

WALHALLA

Peter Baumann · Birgit Führer

Das aktuelle Scheidungsrecht

Von der Antragstellung bis zum Scheidungsausspruch

19., aktualisierte Auflage



Das Aktuelle Scheidungsrecht Das Aktuelle Scheidungsrecht

**John Eekelaar, Martin Pfaff, Wolfgang
Asam**



Das Aktuelle Scheidungsrecht Das Aktuelle Scheidungsrecht:

Das neue Schweizer Scheidungsrecht - ausgewählte Aspekte im Rechtsvergleich mit dem deutschen

Scheidungsrecht Sabrina Poschke,2000 **Rome Regulations** Graf-Peter Calliess,Moritz Renner,2020-08-10 The law applicable to contractual and non contractual obligations in cross border civil and commercial matters in the European Union EU is the remit of the so called Rome I and II Regulations that entered into force in 2009 supplemented by the Rome III Regulation of 2012 dealing specifically with divorce and legal separation This article by article commentary now updated to its third edition has become a cornerstone resource in handling European cases involving conflict of laws The occasion for publishing a third edition is that several landmark judgments on the conflict of laws have been recently rendered both by the Court of Justice of the EU and by domestic courts Moreover with Brexit one of the largest European states will enter into a new form of relationship with the EU which will specifically impact the conflict of laws The effects of these major developments are reflected throughout the new edition s extensively revised article by article commentary The commentary authored by leading scholars of conflict of laws and drawing on a wide spectrum of case law and scholarship highlights among much else such long term implications of the Rome Regulations as the following principles of interpretation limiting the effects of forum shopping limiting the trade restricting effects of the fragmentation of national private laws ensuring the free movement of persons enhancement of legal certainty and predictability and potential solutions for an agreement based Brexit It provides black letter law as represented by the jurisprudence of the Court of Justice of the EU and the Member State courts as well as the latest academic opinion In the current era of globalization where communication transaction and migration across borders have transformed from exceptional to omnipresent phenomena the pressing question is no longer if the state has to grant access to justice in international situations but how that right can be implemented effectively To this end renowned conflict of laws scholars analyse every provision of the Regulations in a systematic and thorough manner making them accessible to a broad international legal audience The result is an indispensable companion for academics judges lawyers and legal professionals in their day to day work *The Reform of Family Law in Europe A.*

Chloros,2013-06-29 In the last few years European Family Law has undergone considerable changes Although in the past law reform was slow since 1969 the impetus for reform has gathered momentum It is no exaggeration to say that the changes that have occurred in Europe in the last six or seven years have radically altered the very concept of the family in Europe As a distinguished scholar and former editor of the Family Law volume of the International Encyclopaedia of Comparative Law Professor Max Rheinstein has put it These transformations are not fully completed anywhere They have gone farthest in the countries of highest industrialization and in those of socialist rule But they have set in wherever industrialization has obtained a foothold The degree of modernization of family law may indeed be used as an index of a society s degree of Westernization l Yet such is the force of traditional patterns of thought that although we are aware of distinct changes in

various legal systems the underlying and implied assumption is that family law can still move within the traditional framework This is not surprising for until comparatively recently at least family law was not thought of as a suitable subject of unification It was claimed that there is a peculiar and distinct element which derives from the mores and innermost beliefs of each people from a sort of family Volksgeist that renders impossible the approximation or unification of family law

