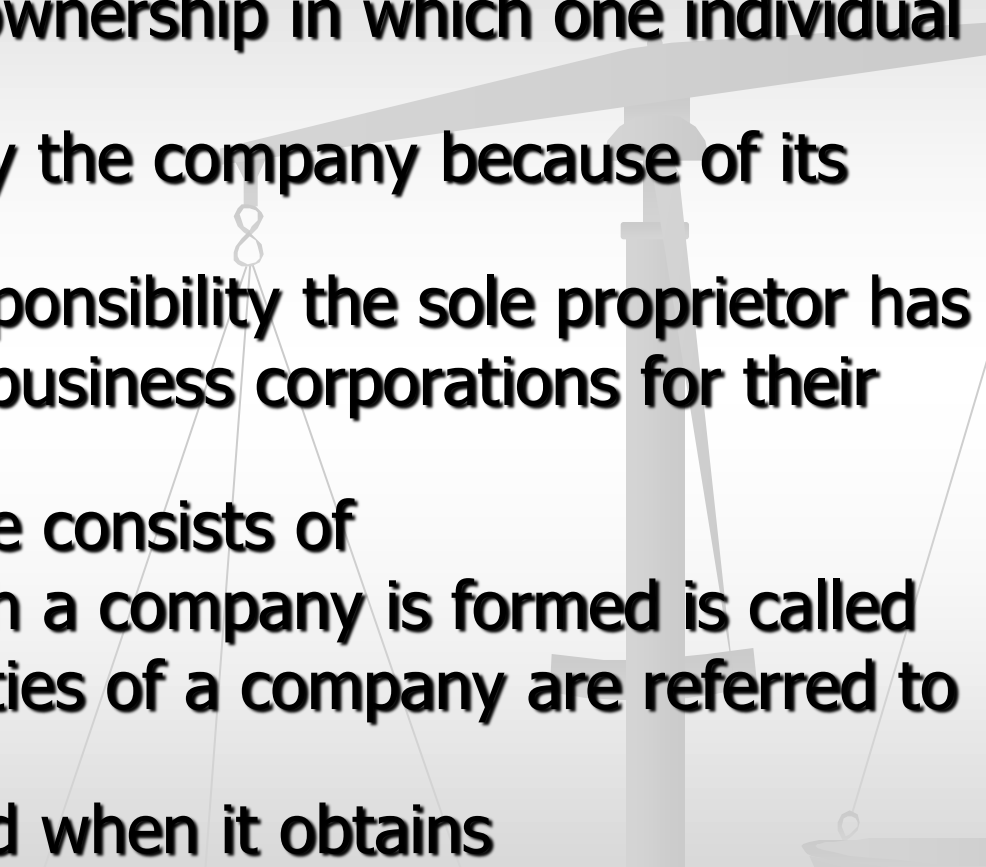
- What forms of business do you know?
  - What forms of companies do you know under the Czech law?
  - Registry x registrar x register
  - What are articles of association (US: bylaws)?
  - Explain activities *ultra vires*.
  - Describe the forms in which a limited liability company may be dissolved.
- 

# Homework

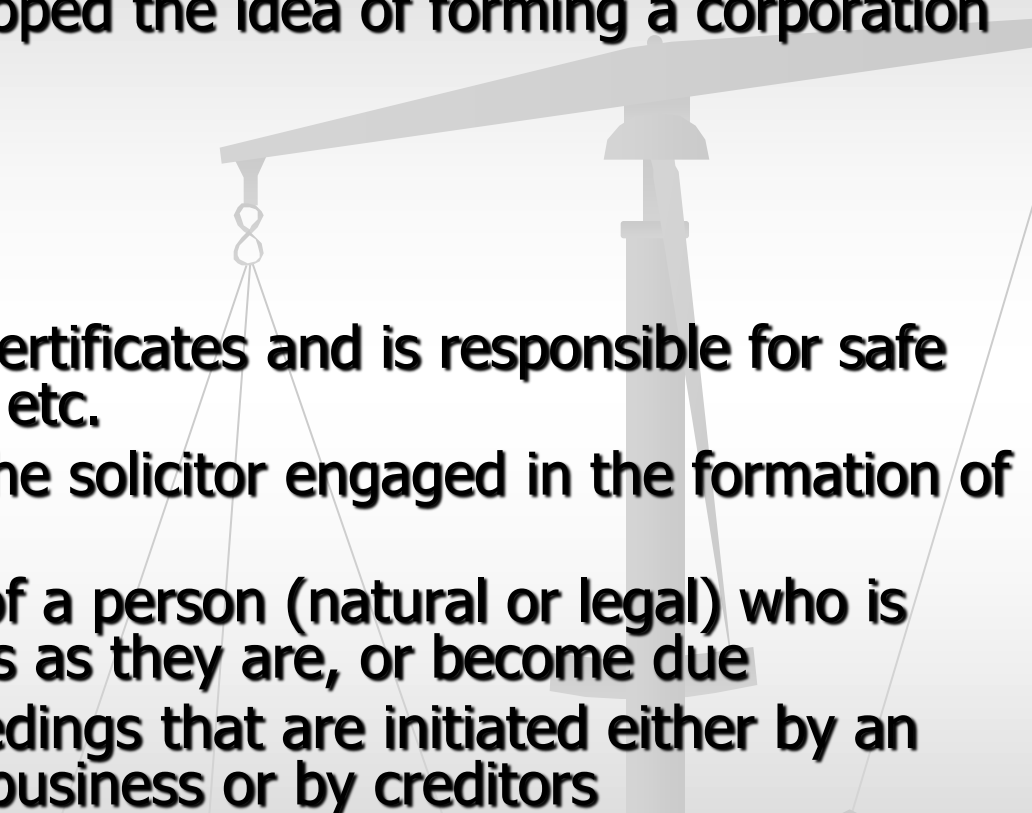
- **Company law**



# Lexis revision

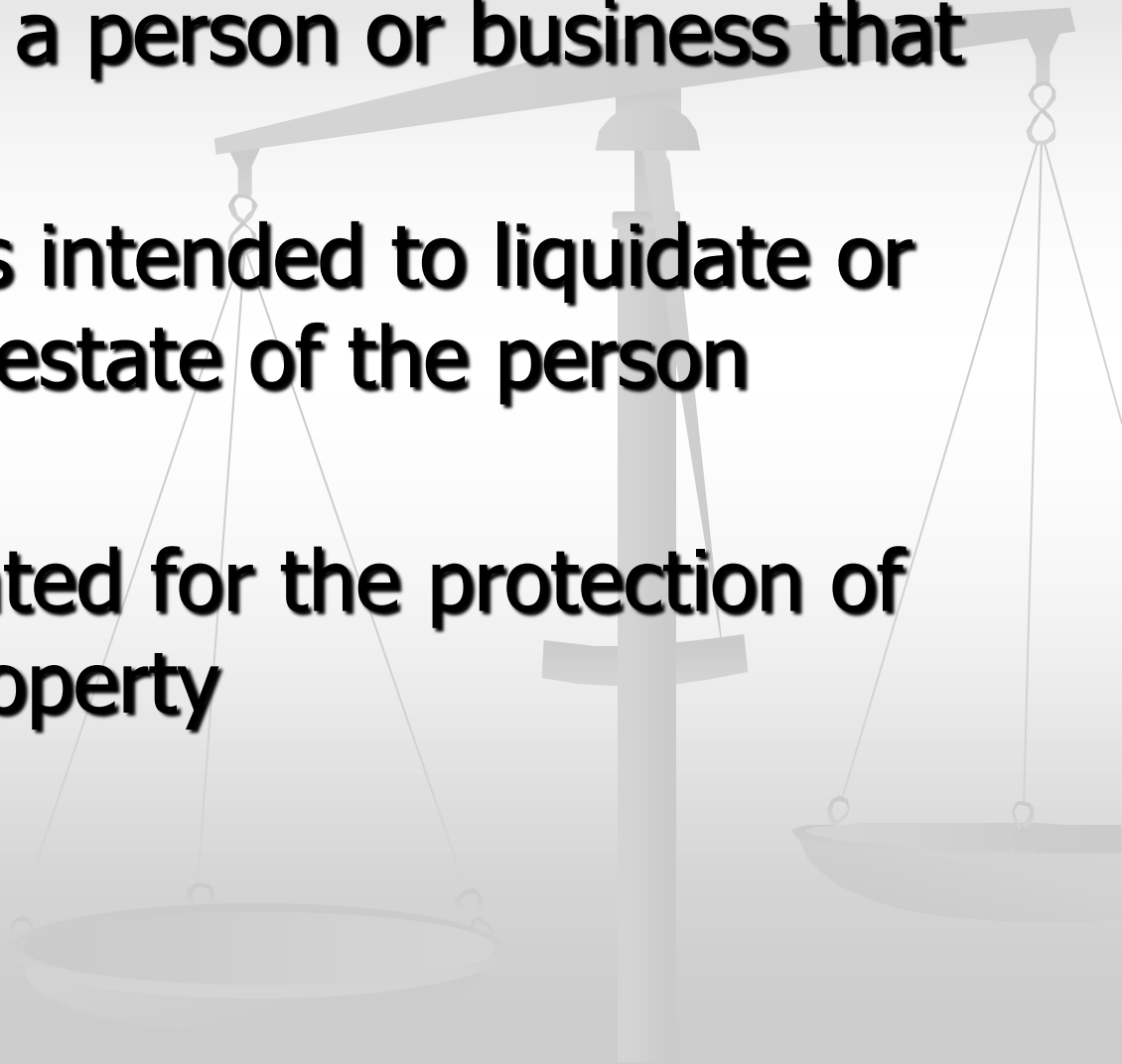
- a form of business ownership in which one individual owns a business
  - the tax to be paid by the company because of its profits
  - the kind of legal responsibility the sole proprietor has
  - primary purpose of business corporations for their existence
  - a corporate structure consists of
  - the process by which a company is formed is called
  - the rights and liabilities of a company are referred to as
  - a company is formed when it obtains
- 

