



JACQUES MASSIP

LE NOUVEAU
DROIT DE
LA **FILIATION**

DEFRÉNOIS

Le Droit De La Filiation

Nadège Coudoing



Le Droit De La Filiation:

Le droit de la filiation Vincent Bonnet, 2006-09-01 La filiation est le lien juridique qui unit un enfant ses parents et permet ainsi de l'intégrer dans sa famille Le droit de la filiation organise ce lien particulier en disant comment il prend naissance et dans quelles conditions il peut être détruit Ces règles voluent avec les mœurs comme en témoignent les formes qui se succèdent depuis plus de trente ans Cet ouvrage expose l'ensemble de ces mécanismes tels qu'ils résultent de l'ordonnance du 4 juillet 2005 entrée en vigueur le 1 juillet 2006 **Devenir père ou mère, en droit...** Jehanne

Sosson, 2010-10-18 Devenir mère ou devenir père grâce la naissance d'un enfant c'est avant tout un grand bonheur Mais la maternité et la paternité sont aussi des questions de droit Qui est la mère Qui est le père en droit Par application de quelles règles juridiques Est-on dj mère ou père pendant la grossesse Quel nom portera l'enfant Et la filiation peut-elle changer par après L'ouvrage vise exposer simplement mais clairement les modes d'établissement du lien juridique de filiation en droit belge ainsi que les différentes actions judiciaires par lesquelles ce lien juridique peut être remis en cause Il s'adresse avant au grand public mais galement aux praticiens dans différents secteurs touchant la famille et l'enfance *Droit de la filiation* Philippe

Meier, 2019 **Les bases éthiques pour le droit et la société**, 1986-10-20 Problèmes de Conflits de Lois en Matière de Filiation Jacques Foyer Jacques Foyer Professor at the University of Paris II notes in introduction of his course that it can be enlightening to compare the different modern methods of solution of the conflict of laws regarding filiation The study of the different systems shows that there exist at least three methods to contradict the classic choice of law rule The course is structured around the analysis of these three methods Firstly it is the criticism of the rigid character and the unpredictability of the traditional rule that triggers the temptation of a manipulation of the choice of law rule The author then points out that one could question its abstract and arbitrary character which leads on the one hand to an attempt to hierarchization and on the other hand to a diversification of the choice of law rules Lastly it is the principle of the foreign law's purpose to govern legal relationships in the same way as the lex fori that is questioned which leads to its partial elimination to the profit of a more or less systematic application of the territorial law or of the one of the court hearing the action General Course on Private International Law Friedrich K Juenger According to Friedrich Juenger Professor at the University of California in Davis the outstanding characteristic of the conflict of laws is the lack of consensus on the discipline's goals and methods He proposes to put the accent in his course on the events for which public international law must find a solution in order to avoid the constant danger that threatens the discipline that is to become a simple academic game Three examples of reported cases and the kinds of issues they raise are given in the Introduction Professor Juenger next gives a detailed historical overview of the conflict of laws from Antiquity to Mancini In addition the author presents the emergence of new orthodoxies or rather proposes to re-examine the traditional doctrines and points out the advantages of a teleological approach That allows him to revisit the three cases mentioned in the Introduction Les Bases éthiques pour le Droit et la Société Perspectives

de la Commission indépendante sur les questions humanitaires internationales Sadruddin Aga Khan Conference of July 30 1985 Sadruddin Aga Khan President of the Independent Commission on International Humanitarian Issues recalls in his course on the ethical bases of law and society that the role of the commission he presides is to remind us of the basic elements of a code of ethics which has the same spiritual significance as that found in all major religions Lawyers as well as scientists adds the author must mobilize their immense resources bearing in mind that the rule of law should never disregard moral appreciation Le droit à la filiation face aux évolutions de l'assistance médicale à la, 2021-06-10 **Dictionnaire**

