



Information about the subject

Degree: Bachelor of Arts Degree in Law

Faculty: Faculty of Legal, Economic and Social Sciences

Code: 310302 **Name:** Civil Law IV

Credits: 6,00 **ECTS Year:** 3 **Semester:** 1

Module: Civil Law

Subject Matter: Civil Law **Type:** Compulsory

Field of knowledge: Social and Legal Sciences

Department: Private Law

Type of learning: Classroom-based learning

Languages in which it is taught: Spanish

Lecturer/-s:

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Module organization

Civil Law

Subject Matter	ECTS	Subject	ECTS	Year/semester
Civil Law	30,00	Civil Law I	6,00	1/1
		Civil Law II	6,00	1/2
		Civil Law III	6,00	2/1
		Civil Law IV	6,00	3/1
		Civil Law V	6,00	3/2

Recommended knowledge

Not required.



Learning outcomes

At the end of the course, the student must be able to prove that he/she has acquired the following learning outcomes:

- R1 To handle fluently the sources and the elements of Family Law.
- R2 To be able to differentiate the family relationships.
- R3 To know the effects of agreements on these relationships, both those related to compliance and those related to non-compliance.
- R4 To know and be able to write marriage contracts.
- R5 To know and handle the different economic matrimonial regimes.
- R6 To know the remedies for situations of marital crisis.
- R7 To know and be able to use confidently the sources of national and regional family law.
- R8 To know and draft regulatory agreements.
- R9 To know the issues related to filiation.
- R10 To know the problems intrinsic to parental authority and shared custody.
- R11 To know the implications of guardianship, adoption and foster care.



Competencies

Depending on the learning outcomes, the competencies to which the subject contributes are (please score from 1 to 4, being 4 the highest score):

					Weighting			
					1	2	3	4



Assessment system for the acquisition of competencies and grading system

Assessed learning outcomes	Granted percentage	Assessment method
R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11	40,00%	Practical tests
R2, R3, R4, R5, R6, R7, R8, R9, R10, R11	20,00%	Attendance, active participation and favourable attitude in the subject/ course/ module
R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11	40,00%	Written theoretical tests

Observations

Attendance and active participation in class sessions, group work, tutorials and seminars. Its evaluation will be carried out by means of follow-up records of attendance by the teacher and by the assessment of the active participation of the student through interventions and debates in the classroom, participation in forums and chats. The mere passive attendance of the student will not be taken into account for the computation of this percentage. The lack of unjustified attendance at 20% of the practical sessions prevents the computation of this percentage.

Practical evaluation: Resolution of the different practices that will be proposed to the student throughout the course. The evaluation of the practices and the group work will be carried out through the assistance and oral and / or written presentation of the different practices and proposed works and/or Final Questionnaire. The work developed in group and / or individually by the student will be evaluated. The evaluation of the works presented will be carried out taking into account the structure of the work, the quality of the documentation, the spelling and the presentation and mainly, the legal-legal argumentation and justification. The grade will be obtained from the average of all the grades obtained in this section. Scores below 5 do not count as a percentage. The qualification of the practices carried out in class (with a grade equal to or greater than 5), will be maintained for the second call. The lack of unjustified attendance at 20% of the practical sessions prevents the computation of this percentage.

Theoretical evaluation: Theoretical-practical written tests in which the acquired theoretical and practical knowledge and knowledge of current legislation will be exposed. It is essential to obtain a minimum of 5 out of 10 in the exam to be able to do the average with the practice mark. Scores below 5 do not count as a percentage. If a grade lower than 5 is obtained in the official exam of the first call, the final average grade of the practices carried out in class and / or group work (with a grade equal to or greater than 5), will be kept for the second call. Finally, given the importance of the correct formal presentation of legal documents, it is noted that each misspelling will deduct 0'1 points from the exam grade. Failure to comply with the rules and deadlines established for the



completion and delivery of the requested academic activities will lead to the negative evaluation of the activity. Extraordinary call: the evaluation system and its percentages of mark of practices (40%) and attendance and participation (20%) are maintained in the extraordinary call.