# Lexis revision

- the persons who developed the idea of forming a corporation are
  - právní subjekt
  - právnická osoba
  - právní subjektivita
  - an official who issues certificates and is responsible for safe custody of documents, etc.
  - a document made by the solicitor engaged in the formation of a company
  - the state or condition of a person (natural or legal) who is unable to pay the debts as they are, or become due
  - various types of proceedings that are initiated either by an insolvent individual or business or by creditors
- 

# Lexis revision

- the condition of a person or business that is insolvent
- any proceedings intended to liquidate or rehabilitate the estate of the person involved
- a person appointed for the protection of the debtor's property



# Powell: Group work

- 4 groups

## Tasks:

- Skim the whole text
  - Answer the questions
  - Discuss within the group
- 
- 15 mins

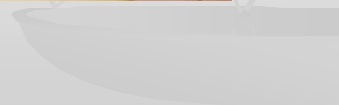
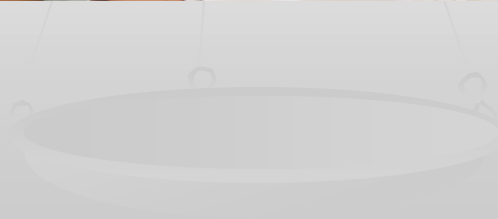


# Powell U12: Find the equivalent

Czech	English
předpoklad	assumption
tělesně trestat	punish physically
právo na finanční podporu	right to financial support
domácí násilí	domestic violence
žádat o rozvod	seek a divorce
prohlásit manželství za neplatné	nullify a marriage
žadatel o rozvod	petitioner
péče o děti	custody of children
cizoložství	adultery
zdědit	inherit
zůstavitel, dědic	testator, heir
pořídit závěť	make a will
zemřít bez dědiců ze závěti	die intestate



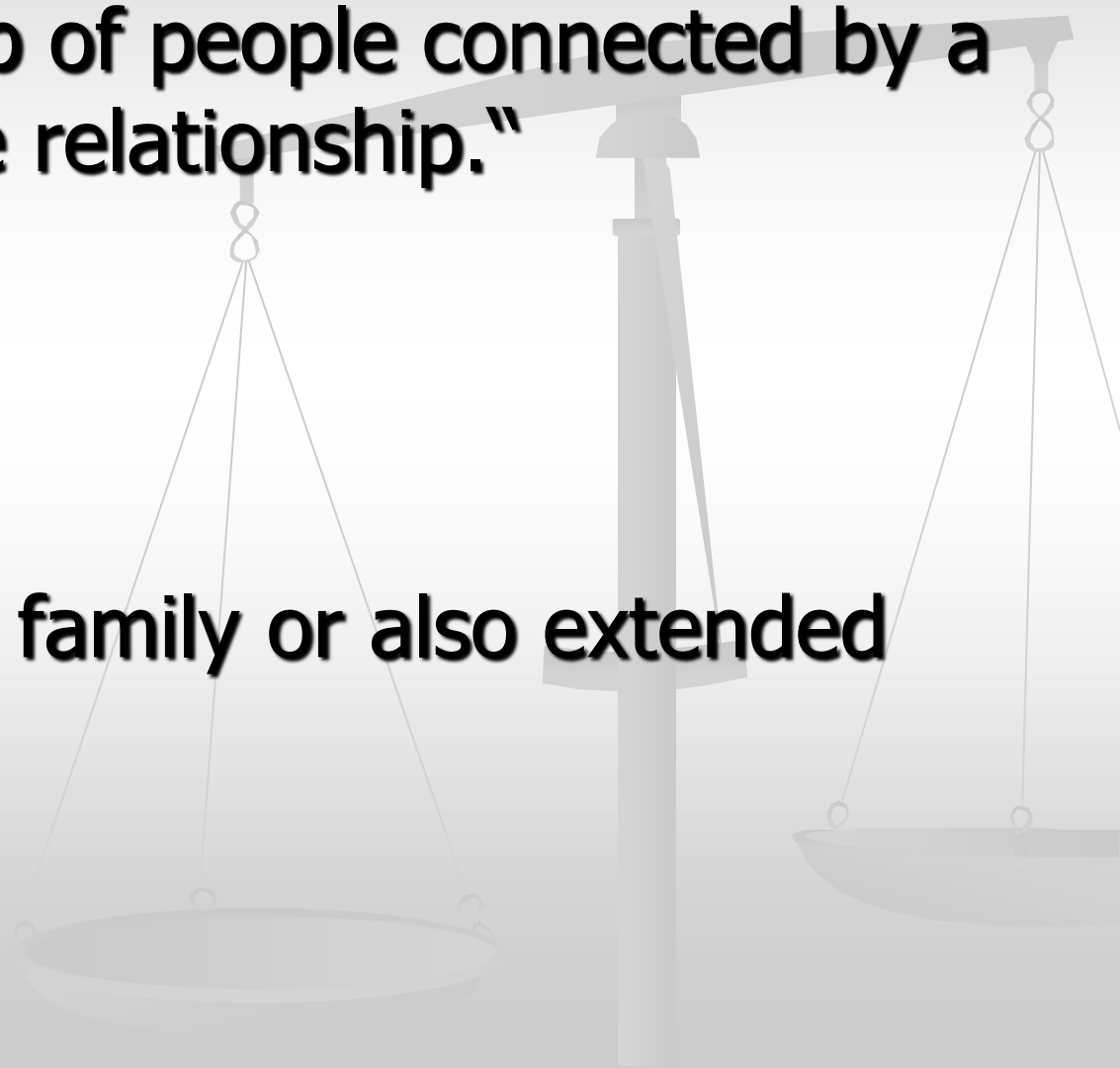
# Family



# What is a family?

**„Family is a group of people connected by a close relationship.“**

- **Blood relatives?**
- **Spouses?**
- **Cohabitees?**
- **Only immediate family or also extended family?**



# What is a family?

**„Family is a group of persons related by blood, affinity or by law.“**

**„A basic social unit consisting of parents and their children, considered as a group, whether dwelling together or not.“**

**„A group of individuals living under one roof and usually under one head.“**

# What does Family Law deal with?

- marriage
- divorce
- adoption
- child custody
- ...



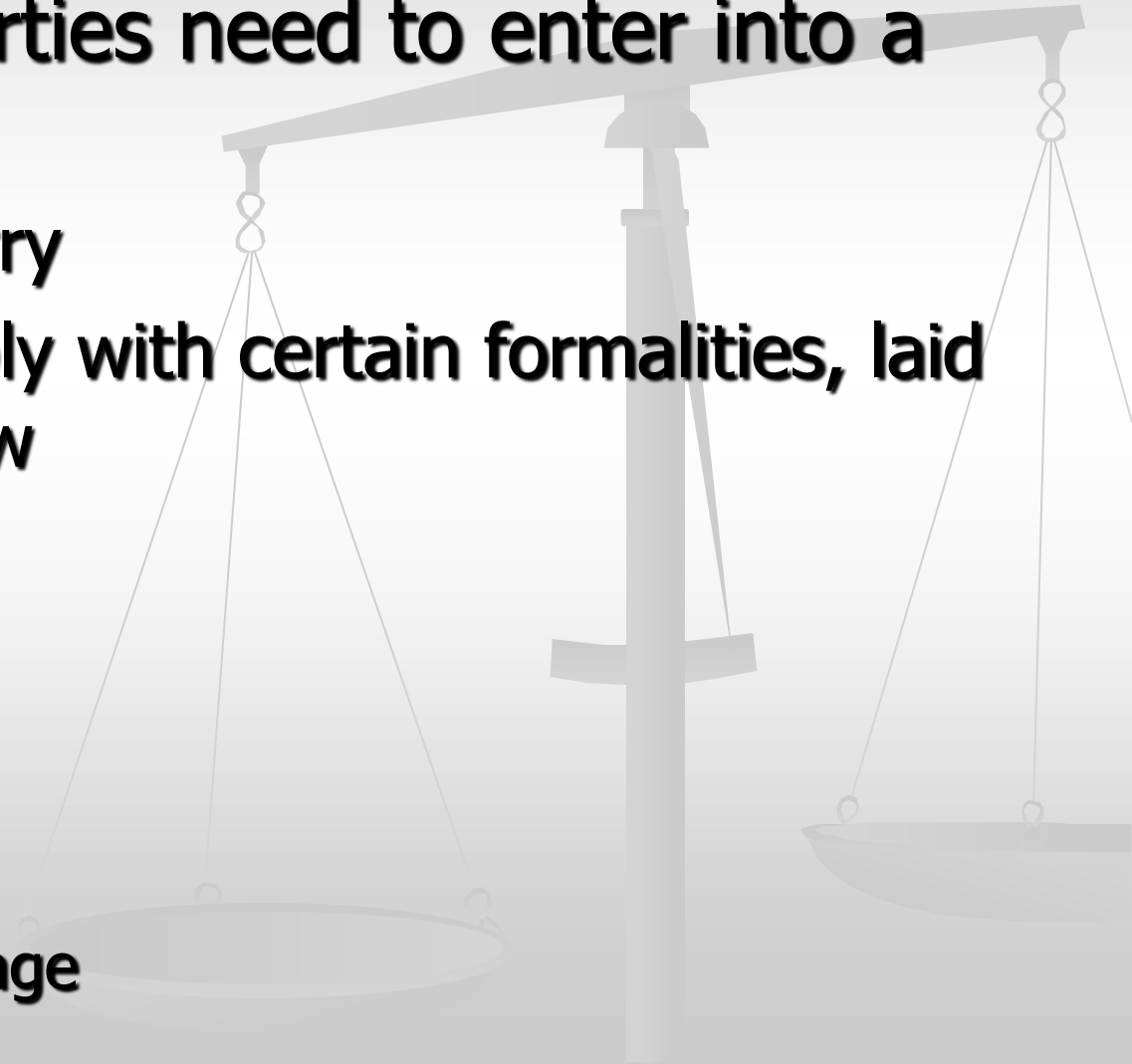
# Civil or Public Law?