Scheidung Sabine Aeschlimann,Eva Bachofner,Daniel Bähler,Anna Viola Bleichenbacher,2022-04-27 Der nunmehr in der 4 Auflage erscheinende Scheidungskommentar zeichnet die Entwicklungen der Gesetzgebung und der Praxis seit der letzten Auflage im Jahre 2017 detailliert und gewohnt praxisorientiert nach Insbesondere die jüngere höchstichterliche Rechtsprechung zum neuen Kindesunterhaltsrecht bzw zum Betreuungsunterhalt wurde eingearbeitet aber auch die jüngste Entwicklung des nachehelichen Unterhaltsrechts erfährt eine kritische und fundierte Würdigung Weiterhin können die Nutzerinnen und Nutzer auf die umfassend aktualisierten Anhänge zu den eheschutz und scheidungsrechtlich relevanten Bestimmungen der Schweizerischen ZPO zu ausgewählten Fragestellungen des Sozial wie auch des Ausländerrechts zu den steuerrechtlichen Folgen der Scheidung zu den unterhaltsrechtlichen Berechnungen den international privatrechtlichen Problemen sowie zu den Scheidungskonventionen zurückgreifen Die Anhänge wurden zudem um einen Teil zur Vollstreckung ergänzt welcher die wichtigsten Fragen in diesem Bereich kompetent beantwortet und für alle Praktikerinnen und Praktiker von zusätzlichem Nutzen sein wird Der im Jahre 2000 erstmals publizierte und von Prof Dr Ingeborg Schwenzer begründete FamKomm Scheidung entwickelte sich in der scheidungsrechtlichen Praxis zum etablierten Standardwerk Der Kommentar wird in der 4 Auflage von Prof Dr Roland Fankhauser herausgegeben Sämtliche Autorinnen und Autoren sind in der Wissenschaft und Praxis des Familienrechts hervorragend ausgewiesen Die Kommentierung bürgt daher für Praxisnähe und hochstehende Qualität

Family and Succession Law in Germany Dieter Schwab,Peter Gottwald,2017-02-24 Derived from the renowned multi volume International Encyclopaedia of Laws this concise exposition and analysis of the essential elements of law with regard to family relations marital property and succession to estates in Germany covers the legal rules and customs pertaining to the intertwined civic status of persons the family and property After an informative general introduction the book proceeds to an in depth discussion of the sources and instruments of family and succession law the authorities that adjudicate and administer the laws and issues surrounding the person as a legal entity and the legal disposition of property among family members Such matters as nationality domicile and residence marriage divorce and cohabitation adoption and guardianship succession and inter vivos arrangements and the acquisition and administration of estates are all treated to a degree of depth that will prove useful in nearly any situation likely to arise in legal practice The book is primarily designed to assist lawyers who find themselves having to apply rules of international private law or otherwise handling cases connected with Germany It will also be of great value to students and practitioners as a quick guide and easy to use practical resource in the field and especially to academicians and researchers engaged in comparative

studies by providing the necessary basic material of family and succession law **Jahrbuch des Öffentlichen Rechts der Gegenwart. Neue Folge** Peter Haberle, 1998-12-31 Wem die Scheidung schlägt Gabriele Geschwindner, 2003-05

Theresa Magersemmel ist eine ausgesprochen selbständige Frau mit drei Kindern die ihr Leben meistert obwohl sie mit einem Ehemann Johannes der Sch geschlagen ist Da sie ein Leben mit so einem Taugenichts nicht länger hinnehmen will lässt sie ihn einfach per Todesanzeige in die ewigen Jagdgründe scheiden Da aber im wirklichen Leben eine Anzeige noch keine Scheidung macht steuert sie unter Mithilfe von Anwalt Dr John Boy Michael Frey und Richter Schmiedehammer gezielt einem johanneslosen Leben in grenzenloser Freiheit entgegen Zur Seite steht ihr dabei ein liebenswerter Architekt namens Oliver Buerlein der bestens geeignet wäre diese Freiheit zu versehen wenn da nicht noch einige Stolpersteine wären

