

Family Law Assignments

1. Devotha is a 4 years old child, her birth certificate indicates that she is a daughter of Mary and Felix and she was born on 1/1/ 2017. Mary who gave birth to the child abandoned her after only one month without registering the child in the birth records. Kamashara who was a grand -mother of Devotha took initiative to recognize the grand-child and decided to go to the Civil Register office register the child on her names as a mother which she did successfully. However, the grand mother did not reveal that the child was her grand-child. In 2019, Mary returned back home full of regret and wanted that her daughter be registered on her names. **Mary comes to you today for pieces of advices for the following questions and provide suitable legal basis to support your answer.**
 - a) **What is the legal action/petition to be lodged by Mary in order to correct the child birth certificate?**
 - b) **Who are normally qualified to file such a petition and justify your answer?**
 - c) **What is the competent court to rule on such petition?**
 - d) **Was the act of recognition done by Kamashara valid? Justify your position? What would be the fate of act of recognition of the child done without fulfilling required conditions?**

2. Mr and Mrs Kananga are aged of 26 years and 24 years respectively, they were legally married on 1/1/2019. Since then, they have been caring for Nyiramahirwe Solange, an orphan who is now of 19 years of age. The couple come to you now for pieces of advice on how they can adopt her. **Give the answer and support it with a suitable legal provision.**

- a. Is this adoption possible ? justify your answer.**
- b. Is an adoption a legal act emanating from a civil Registrar or a judicial act emanating from a judicial decision ? explain your answer**
- c. Distinguish adoption from guardianship.**

3. On 1st December 2016 Mr Marc met Miss Pacifique the year three Law student while dancing at Credo Hotel located in Huye District. Mr Marc promised Ange to marry her as soon as she completed her Law undergraduate studies in 2017. In May 2017, impatient, Pacifique decided to go to live together with Marc as wife and husband. One year later, Pacifique gave birth to a daughter named Anne. Marc was surprised by the charges of the household. Disappointed, he abandoned his friend Pacifique. Now, the latter comes to consult you on how to proceed so that Marc can be the legal father of the child and contributes to the child support.

- a)What the legal action to be lodged by Pacifique ?**
- b) What would be the evidence to be provided before the court?**
- c) What is the court with jurisdiction to rule on the matter?**

4. Mrs Donatha and Mr Ignace celebrated their marriage in December 2016. Before he met his prospective spouse, Mr Ignace had been admitted on several occasions at Ndera psychiatric hospital due to a severe trauma. However sometimes, Mr Ignace lived a long period of lucidity from his disease during which he was living normally and he met Mrs Donatha during his happy period of his life. Unfortunately, Mr Ignace never informed Donatha of his psychiatric history and of recurrence of the disease. It is 2018 that Mrs Donatha got information from the Mr Ignace's Doctor and relatives on the psychiatric history of her husband. In April 2019, Mr Ignace got a seriously attack of that disease and became very aggressive especially against his wife. He was used to take daily medications to calm down. Finally, due to the health state of her husband, Donatha left the marital home, while keeping to provide a moral support to her husband. In this line, she welcomed him at her new residence in Tumba on several occasions

and Mr Ignace could even stay there for a period of one month. In late 2019 , Ignace got a serious attack of the disease and was interned at Ndera Hospital until today. Ancilla wants to request the court of law to dissolve the marriage so that she can remarry

Give answers to the following questions and support your answers with a legal basis.

a) Can Donatha get the annulment of her marriage ? if so , on what legal basis ? if not why?

b) can she sue for divorce ? if so, on what legal basis ? if not why?

c) How can Donatha protect family property while remaining married to Mr Ignace despite the health state of the latter?

d) When Donatha lived in her new residence, was she always bound to marital duties? If yes, which one ? (list them only) if no why?

5. What is the role of the marriage certificate?

6. The practice of kwahukana (*DE FACTO* SEPARATION) by wives is often considered by judges as an abandonment of the family and therefore constitutes a ground for divorces. What advices would you give women in order to avoid their responsibilities in divorce proceedings?

7. Sophia is an orphan of 23 years of age. She lives alone with her two-years old son and she does not know who made her pregnant. Being unemployed, she lives in a misery and the only person she considers as a parent is her brother aged of 45 years, who is a medical Doctor at Kabutare Hospital. However, his brother refused to help her in terms of financial support.

.

Is Sophia entitled to undertake any legal action to force her brother to the payment of alimony?