- Civil law
- Public law
  - e.g. Criminal law
    - bigamy
    - incest



# Marriage

- What do the parties need to enter into a valid marriage?
  - capacity to marry
  - and must comply with certain formalities, laid down by the law
- Types
  - civilní
    - civil marriage
  - církevní
    - religious marriage



# Capacity to marry

**Parties to a marriage have the capacity if they:**

1. nejsou v zakázaném příbuzenském stupni
  - are not within the prohibited degrees of relationship
2. je jim více jak 16 let
  - are over the age of 16
3. nejsou ještě ženatí/vdané
  - are not already married
4. jsou muž a žena
  - are respectively male and female

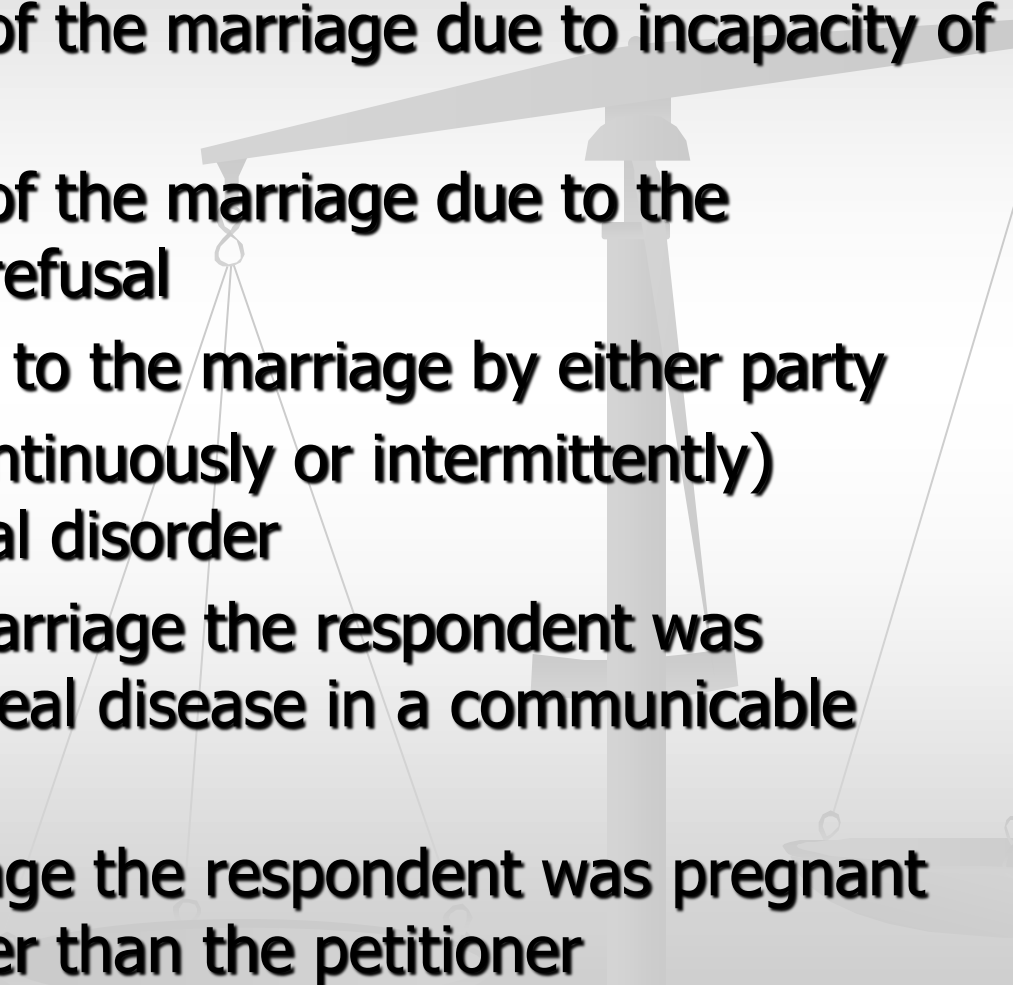
# Formalities

- All marriages must be registered.
- Preliminary legal formalities.
- Why are the formalities of marriage important?





# Grounds rendering marriage voidable (MCA 1973)

- A. non-consummation of the marriage due to incapacity of either party
  - B. non-consummation of the marriage due to the respondent's willful refusal
  - C. lack of valid consent to the marriage by either party
  - D. either party was (continuously or intermittently) suffering from mental disorder
  - E. at the time of the marriage the respondent was suffering from venereal disease in a communicable form
  - F. at the time of marriage the respondent was pregnant by some person other than the petitioner
- 

# Marry

- oženit se / vdát se
  - get married
- vzít si Jane
  - marry Jane
- vdaná za Toma
  - married to Tom



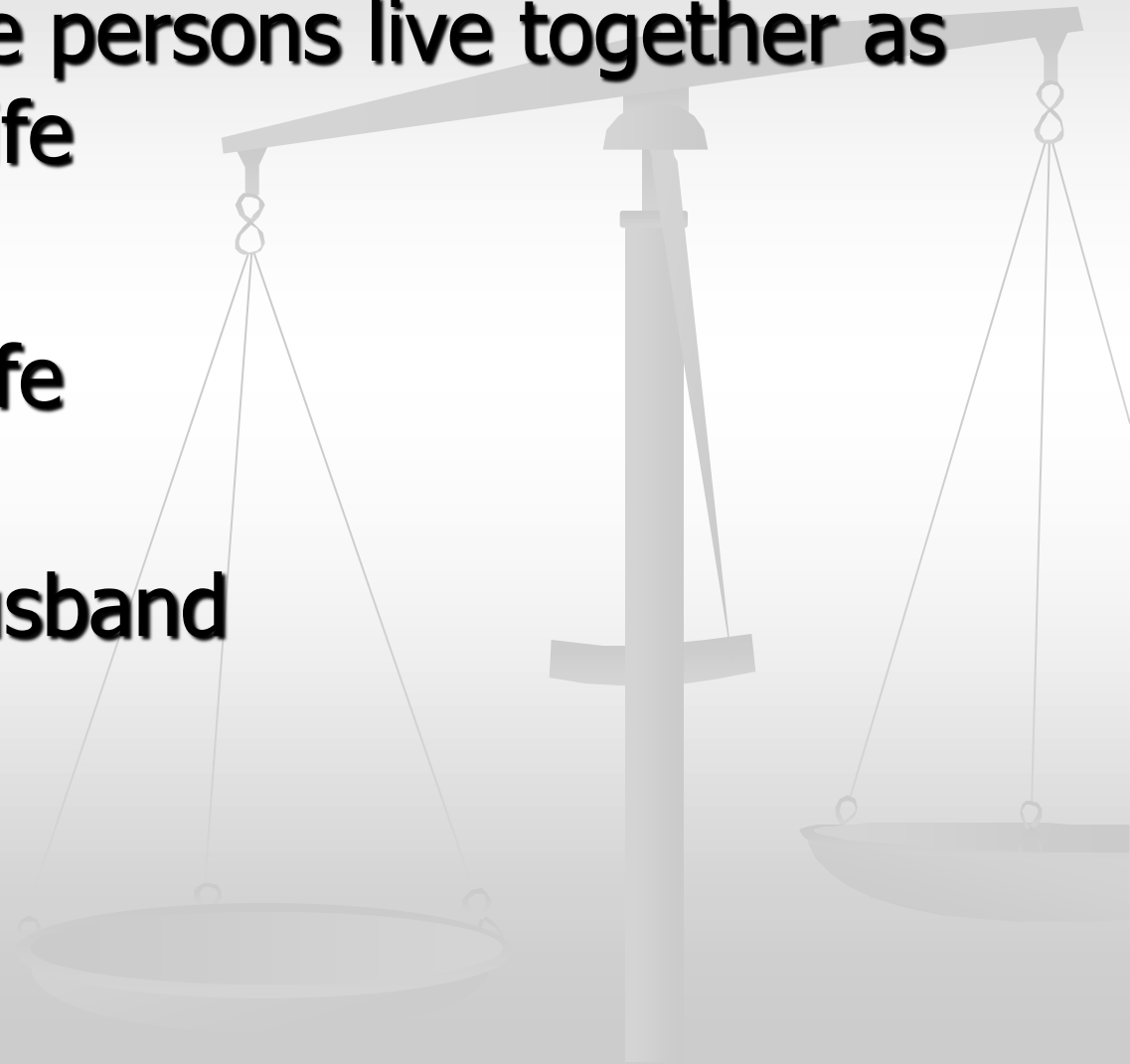
# Marital status

- **married**
- **widowed**
- **divorced or separated**
- **never married or single**



# Common law marriage

- may exist where persons live together as husband and wife
- common law wife
  - družka
- common law husband
  - druh
- cohabitee

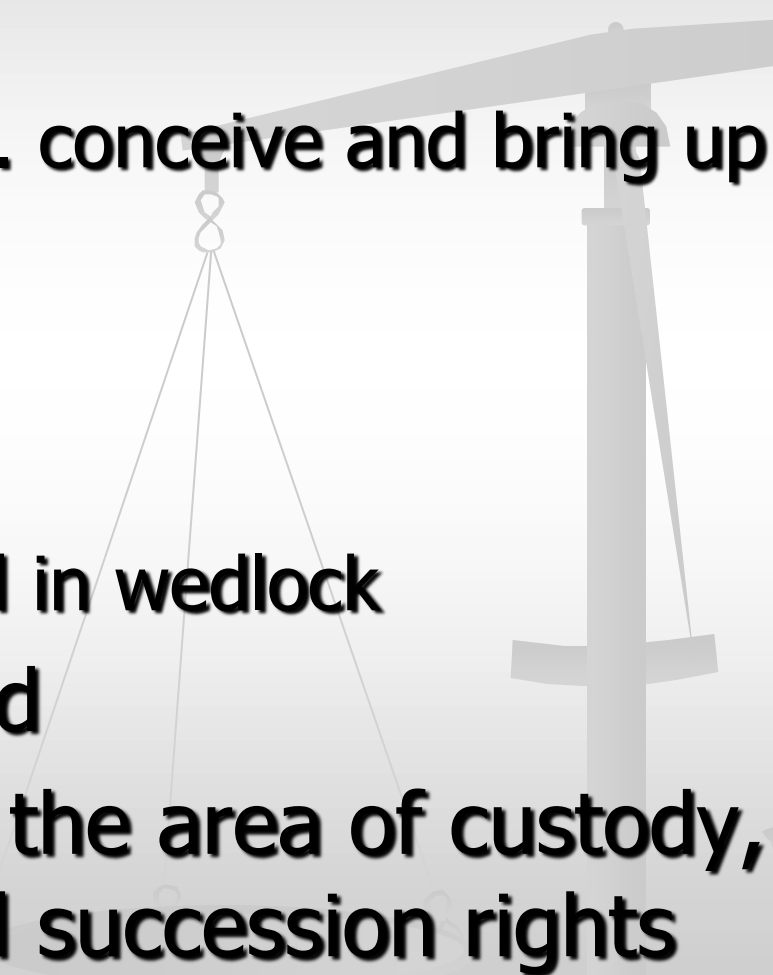


# Property



- **Community property**
  - all property acquired by the husband and wife during marriage other than by gift or inheritance
- **Separate property**
  - real or personal property either brought into the marriage by one spouse or acquired by one spouse during gift or inheritance