Single evaluation: In accordance with article 9 of the General Regulations for the Evaluation and Qualification of Official Teachings and Own Degrees of the UCV, the continuous evaluation system is the preferred evaluation system at the UCV. The art. 10 allows, however, for those students who in a justified and accredited manner express their inability to attend in person (or to synchronous communication activities for virtual and/or hybrid teaching modalities), their evaluation on an extraordinary basis in the so-called single evaluation. Said single evaluation must be requested within the first month of each semester to the Dean of Faculty through the Vice-Deaneries or Master's Directorates, with the express decision on the admission of said request from the student concerned being the responsibility of the latter. The evidence to be presented and/or the test/s to be carried out in the single evaluation by the student will be carried out through the same theoretical test as for the rest of the students and through a practical test consisting of a practical written test, although The percentages awarded to the different evaluation instruments will be the following : 50% practical tests and 50% theoretical tests.

Attendance at breastfeeding mothers class: Due to the schedule of this subject that is taught first thing in the morning, nursing mothers may be absent from them, after notifying the teacher once. The teacher will establish together with the student who is in this circumstance an alternative work plan to allow them to acquire the same knowledge and skills as the rest of their classmates.

CLASS ATTENDANCE IN FACE-TO-FACE DEGREES

In accordance with the development guidelines of the General Regulations for the Evaluation and Qualification of Official Teachings and Own Degrees of the UCV, in face-to-face degrees, class attendance with a minimum of 80% of the sessions of each subject will be required as a requirement to be evaluated. This means that, if a student does not attend the sessions of each subject, in a percentage greater than 20%, he/she will not be able to be evaluated, neither in the first nor in the second call, unless the person responsible for the subject, with the approval of the person responsible for degree, in view of duly justified exceptional circumstances, exempt from the minimum attendance percentage. The same criterion will be applicable for hybrid or virtual degrees in which teachers must maintain the same percentage in the requirement of "presence" in the different training activities, if any, even if these are carried out in virtual environments.

MENTION OF DISTINCTION:

The mention of "Honors" may be awarded to students who have obtained a grade equal to or greater than 9.0. Their number may not exceed five percent of the students enrolled in a group in the corresponding academic year, unless the number of students enrolled is lower.



Learning activities

The following methodologies will be used so that the students can achieve the learning outcomes of the subject:

- M1 Group work sessions supervised by the teacher. Study of legal cases, both true and fictitious. Significant construction of knowledge through student interaction and activity. Critical analysis of values and social commitment.
- M2 Supervised monographic sessions with the student's participation.
- M8 Exposition of contents by the teacher, analysis of competences, explanation and demonstration of capacities, skills and knowledge in the classroom.
- M10 Application of interdisciplinary knowledge.
- M11 Personalised attention and in small groups. Period of instruction and/or orientation carried out by a tutor with the aim of reviewing and discussing the materials and topics presented in the classes, seminars, readings, completion of assignments, etc.
- M12 Set of written and/or oral tests used in the initial, formative or summative evaluation of the student.
- M13 Group preparation of readings, essays, resolution of problems, seminars, papers, dossiers, etc., to be presented or delivered in theory classes, practical classes, and/or small group tutorials.
- M14 Student's study: individual preparation of readings, essays, problem-solving, seminars, works, reports, etc. to present or deliver in the theoretical classes, practical classes and/or small group tutorials.



IN-CLASS LEARNING ACTIVITIES

	LEARNING OUTCOMES	HOURS	ECTS
Practical cases. M1, M10, M11, M13	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11	13,00	0,52
Theoretical classes. M8	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11	22,00	0,88
Seminar. M2	R5, R6, R8, R9, R10, R11	10,00	0,40
Presentation of group work. M1	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11	5,00	0,20
Tutorial. M11	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11	5,00	0,20
Assessment M12	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11	5,00	0,20
TOTAL		60,00	2,40

LEARNING ACTIVITIES OF AUTONOMOUS WORK

	LEARNING OUTCOMES	HOURS	ECTS
Group work. M1, M10, M13	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11	45,00	1,80
Individual work. M14	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11	45,00	1,80
TOTAL		90,00	3,60



Description of the contents

Description of the necessary contents to acquire the learning outcomes.