8. From the friendship of Agnes and Andrew came a desire of marriage. they were subsequently legally married in 2007 without payment of inkwano to the parents of his fiancée. Dissatisfied with decision of his daughter, Agnes' father requested for dissolution of the marriage in 2019 on the grounds that he never consented to the marriage of his daughter on one hand; on the other hand the boy's parents haven't provided inkwano. Then, Agnes' father brought his legal action to the primary court of the place where married was celebrated and he won the case.

What do you think of the decision of judge regard to (always justify your answer and provide a legal basis):

- a) The court's jurisdiction
- b) The grounds for dissolution of marriage
- c) The party who filed the case

9. The parent deprived of his/her parental authority has the right to give the consent to the marriage of a minor child? (justify your answer and provide a legal basis)

10. Emmanuel was 12 years old in 1994 when he joined the convoy of red cross that took unaccompanied children to Bujumbura. Upon the arrival, he was accommodated into the family of Joseph, who lived in Ntega. Back to Rwanda, Emmanuel continued his life in this family. He attended school up to the university. He is currently working at MTN. In July 2016, he married Godiliva, the daughter of Joseph; they have given birth to daughter called Amenia. In April 2018, Emmanuel went to Gikongoro in national mourning week; he met a woman who remembered him; she was his teacher in 3rd year of primary school in 1960. She revealed to him that Joseph, who received him in family, is actually his maternal uncle who was living in Bujumbura since 1994. Emmanuel told the whole story to the family of Joseph, and after an investigation, it was found out that Joseph is indeed the brother of Emmanuel's mother who passed away in 1994. They then finally realized that Emmanuel was married to his cousin and they a lot of question about this marriage:

a) To what degree of kinship is Emmanuel vis-à-vis his wife?

b) What should be done for this marriage :divorce, annulment, legal separation? De facto separation? Continuation of cohabitation?

c) Depending of your decision what are the consequences of the marriage in relation to the spouse? In relation to children? In relation to property of spouses?

d) when does the consequence start taking effects?

11. A corporal from Nyagatare had to get married on 1/1/2018. One day before the celebration of marriage, his military superiors sent him on mission to Darfur. He asked his twin to represent him the following day at the marriage. On the day of the celebration of marriage his twin appeared on behalf of the future spouse, and the civil Registrar married them without any hindrance. After the celebration, the bride went back home (her parent's place). Four months later, her father married her to another man. One year later, the corporal who returned from Darfur found that his wife had been married to another man while he still loves his wife and would like to be reunited and live together with her, he comes to you seeking advice on how to handle the situation legally advise him accordingly

12. What is the scope of obligation of assistance as compared to the obligation of contributing to the household expenses?

13. To what extent have the spouses to contribute to the household expenses?

10 What is the difference between legal separation and de facto separation basing on objective criteria?

14. Andrew and Agnes got married on 1/06/2005. They lived together harmoniously for 10 years.

In 2015, Andrew began to suspect his wife of adultery because of a letter written by a certain Bingwa, which was found in his wife's handbag, infuriated, Andrew rented a small house in

Biryogo and began to live alone since 1/1/2018. Six months later Ms Agnes invited her husband to the dialogue, and together they decided to resume their conjugal life. However, a persisting disagreement between them prevented from continuing to live together, and only after two months they separated again. Both come to you to seek advice for divorce, Mr Andrew argues that his wife is guilty of adultery, while Ms Agnes accuses her husband of family abandonment. **Please address the issue. And provide legal bases.**

15. with the consent of her husband Mr clement, Mrs Candida is studying in Makerere University since 3/7/2019, while the husband still lives in their domicile in Kigali. You are now consulted by Mr clement who wants to know if he can get divorce on the ground that it is now more than a year since he's been living apart with his wife.

16. Mr Nsoro beats regularly his wife. The latter has had enough and wants to file a case for divorce. They have got two children. The wife comes to ask for your pieces of advice about quitting the family residence as soon as possible because she is tired of the mistreatment of her husband.

a) Give good advice so that everything goes smoothly as possible as for children, spouses and property of spouses

b) If the divorce verdict is not in favour of husband, what would be the effect on the spouses? the children? The property of spouses?

c) when do the effect commence to take place?