# Function of a family

- **Original function**
    - to reproduce, i.e. conceive and bring up children
  - **legitimate child**
    - a child conceived in wedlock
  - **~~x~~ illegitimate child**
  - **consequences in the area of custody, maintenance and succession rights**
- 

# Legitimation

A (8).....born (1)..... becomes legitimate if his parents subsequently (7) ..... By the Legitimacy Act, 1926, an illegitimate person is legitimated by the (2) ..... of his parents provided that at the date of the marriage (i) the illegitimate person is alive and (ii) the (9) ..... is domiciled in England and Wales.

The Legitimacy Act, 1959, further (6) ..... that it shall be no bar to legitimation that either of the parents was married to a third party at the time of the birth of the (3) ..... For example, A and B are married. B conceives a child by Z. A then divorces B, who thereupon marries Z. The child will be legitimated from the date of the subsequent marriage of B and Z.

The (5) ..... effect is that the (10) ..... child is treated in nearly all respects as though he were legitimate or a lawful child. Should the parents die intestate, the legitimated child will succeed to their property. Moreover, he will have the same rights of (4) ..... by parents as a lawful child.

# Illegitimacy

A (8) ..... born during wedlock is *prima facie* legitimate. Similarly a child born within the normal time after the termination of a (2) ..... by the death of the husband or by divorce is presumed legitimate.

A child will only be (1) ..... when the mother does not marry the father. If the mother does, however, (7) ..... the father following the birth of the child, the child may be (10) .....

If the mother marries some other person, the mother and the husband may in such a case jointly adopt the mother's illegitimate child, although her husband will be bound to maintain the (3) ..... and can claim custody as a child of the family.

**Custody and (4).....** . An illegitimate child is in the custody of his mother and the mother is bound to maintain him until the age of 16. The putative father, as he is generally called, is under no (5) ..... obligation to (6) ..... for the child except when the affiliation order has been made against him by a magistrates' court. If so ordered, the putative (9) ..... is liable to maintain the child until the age of 16, although it may be extended beyond 16 if the child needs further education or training.



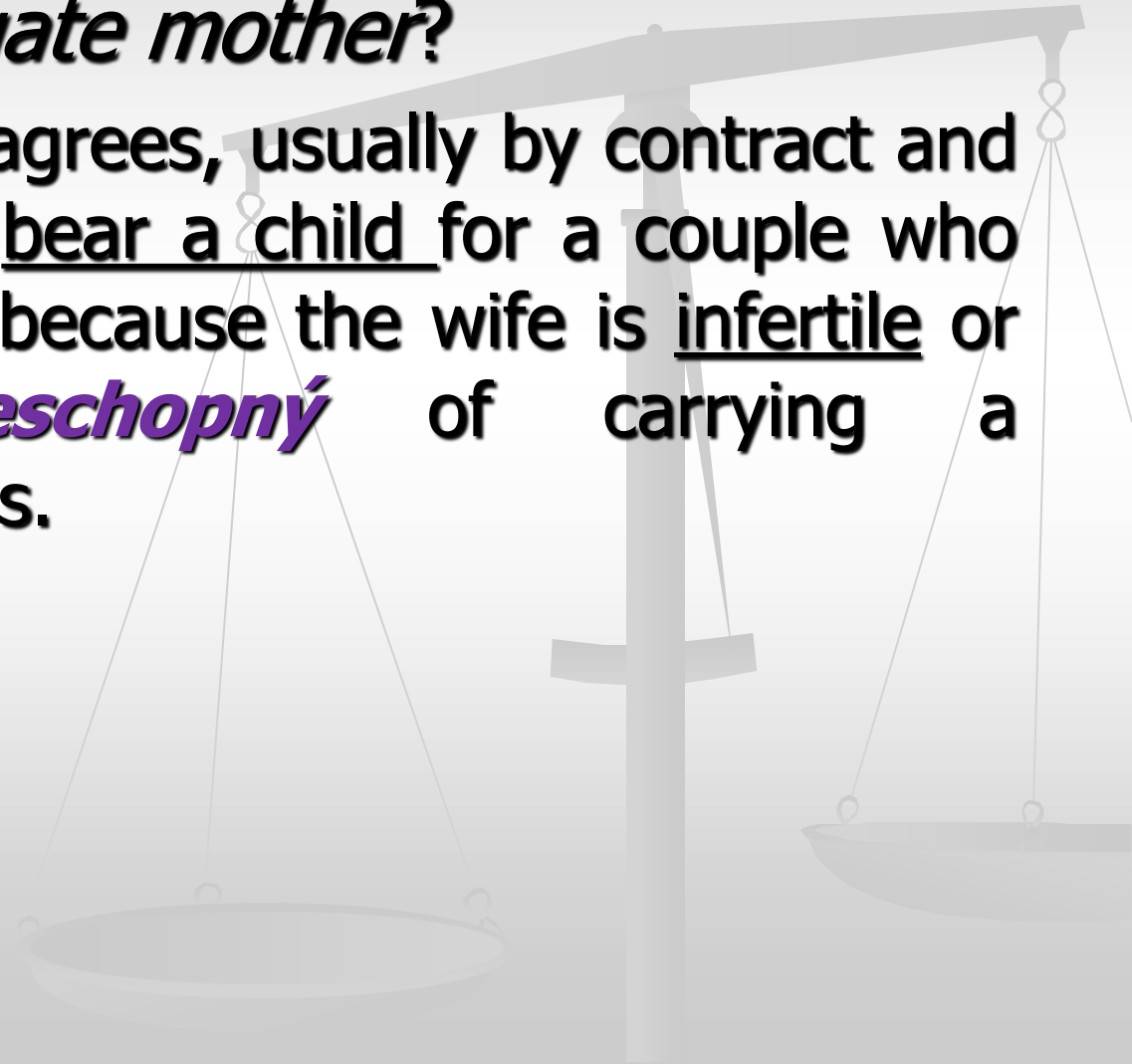
# Answers

1. illegitimate
2. marriage
3. child
4. maintenance
5. legal
6. provide(s)
7. marry
8. child
9. father
10. legitimated



# Surrogacy

- Who is a *surrogate mother*?
  - a woman who agrees, usually by contract and *za úplatu*, to bear a child for a couple who are *bezdětný* because the wife is infertile or physically *neschopný* of carrying a developing fetus.



# Adoption



- **to ADOPT**
  - „= to take into one's family through legal means and raise as one's own child“
- **Adopted child**
- **Adoptive parents, families, and homes**
- **Definitions?**

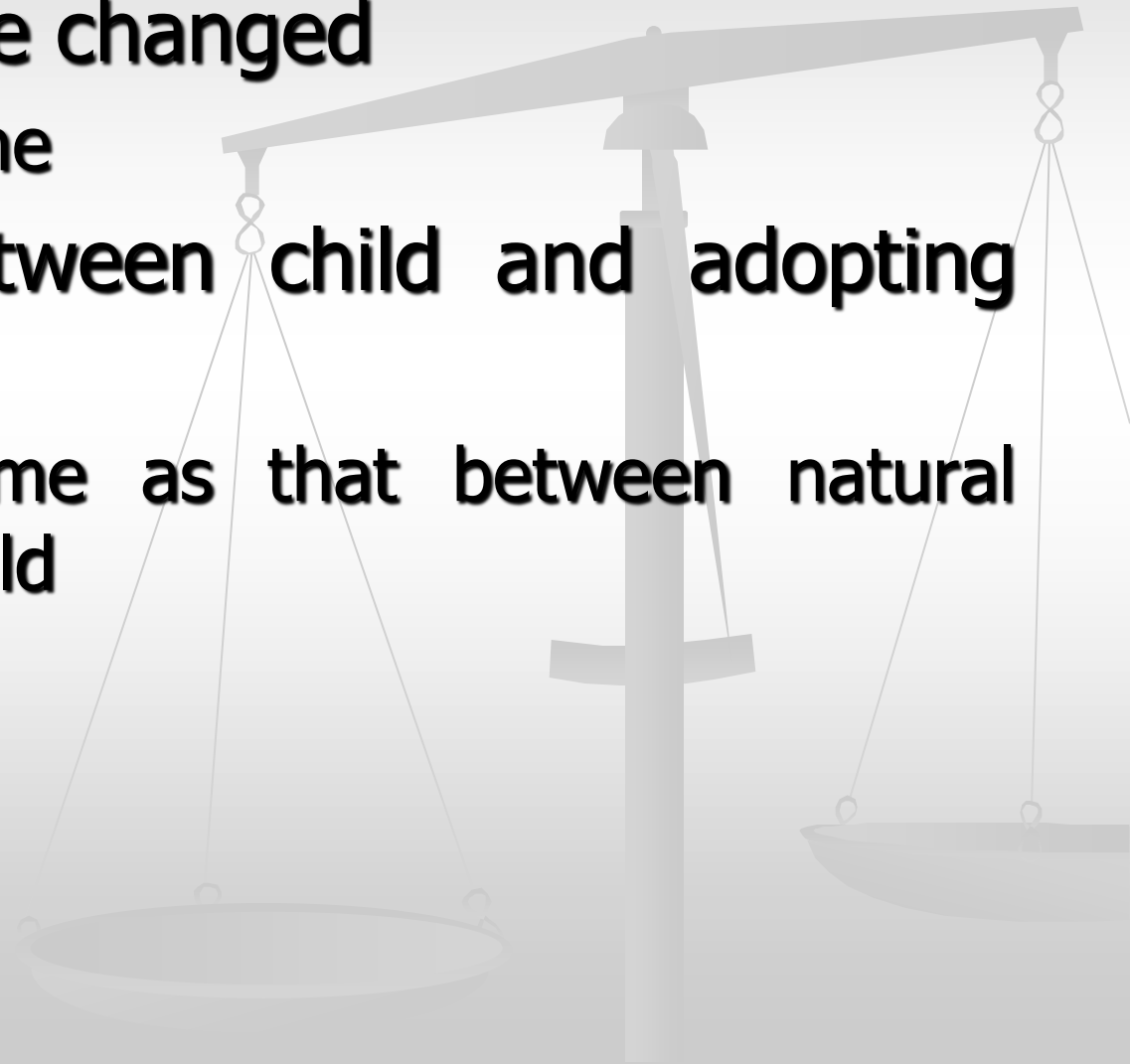
# Adoption

- **legitimate child**
  - **consent of both parents needed**
- **illegitimate child**
  - **the mother alone can consent to the adoption**