Neunte Schweizer Familienrechtstage Rolnrad Fankhauser, Andrea Büchler, 2018-06-19 Am 18/19 Januar 2018 fanden in Basel die Neunten Schweizer Familienrecht Tage statt In der vorliegenden Publikation sind die drei Plenumsreferate sowie die Berichte und Ergebnisse aus den insgesamt zehn Arbeitskreisen abgedruckt Entsprechend der Zielsetzung der Schweizer Familienrecht Tage stand auch in diesem Jahr ein dreifacher Ansatz im Vordergrund die gegenseitige Durchdringung von Wissenschaft und Praxis die Interdisziplinarität von Familienfragen und die grenzüberschreitende Betrachtung Thema der Referate waren Erfahrungen mit dem PACS in Frankreich ein rechtsvergleichender und interdisziplinärer Blick auf die gemeinsame elterliche Sorge sowie die aktuellen familienrechtlichen Herausforderungen des Bundesgerichts Im Rahmen der Arbeitskreise wurden vermögensrechtliche Themen und Gestaltungsmöglichkeiten Arbeitskreise 2, 8 und 9 und sozialversicherungsrechtliche Fragen Arbeitskreis 1 und 4 erörtert Im Kontext der gemeinsamen elterlichen Sorgen wurden die Herausforderungen der Mobilität Arbeitskreis 10 und der Obhut und Betreuung Arbeitskreis 7 bearbeitet In mehrfacher Hinsicht wurde auch ein Blick über den Tellerrand gewagt so wurden die Psychologischen Aspekte der Kinderbetreuung thematisiert Arbeitskreis 6 oder auch internationale Verhältnisse bei Trennung und Scheidung besprochen Arbeitskreis 5 Nicht zuletzt war auch das neue Kindesunterhaltsrecht ein Gesprächsthema Arbeitskreis 3

Schiedsverfahren im Scheidungsrecht Stephanie Uta Gilfrich, 2007 English summary Stephanie Gilfrich deals with the arbitrability of divorce disputes under German and US law A pre or marital agreement may not include the possibility to arbitrate the divorce itself A marital agreement may contain an arbitration provision with respect to certain domestic and matrimonial issues In examining their arbitrability the author discusses public policy matters in particular the state's role as *parens patriae* She also analyzes if the consensual divorce may in the future be subject to an arbitration agreement German description Die Schiedsgerichtsbarkeit nimmt im internationalen Wirtschaftsverkehr eine wichtige Funktion im Bereich der Streitschlichtung ein Es stellt sich die Frage ob vor dem Hintergrund der hohen Scheidungsraten die private Schiedsgerichtsbarkeit auch im Ehescheidungsrecht zulässig ist und welche Bedeutung ihr gegebenenfalls zukommen kann Stephanie Gilfrich untersucht die Schiedsfähigkeit scheidungsrechtlicher Streitgegenstände auf der Grundlage des deutschen und des US amerikanischen

Rechts Die rechtsvergleichende Betrachtung macht deutlich dass die Idee einer schiedsverfahrensrechtlichen Abwicklung von Scheidungsangelegenheiten in den USA bereits intensiver diskutiert wird als in Deutschland Die Ehescheidung als solche ist zwar aufgrund ihrer Qualifikation als Statusangelegenheit nach beiden Rechtsordnungen nicht schiedsfähig Einzelne Scheidungsfolgesachen können aber den Gegenstand einer Schiedsvereinbarung bilden Einen wesentlichen Aspekt der Untersuchung bilden prozessuale und formelle Probleme der schiedsverfahrensrechtlichen Abwicklung der Scheidungsfolgesachen Insbesondere wird die Frage diskutiert inwieweit sich Schiedsklauseln in einen Ehevertrag beziehungsweise in eine Scheidungsvereinbarung integrieren lassen Die Autorin greift abschliessend eine in der Rechtspolitik geführte Diskussion auf die sich mit der Übertragung der Scheidungsangelegenheiten auf die Notare auseinandersetzt Diese Problematik weitet sie auf das Schiedsverfahrensrecht aus und untersucht ob eine Übertragung der einvernehmlichen Scheidungen auch auf die privaten Schiedsgerichte möglich und sinnvoll sein kann **Familienrecht und Sozialpolitik** John Eekelaar, Martin Pfaff, Wolfgang Asam, 2023

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