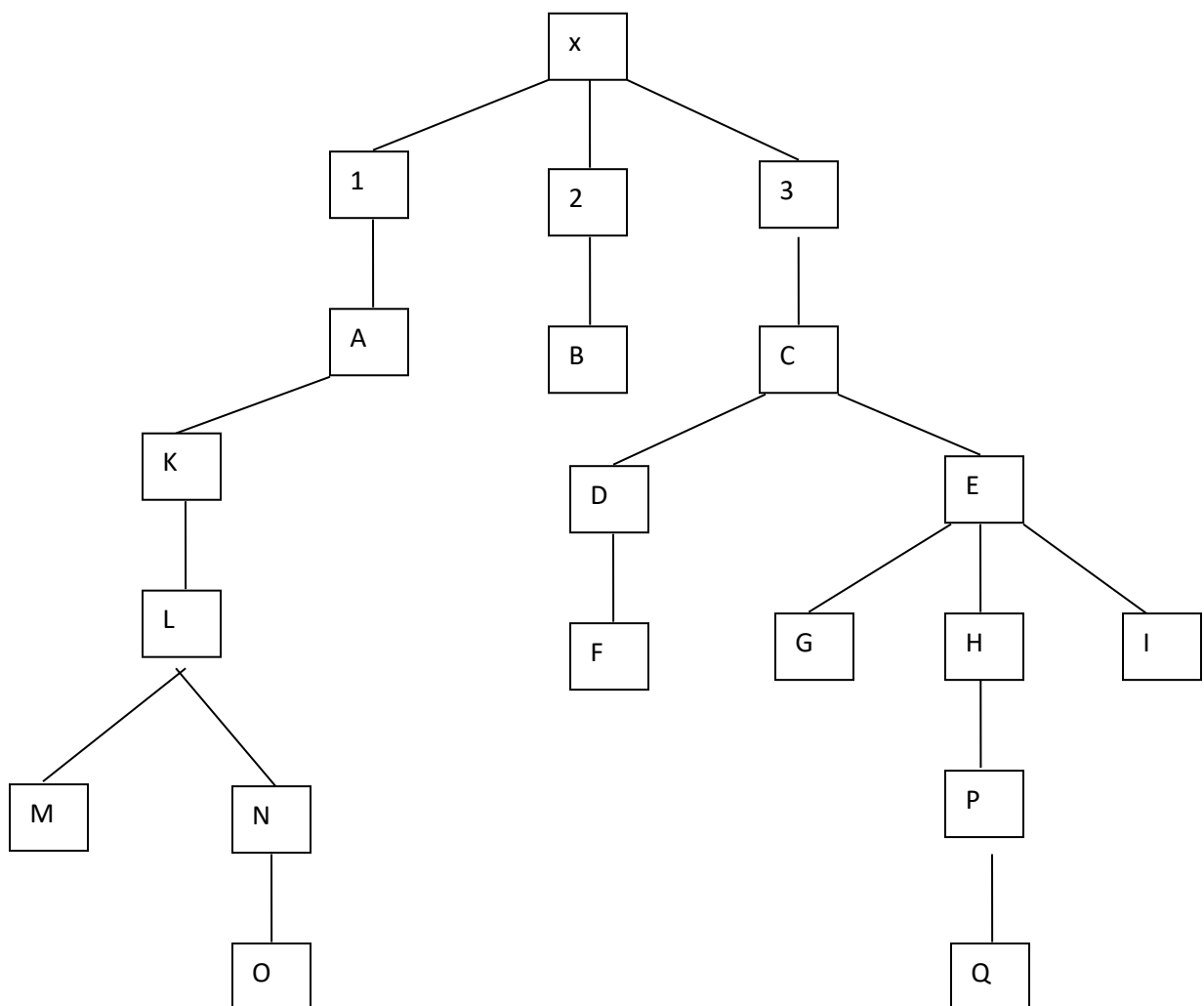
17. what happens to the claim of divorce if/when one of spouses dies during divorce proceeding?

18. Mr. Celestin married Cecile in 2010 they divorced later due to adultery of the wife. they had one child whose name is Ange. In 2015. Celestin remarried Adele. Because of this marriage Celestin confided his child Ange to his sister Madeleine (Aunt of the child). In 2019 Celestin died due to heart attack and the Cecile wanted to bring back her child who was grown up by his Aunt; the latter refused alleging that the child was confided to her by Celestin the father of the

child. Sad and upset, the mother of the child comes to you today for pieces of advice in order to know whether she has the right to get back the child or not . **Give her a motivated answer.**

19. Does the fact of granting the custody of minor to the third person deprives his/her parent of his/her parental authority?

20.