# Adoption

- birth records are changed
  - new family name
- relationship between child and adopting parents
  - legally the same as that between natural parents and child



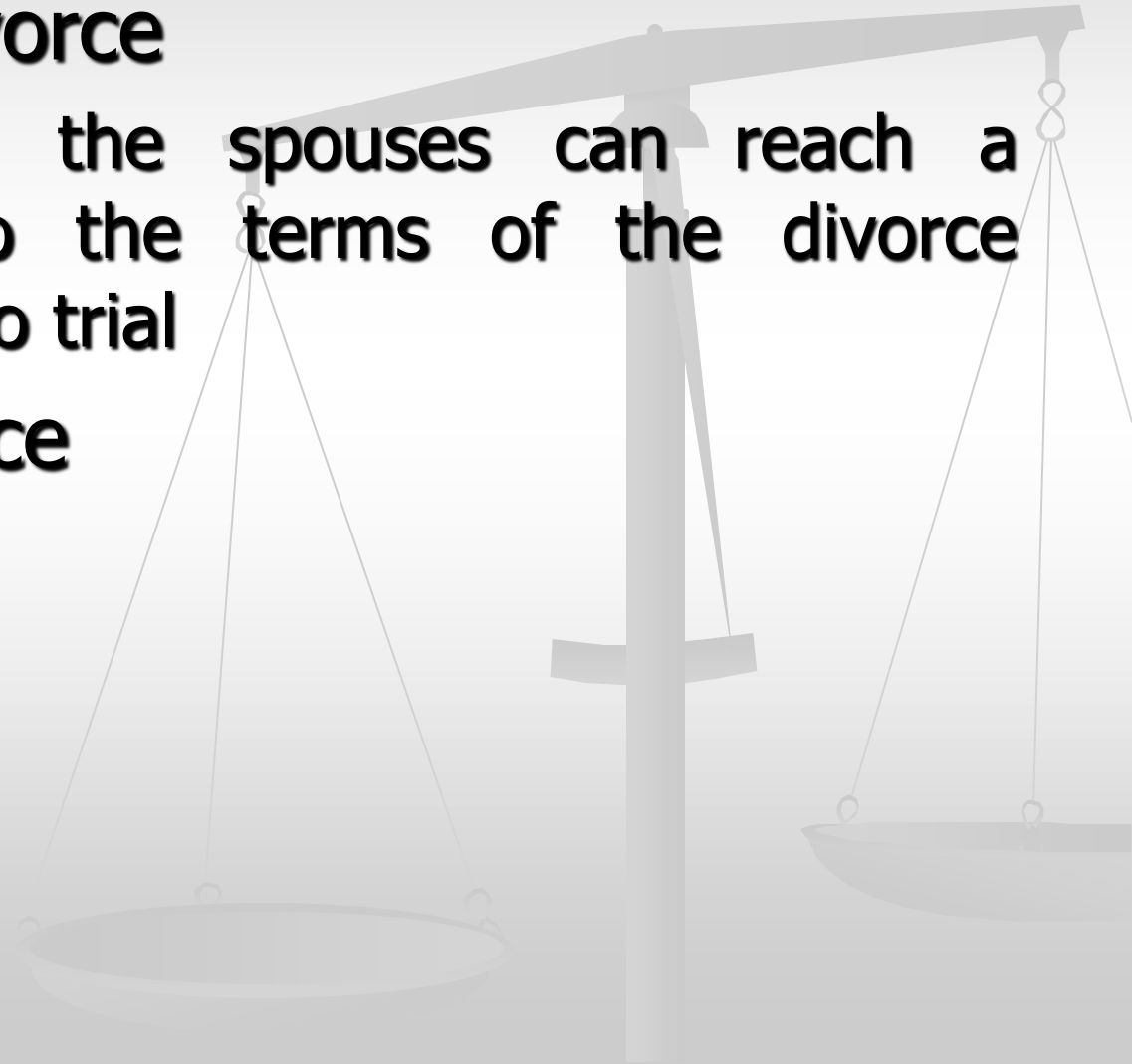
# All marriages terminate at some point...

- How can a marriage be dissolved?
  - by death
  - decree of divorce
  - decree of dissolution
  - judgment of nullity



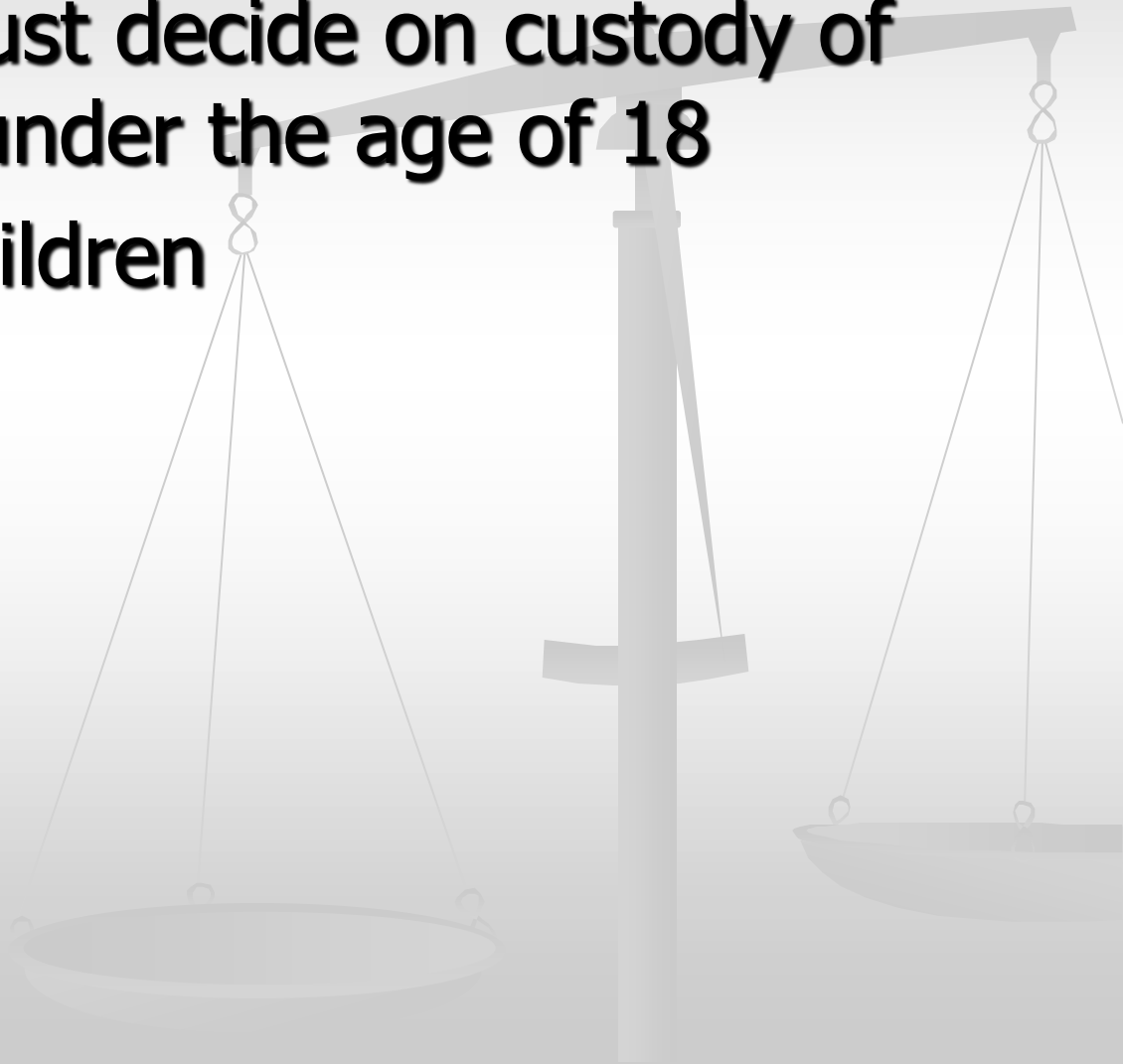
# Divorce

- **uncontested divorce**
  - divorce where the spouses can reach a decision as to the terms of the divorce without going to trial
- **contested divorce**



