

CLIL-ACTIVITY 12

Family Law

A distinction is made between three types of partnership. Only **marriage** and a **registered partnership** have legal effects. Both forms require **cohabitation** (except for professional needs), **fidelity**, **support** (for example, in times of need or illness) and **respectful interaction**. Each partner has to contribute to the **running of the household**, whereby this activity is equivalent to a professional activity. The partner who runs the joint household alone and has no income of his or her own can **conclude legal transactions of daily life** (for the joint household as long as they correspond to the standard of living) and oblige the other, working partner to do so. The non-working partner is also entitled to **alimony** from the working partner (33 % of the net income). If he or she works in the partner's business, he or she is entitled to a **compensation for this kind of work**. The claim to compensation, however, expires after six years.

Partners can take a **family name**, keep their surnames or choose a combination of both. Furthermore, the **need for housing** is protected: The partner who owns the apartment or house must do everything to ensure that the other does not lose his or her accommodation. If living together is unreasonable (for example, due to a physical attack or a threat), the partner can be expelled by the police for a period of two to four weeks (**exclusion law**). As far as property is concerned, the so-called **separation of property** applies in Austria. This means that each partner remains the owner of the things he or she had already acquired before the marriage or registered partnership.

A marriage or registered partnership can be dissolved for various reasons: **Death**, **nullity** (in the event of the breach of a marriage ban, for example, consanguinity or adoption relationship), **annulment** (in case of fraud, mistake, threat or compulsion), **divorce or dissolution**. Divorce or dissolution can be **amicable or unilateral** by filing a lawsuit. The latter requires the existence of grounds for divorce (or dissolution). Austrian divorce law contains two principles that must be taken into account in the proceedings: The **principle of breakdown** and the **principle of fault**.

Partners can be **birth parents**, adoptive parents, foster parents or stepparents. In the case of **adoptive parents** and adoptive children, the family relationship is legally simulated. Birth parents and adoptive parents have full parental custody (care, upbringing, legal representation including property management). **Foster parents** are only responsible for care and upbringing, legal representation remains with the birth parents (or other legal representatives, if applicable). **Stepparents**, on the other hand, have no authority to act as legal representatives.