To which degree of parental relationship is:

-P compared to L

-Q compared to G

- which person are in the ascending line compared to K and G

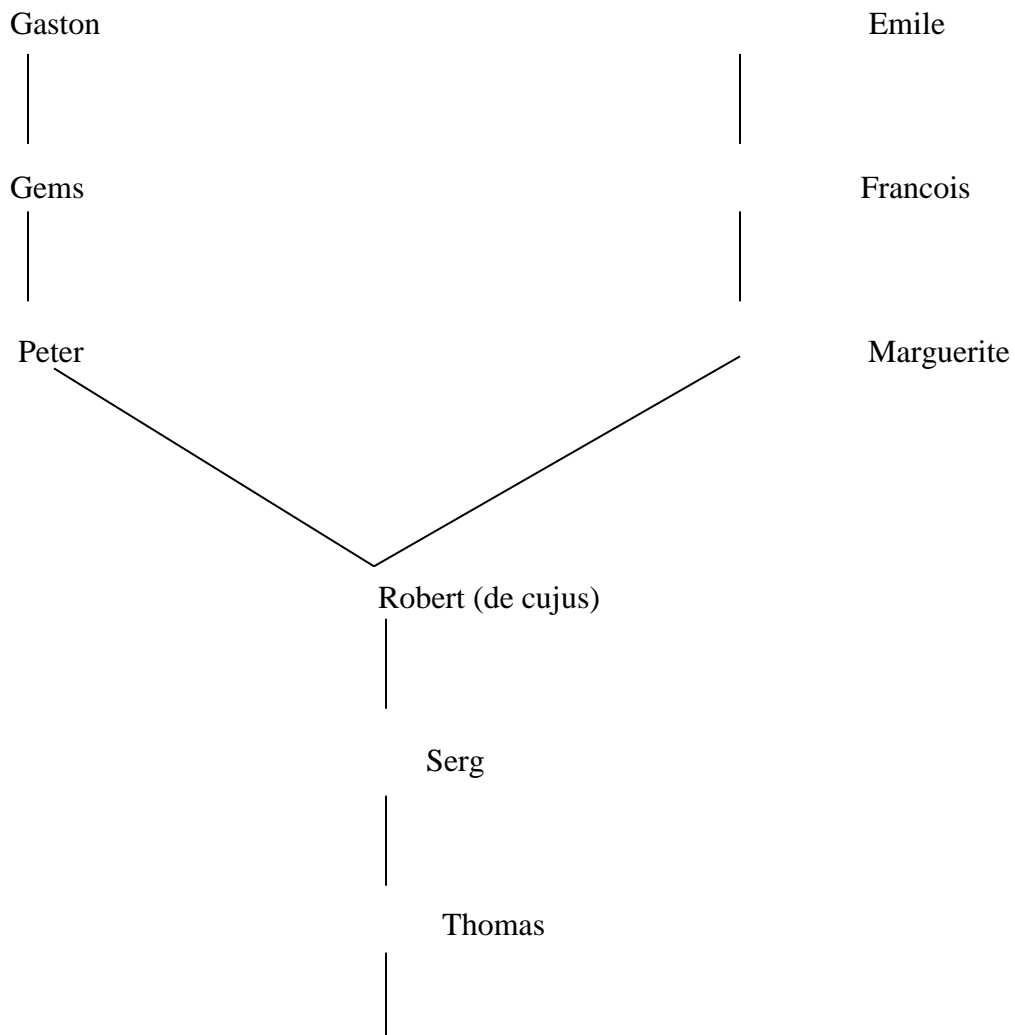
- which persons are in descending line compared D and A

- give four examples of persons having parental relationship in direct line and four examples in collateral line.