# Custody of minor children

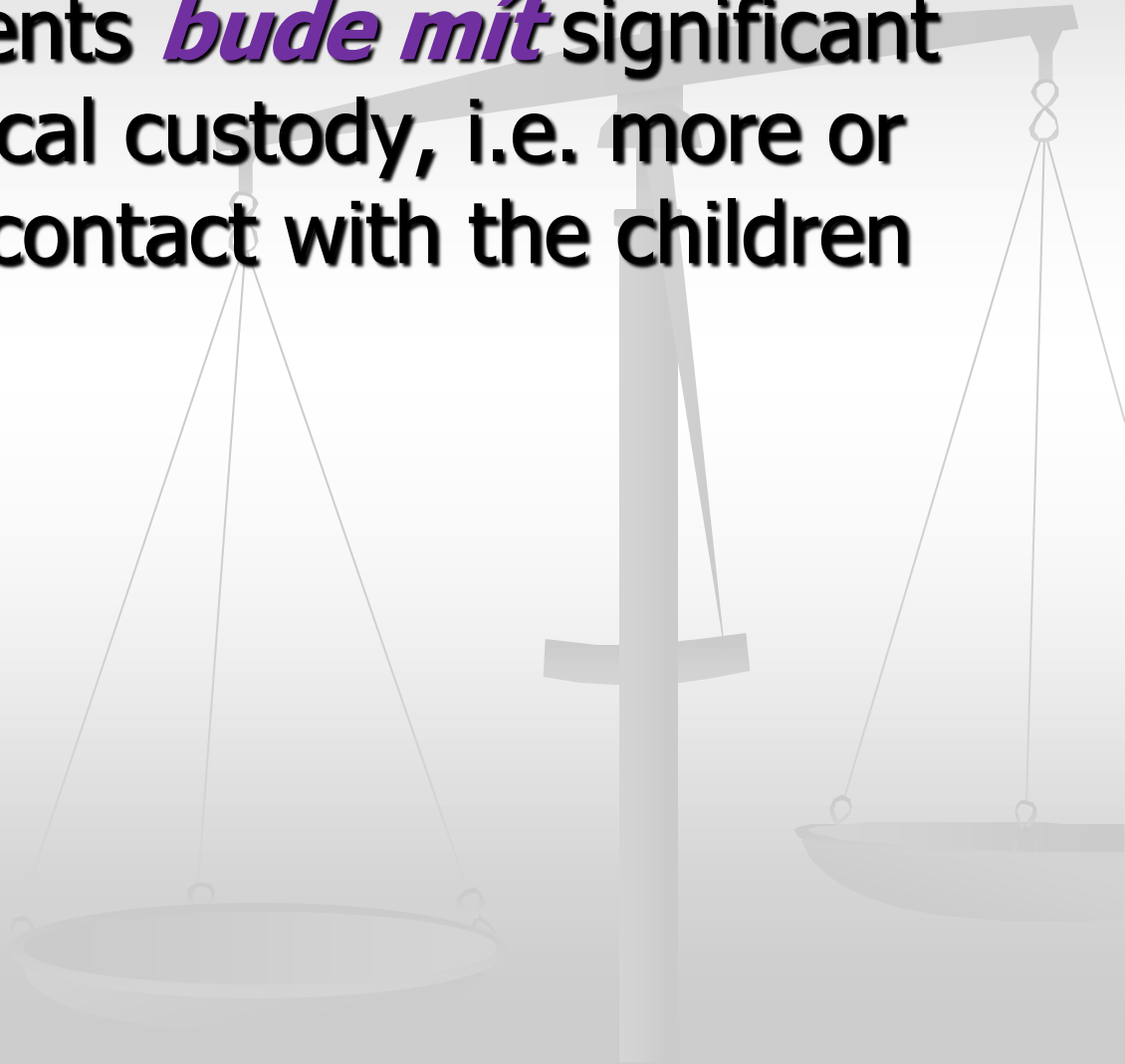
- both parents must decide on custody of minor children under the age of 18
- well-being of children





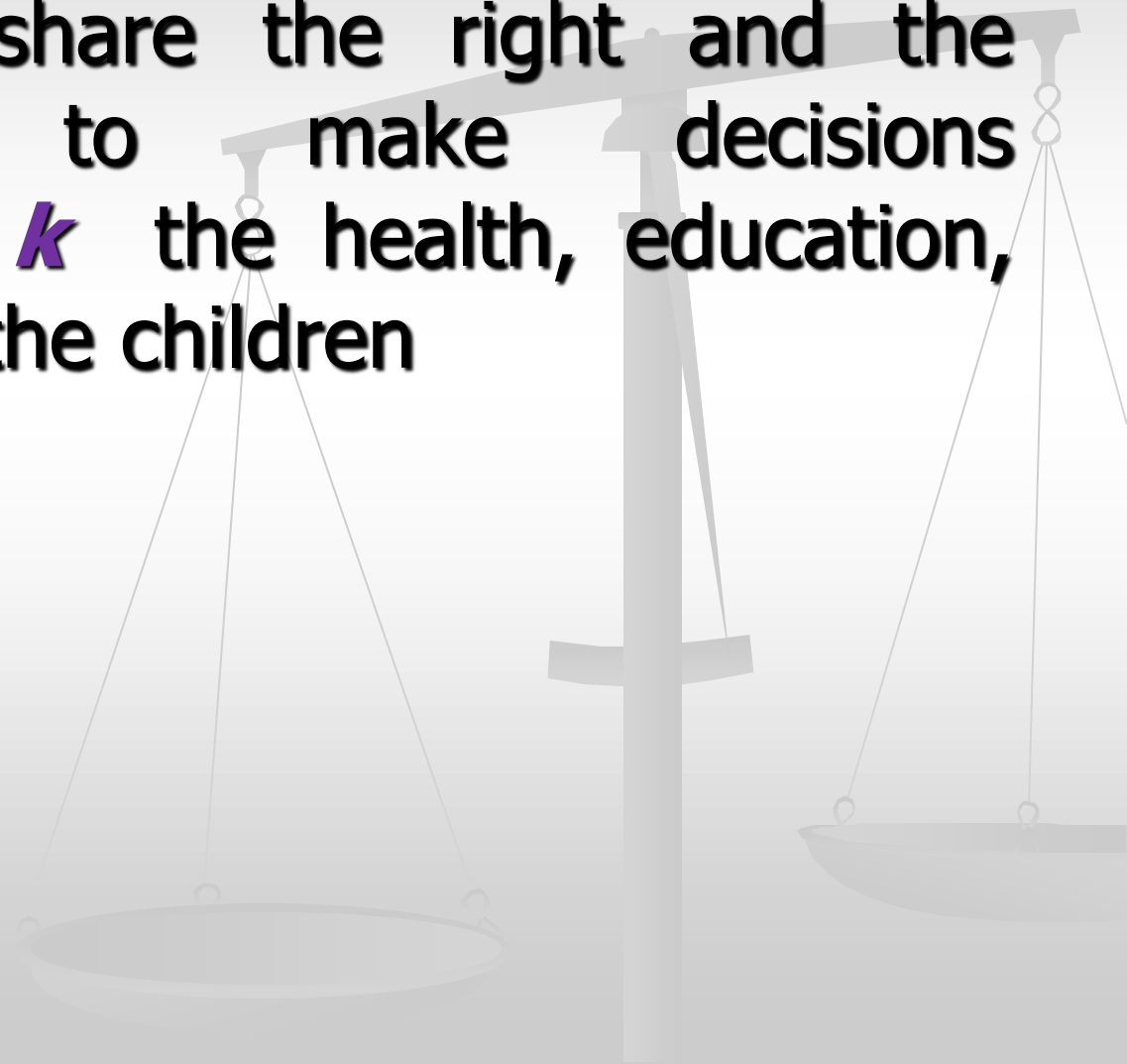
# Joint physical custody

- each of the parents *bude mít* significant periods of physical custody, i.e. more or less continuing contact with the children
- střídavá péče

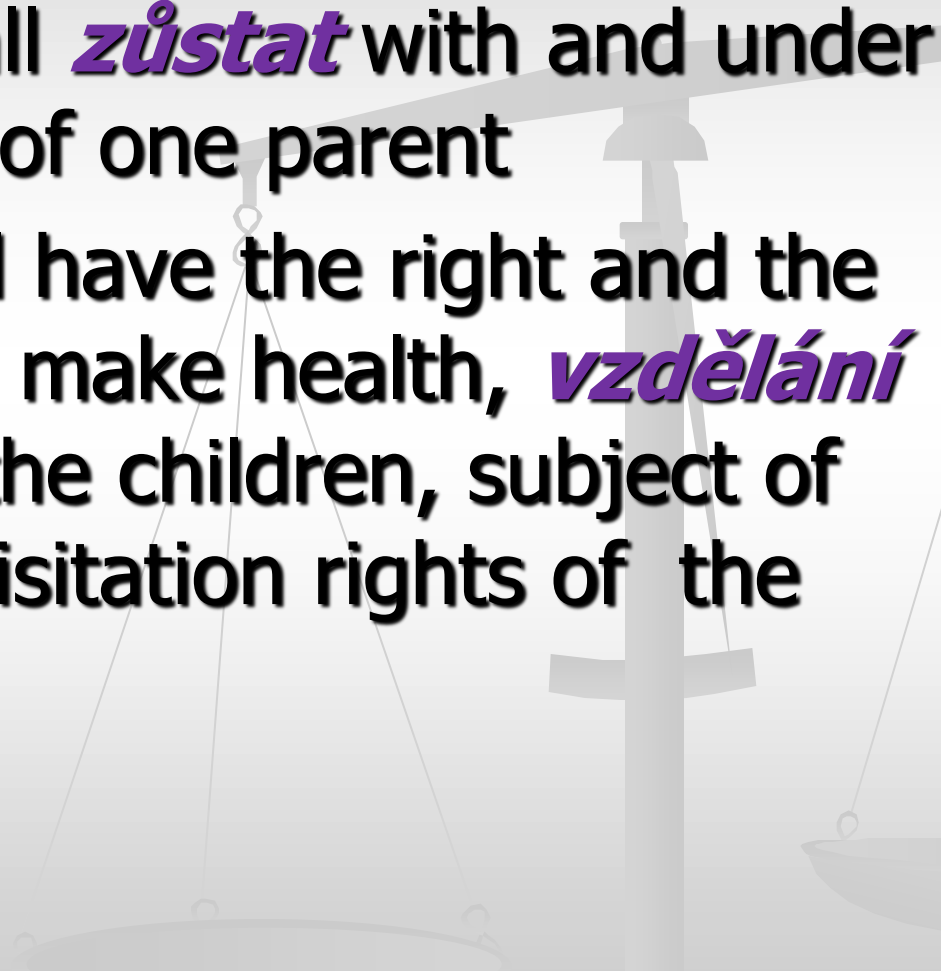


# Joint legal custody

- both parents share the right and the responsibility to make decisions *vztahující se k* the health, education, and welfare of the children
- společná péče