Theoretical contents:

Content block	Contents
ITEM I. Family Law	<p>LESSON 1. Family and Law. Introduction. The family as a natural and hierarchical group. The social functions of the family group. Lines and degrees of kinship.</p> <p>LESSON 2. Family Law. Constitutional framework of Family Law. Family law reform. Family legal relationships and the idea of kinship.</p> <p>LESSON 3. Basic family obligations. The food. Alimony debt. The particular maintenance obligations. The non-legal maintenance obligation.</p>



ITEM II. THE MARRIAGE

LESSON 4. Marriage. Concept and Social Function. Legal nature. The promise of marriage.

LESSON 5. Marriage Capacity and Consent. Marriage requirements. Marital capacity. Marriage consent. Simulation and mental reserve.

LESSON 6. The Celebration of Marriage. Ways of celebrating marriage. Registration in the Registry. Registration effects. Special marriages.

LESSON 7. The Effects of Marriage. The marriage relationship. The duties of the spouses. Legal equality. The marital domicile. Contracts between spouses.

LESSON 8-I. The Separation, Dissolution and Nullity of the Marriage. Approach. The separation action. The reconciliation. The separation in fact. Causes of dissolution. The divorce. The nullity.

LESSON 8-II. Ecclesiastical nullity. Annulment procedure. Practical exercise on ecclesiastical nullity.

LESSON 9. The mediation in the matrimonial processes.

LESSON 10. Common Effects of Nullity, Separation and Divorce. Introduction. Provisional measures. Effects of the demand. Effects of separation, nullity and divorce sentences. The right to pension and compensation. The sentence in the economic regime. Registration of the sentence.



ITEM III. THE MARRIAGE ECONOMIC REGIME

LESSON 11. The Marriage Heritage Organization. The conjugal economic regime. Types of economic regimes. Inspiring principles of regimes. The provisions of articles 1.315 and ss. of the Civil Code. Donations for reason of marriage.

LESSON 12. The Marital Capitulations. Concept, function and limits. The ability to arrange them. Circumstances, efficacy and shape of the capitulations. Modification of capitulations. Publicity of the economic regime and the marital capitulations.

LESSON 13. The Legal Society of Gananciales. Structure and legal nature. Your start. Community property. Special criteria of profit. Presumption of profit and confession. Charges and obligations of the joint-stock company. Direct responsibility and joint and several liability for community property. The management of the community of property. The provision on community property. Co-administration. Anomalous acts of administration. The duties in the individual performance of a spouse. The duty of information. The causes of dissolution. Settlement operations. The simultaneous liquidation of more than one joint-stock company. Community property and the Land Registry.

LESSON 14. 1. The Regime of Separation of Goods. Concept and Legal Nature. The demand for separation and its effects. Separation of ownership and its legal consequences. Sustaining the burdens of marriage. Proof of ownership of the assets. The presumption of donation in case of bankruptcy of a spouse. 2. The profit sharing regime.



ITEM IV. FILIATION AND PROTECTION MEASURES FOR MINORS

LESSON 15. The Filiation. The legal relationship of filiation. The traditional filiation right. Biological truth and legal order. Basic content of filiation. Determination and proof of filiation. The possession of state.

LESSON 16. Marriage and Non-Marriage Filiation. Distinction between marital and non-marital affiliation. The presumption of paternity of the husband. The filiation of the child of premarital conception. Dissolution of marriage and presumption of paternity. The filiation of the one born before marriage. Determination of marriage affiliation. Determination of non-marital affiliation.