- can N marry D

- can O marry C

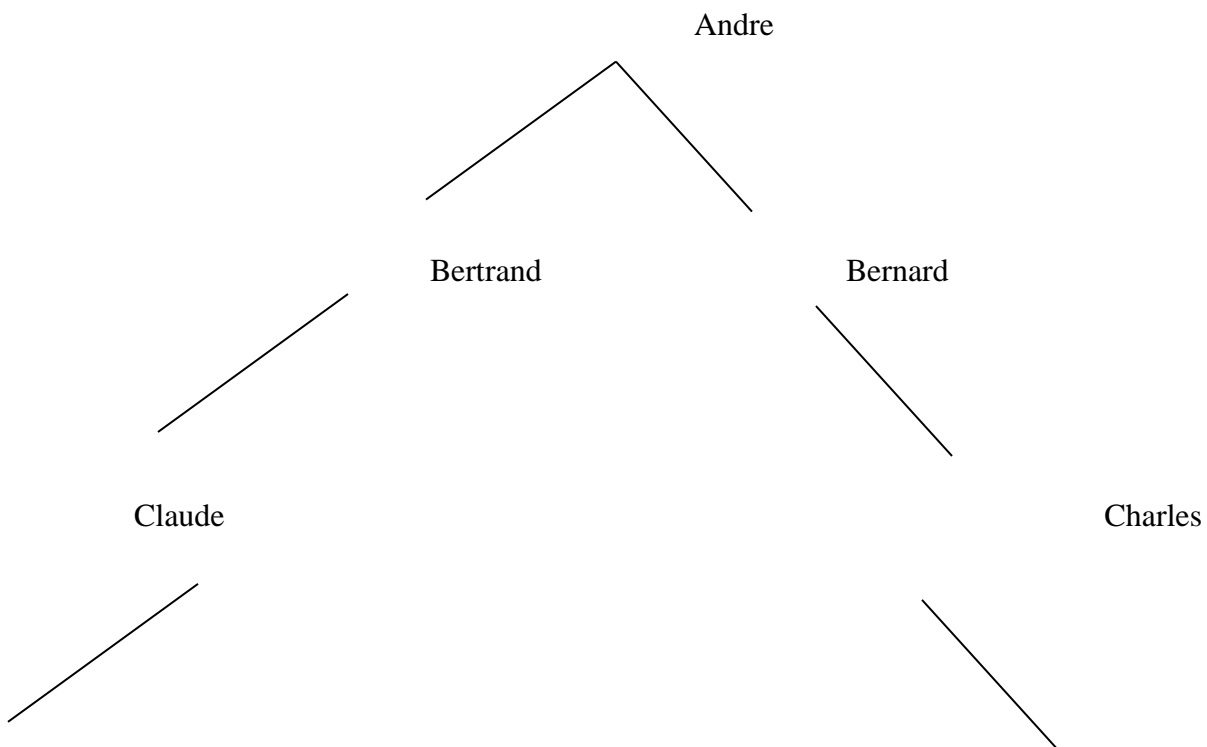
21.



Vincent

Robert who still has his father and her mother Marguerite, died on 21st June 2008.

Which persons are in descending paternal line compared to him? In ascending maternal line compared to him? And in ascending line ?



To be familiar with assessment style

1. Give the right answer, explain and support your position with legal basis. **5 marks**

Does the Rwandan family law forbid:

- a. Polygamy?
- b. Homosexuality?
- c. Bigamy
- d. Incest
- e. A marriage of an emancipated minor?

2. Mr Magorwa celebrated a legal marriage on 5th September 2018 one month later he was sent by Rwandan Government in an official mission to Canada expecting to cohabit with his wife on March 20th 2019 as agreed upon by the spouses. Coming back from the mission on March the 15th, 2019, the husband was surprisingly informed that his wife has got a baby girl whose father should probably be a car driver in Trinity Company.

Today Mr Magorwa comes to you as a Law student for advice. He is wondering if he can claim for divorce, nullity of a marriage or legal separation. Support your answer with a suitable legal basis. Please Justify your position and why you exclude other claims. **7marks**

3. What are legal effects of the following on the children's legitimate status? Legal bases to support your answers. **2 marks**

a) Divorce of parents;

b) Nullity of marriage of parents

4. Kanyoni was born on the 3th September 1997. His birth certificate indicates that he is the son of Kanyankore and Nyiraminani his grand-parents. Kanyoni was informed by her maternal aunt that his mother Nyirandeya gave birth to him while she was a student at Lycee de Kigali. She was made pregnant by a certain Kibombo who was convicted for having raped her mother. Unhappy, Kanyoni wants to possess a birth certificate indicating his true parents. Provide pieces of advice.

Which legal actions to be lodged by Kanyoni?

Against whom the legal actions will be filed? What the competent court to hear the case? What is the fate of the recognition done by Kanyoni's grand-parents while they are not biological parents of Kanyoni? **6 marks**

5. Kanyombya and Nyirakamana got married in November 2015 under the regime of community of property. Since January 2015 the wife had gone in USA and did not come back up to now, and no cohabitation followed the celebration of their marriage. Before marriage Kanyombya owned two houses and a motorcycle. November 2017 Kanyombya filed petition to claim for divorce and realized that in the wife's counter-claim, she requested the equal sharing of the property basing on community of property regime. Upset Kanyombya comes to you for advice. Support your answer with a relevant article. **5 MARKS**

6. Provide and explain ways offered by rwandan family law to children born out of legal marriage to establish their legitimate status. **4 MARKS**

7. Kagabo, a soldier in RDF married since 2010. In 2015 he was sent in an official mission to South Soudan. He left his wife with 2 kids. Coming back in January 2017 he surprisingly found his wife with a newly baby girl of 3 months. He benefited a leave of one month and he stayed at home with the wife and three kids. Eight months later, he started undertaking judicial proceedings to denial the last kid. He comes to you today for piece of advice. Support your answer with relevant article. Does the law offer possibility for that child to establish filiation with his/her actual father. If yes explain with help of supporting article. **10 MARKS**