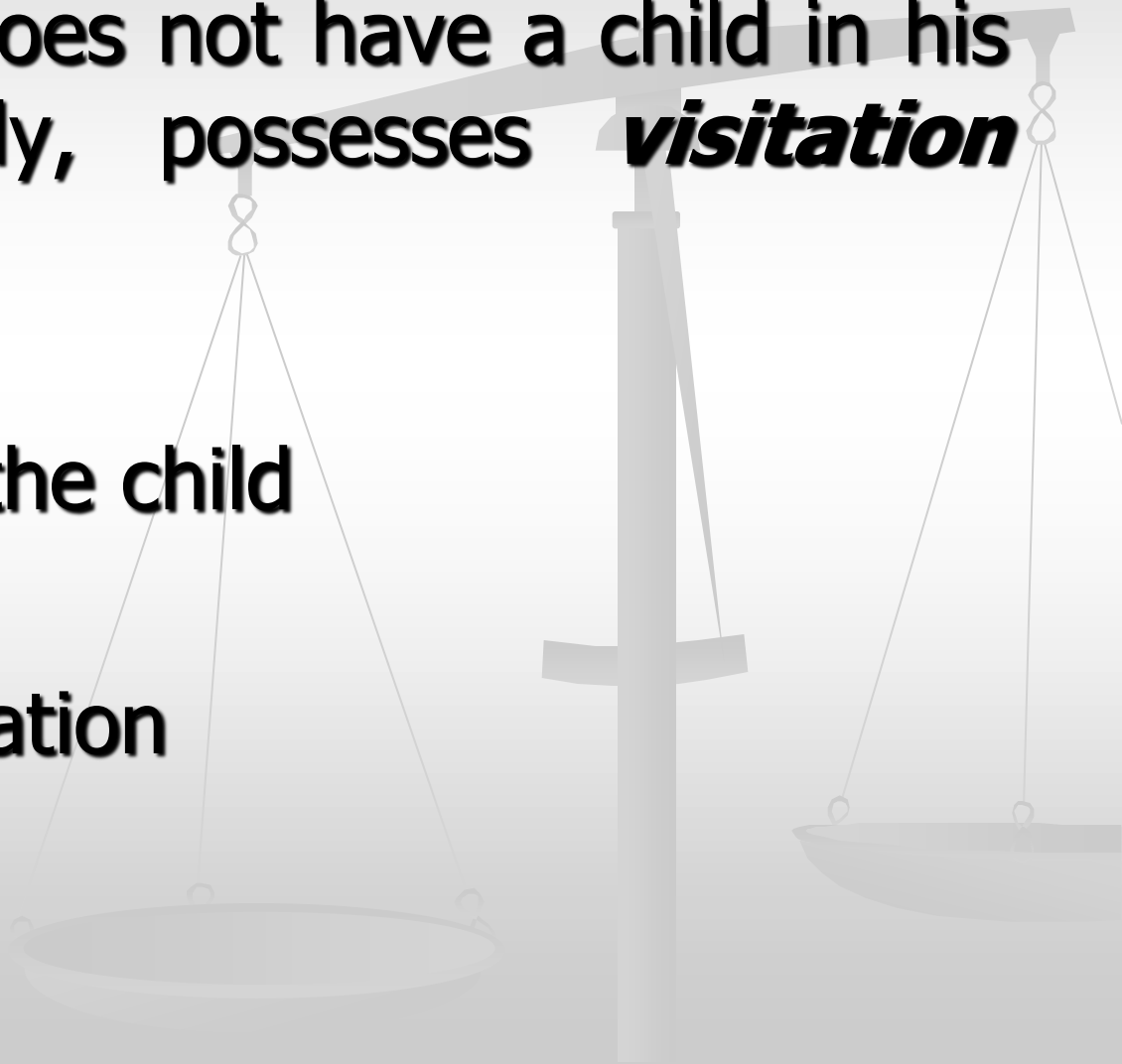


# Sole physical and legal custody

- the children shall *zůstat* with and under the supervision of one parent
  - one parent shall have the right and the responsibility to make health, *vzdělání* and welfare of the children, subject of course to the visitation rights of the other parent
  - výlučná péče
- 

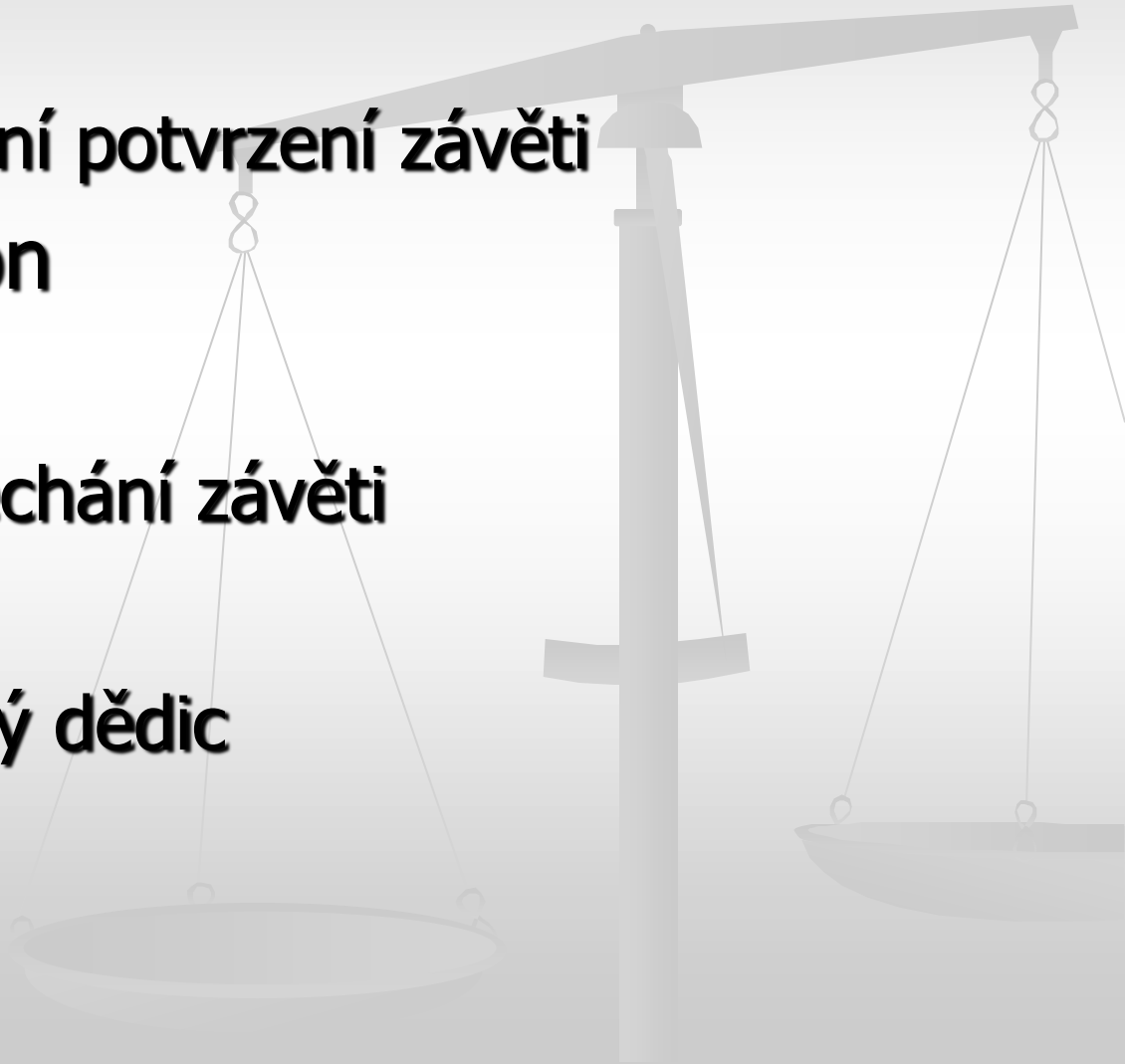
# Visitation rights

- A parent who does not have a child in his or her custody, possesses ***visitation rights***.
- = contact with the child
- reasonable visitation