LESSON 17. The Filiation Actions. General disposition. The principle of free investigation of paternity and maternity. The proof in the filiation processes. The preliminary control of the viability of the demand. Protective measures during the procedure. Passive legitimation. The actions of claim of the filiation. The mixed action of claim and challenge. Filiation and assisted reproduction techniques.

LESSON 18. The Paternal-Filial Relations. Parental authority. Parental-filial relationships. The paternal-filial relationship without parental authority. Parental authority. Ownership and exercise of parental authority. The content of parental authority. The limitations of parental authority. The legal representation of children: exceptions. The judicial defender. Administration of children's property. The deprivation, recovery and extinction of parental authority. The child's family relationships with parents, grandparents, and other relatives. The parental authority extended and rehabilitated.

LESSON 19. Foster care and Adoption. Adoption as a special institution. Guardianship ex lege and guardianship of minors. Foster care. Adoption. Adoptions prior to the law of November 11, 1987. Foster care and adoption.

LESSON 20. Guardianship. The tutelary institution and family law. The conservatorship. The judicial defender. Keeps it in fact.



Temporary organization of learning:

Block of content	Number of sessions	Hours
ITEM I. Family Law	3,00	6,00
ITEM II. THE MARRIAGE	10,00	20,00
ITEM III. THE MARRIAGE ECONOMIC REGIME	10,00	20,00
ITEM IV. FILIATION AND PROTECTION MEASURES FOR MINORS	7,00	14,00



References

Basic bibliography:

- 1.- Derecho Civil IV (Derecho de Familia), 5ª Edición, José M. de Verda y otros. Tirant lo Blanch, Valencia, 2022.
- 2.- GPS Familia, J. R. De Verda (dir.), Valencia, Tirant lo Blanch, 2023. ISBN 978-84-11-69124-6.
- 3.- La discapacidad: una visión integral y práctica de la Ley 8/2021, de 2 de junio, J. R. De Verda y Beamonte (dir.), VV.AA, Tirant lo Blanch, Valencia, junio 2022. ISBN 978-84-1130-674-4.
- 4.- Sistema de Derecho Civil. Vol. IV. Luis-Díez Picazo y Antonio Gullón, 12ª edición, Tecnos, Madrid, 2018.

Further Bibliography complementaria

- 1.- El régimen de separación de bienes y su liquidación. Problemáticas y soluciones en la praxis de los tribunales. Pilar María Estellés Peralta, Tirant lo Blanc, Valencia, 2022.
- 2.- “Nuevas tendencias jurisprudenciales en materia de percepción de alimentos por los hijos mayores de edad con (dis)capacidad”, Revista de Derecho Civil, vol. IX, nº 4 (octubre-diciembre), 2022, pp. 229-268.
- 3.- Curso de Derecho Civil español, Tomo IV, Derecho de Familia. Fco. Javier Sánchez Calero y otros. Tirant lo Blanch, Valencia, 2021.
- 4.- Las crisis familiares. Tratado práctico interdisciplinar. J R. De Verda (dir). Tirant lo Blanch, Valencia, 2022.
- 5.- Código civil con jurisprudencia, 11ª edición, Thomson-Aranzadi, Navarra, 2022, preparado por Xavier O'Callaghan Muñoz.
- 6.- Principios de Derecho Civil. T. VI. C. Lasarte Álvarez, Bosch, Barcelona, 2021.
- 7.- Peña Bernaldo de Quirós, *El sistema matrimonial español según la Constitución y los Acuerdos con la Santa Sede*, A.D.C., 1980, págs. 571 y ss.
- 8.- Navarro Valls, *Los efectos civiles del matrimonio canónico en el Acuerdo sobre Asuntos Jurídicos de 1979 entre la Santa Sede y el Estado español*, R.D.P., 1980, págs. 217 y ss.
- 9.- Derecho Civil español Común y Foral, Tomo V, José Castán Tobeñas, Reus, Madrid, 2008.
- 10.- Curso de Derecho Civil IV. Derecho de Familia. Manuel Albaladejo, Edisofer, Madrid, 2013.