

## **Relevant provisions of the Belgian Civil Code<sup>[2]</sup>**

### Article 223 of the Belgian Civil Code

This article authorizes the family court to take urgent measures if one of the spouses is in serious breach of his or her duties or if the agreement between spouses is seriously disturbed.

If one of the spouses seriously fails in their duties, the Family Court orders, at the spouse's request, urgent measures in accordance with articles [1253-ter/4 to 1253-ter/6] of the Judicial Code.

It is the same at the request of one of the spouses, if the agreement between them is seriously disturbed.

### Article 374 of the Civil Code (interests of the child)

This article refers to the interests of the child being taken into consideration by the judge when deciding on the granting of parental authority and the organization of access rights. The court decides, "taking into account the concrete circumstances of the case and the interests of the children and parents."

### Article 1479 of the Civil Code

This article authorizes the family court to take urgent measures if the harmony between the legal cohabitants is seriously disturbed. It provides:

If the harmony between the legal cohabitants is seriously disturbed, the Family Court orders, at the request of one of the parties, urgent measures similar to those provided for in articles 1253-ter/5 and 1253-ter/6 of the Judicial Code.

The Court fixes the period of validity of the measures it orders. In any event, these measures cease to produce their effects on the date of the termination of legal cohabitation, as provided for in Article 1476, § 2, paragraph 6, of the Civil Code, unless these measures concern the common children of legal cohabitants.

After the termination of legal cohabitation, and provided that the request has been made within three months of this cessation, the Court orders the urgent and provisional measures justified by this cessation. It fixes the period of validity of the measures it orders.

The court orders these measures in accordance with Articles 1253-ter to 1253-octies of the Judicial Code.

### Article 1382 of the Civil Code (civil liability)

This article provides for compensation, provided a fault, prejudice and causation have been demonstrated.