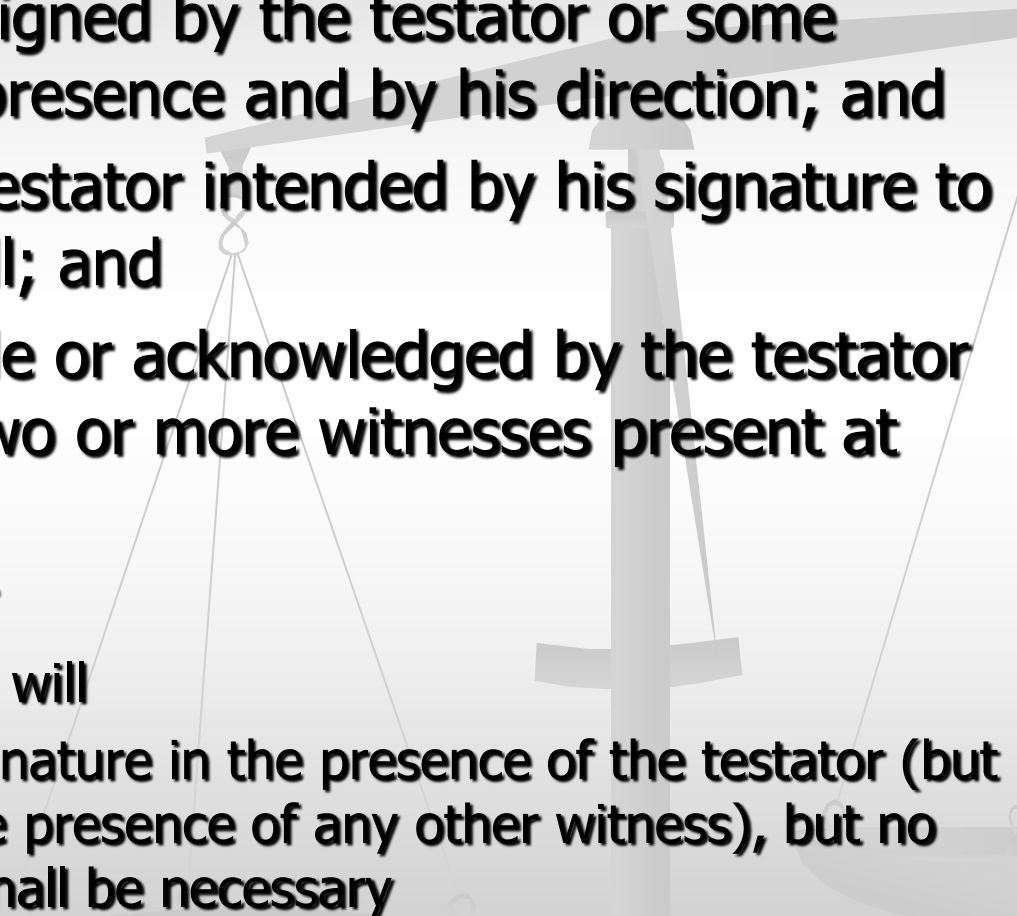


# Last Will and Testament

- law of probate
  - probate = soudní potvrzení závěti
- law of succession
- die intestate
  - zemřít bez zanechání závěti
- forced heir
  - neopomenutelný dědic
- contest a will



# No will shall be valid unless:

- a. it is in writing, and signed by the testator or some other person in his presence and by his direction; and
  - b. it appears that the testator intended by his signature to give effect to the will; and
  - c. the signature is made or acknowledged by the testator in the presence of two or more witnesses present at the same time; and
  - d. either witness either
    - i. attests and signs the will
    - ii. acknowledges his signature in the presence of the testator (but not necessarily in the presence of any other witness), but no form of attestation shall be necessary
- 

# Last Will and Testament

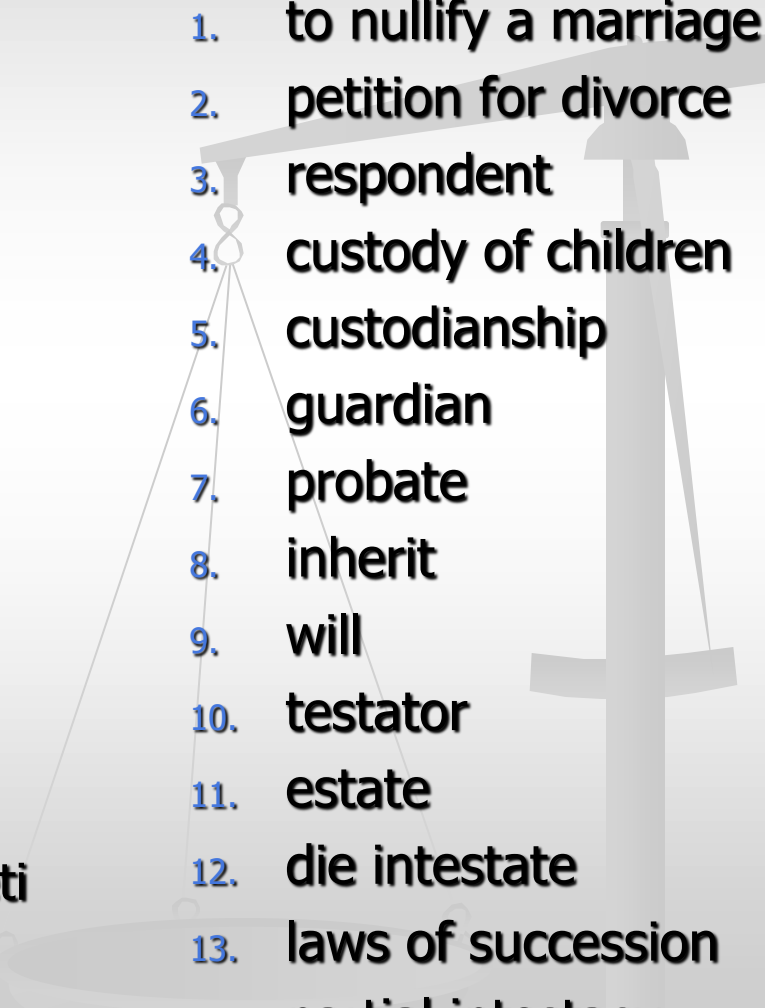


# Guardianship / Crossword





# Translate (CZ→EN)

- 
- |     |                                  |     |                       |
|-----|----------------------------------|-----|-----------------------|
| 1.  | Prohlásit manželství za neplatné | 1.  | to nullify a marriage |
| 2.  | Žádat o rozvod                   | 2.  | petition for divorce  |
| 3.  | Odpůrce                          | 3.  | respondent            |
| 4.  | Péče o děti                      | 4.  | custody of children   |
| 5.  | Opatrovnictví                    | 5.  | custodianship         |
| 6.  | Poručník                         | 6.  | guardian              |
| 7.  | Soudní potvrzení závěti          | 7.  | probate               |
| 8.  | Dědit                            | 8.  | inherit               |
| 9.  | Závěť                            | 9.  | will                  |
| 10. | Zůstavitel                       | 10. | testator              |
| 11. | Majetek                          | 11. | estate                |
| 12. | Zemřít bez zanechání závěti      | 12. | die intestate         |
| 13. | Dědické právo                    | 13. | laws of succession    |
| 14. | Částečné odkázání majetku        | 14. | partial intestacy     |

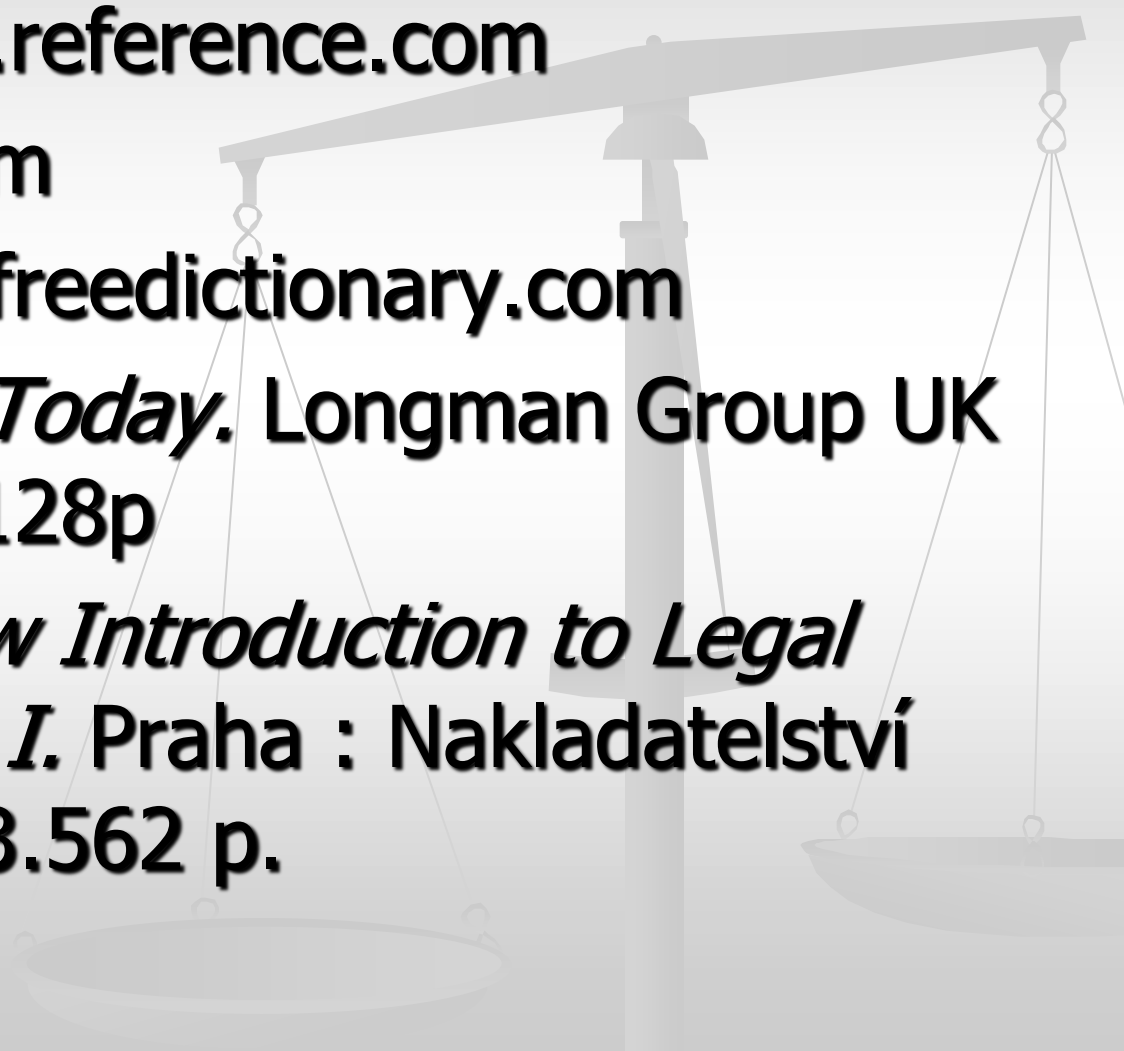
# Revision: Running a business, Family law

- 20 mins



# References

- [www.dictionary.reference.com](http://www.dictionary.reference.com)
- [www.google.com](http://www.google.com)
- <http://www.thefreedictionary.com>
- Powell, R. *Law Today*. Longman Group UK Limited, 1993. 128p
- Chromá, M. *New Introduction to Legal English Volume I*. Praha : Nakladatelství Karolinum, 2003.562 p.



Have a great day!



**THANK  
YOU  
FOR  
YOUR  
ATTENTION**