de droit privé de la famille et lexiques bilingues France Allard, Centre de recherche en droit privé et comparé du Québec, 1999 Normativity and Diversity in Family Law Nadjma Yassari, Marie-Claire Foblets, 2021-11-21 With regard to family law this volume examines claims based on cultural tradition ethnic background custom religious affiliation and sexual orientation as well as various other claims that are not officially recognized in state law in 15 jurisdictions around the world The country reports seek to determine whether these claims represent a challenge to family law as conceived by the state and if so how these challenges are being managed The focus lies on the interaction between i claims and traditions raising minority related and diversity related issues and ii the state as the addressee of these demands for accommodation The reports identify specific instances and situations that have proven and in many cases still are particularly difficult to resolve They force decision makers to engage in a delicate balancing act between different often clashing interests Présomptions et vérité en droit de la filiation Isabelle Fournier-Grumbach, Rémy Cabrillac, 2002 La filiation est le lien qui unit un enfant son père sa mère sa filiation paternelle sa mère sa filiation maternelle Si la filiation résulte le plus souvent d'un rapprochement physique entre un homme et une femme le droit ne se borne pas à un simple constat de cette donnée biologique D'un point de vue juridique la filiation est une institution qui fait place à d'autres considérations d'ordre social et affectif qui viennent tempérer le fait biologique En droit français la filiation s'établit en dehors de tout contentieux à partir de déclarations et d'un ensemble de présomptions légales Le lien de filiation ainsi établi n'exprime qu'une simple probabilité La possibilité de contester cette vraisemblance par la preuve que le lien de filiation ne correspond pas à la réalité d'un lien d'autre nature biologique et affective À l'heure où les expertises scientifiques permettent d'acquiescer à une certitude quasi absolue de la réalité biologique du lien de filiation et où la Cour de cassation affirme que l'expertise est de droit en matière de filiation sauf motif légitime de ne pas y procéder il est légitime de se demander si la vraisemblance qui expriment les présomptions maintient toujours une place et de tenter de redéfinir le rôle de la vérité biologique dans le droit de la filiation Cours de droit civil français Charles Beudant, 1897 **Droit International Privé À la Fin Du XXe Siècle** Symeon Symeonides, 2000 This book provides a comparative assessment of the current state of private international law by exploring the fundamental philosophical ideological and methodological challenges encountered during the 20th century and the responses to those challenges in the western world Among the questions discussed are the dilemma between conflicts justice and material justice the conflict

between the goal of international uniformity and the need or desire to protect state or national interests the tension between the goals of certainty and flexibility the symbiosis of the multilateral unilateral and substantive methodologies and the antagonism or co existence between choice of law rules and flexible approaches and between jurisdiction selecting and content oriented rules or approaches Written by some of the world s most distinguished scholars this thought provoking book provides insightful and diverse perspectives from nineteen countries It is essential reading for any teacher or student of private international law or comparative law

Principes de droit civil français François Laurent, 1893

Les distinctions dans le droit de la filiation Nadège Coudoing (juriste).), 2007 La filiation est un lien de droit dont la seule donnée biologique ne saurait rendre compte de la richesse et de la complexité Le droit qui la régit forme un système de preuve qui varie dans le temps et dans l'espace en fonction de l'objectif qu'il poursuit des contingences politiques et économiques des influences sociales et supranationales Avec l'ordonnance du 4 juillet 2005 il s'est agi d'égaler et de sécuriser les liens de filiation Cependant les rédacteurs n'ont pas instauré d'unification parfaite il demeure des distinctions entre la maternité et la paternité parfois associées des distinctions selon qu'il existe ou non un engagement conjugal entre les parents de même qu'il y a toujours une différence de régime entre la filiation charnelle et la filiation par greffe Parmi les divergences il en est particulièrement dans les domaines qui ont été exclus de la réforme dont la suppression serait bienvenue au regard de la cohérence du droit Il en est d'autres dont l'abolition est plus sujette à controverses Enfin il en est dont la disparition serait regrettable parce qu'elles témoignent de ce qui est véritablement La Filiation On rencontre ces distinctions dans le non contentieux où leur réduction aurait pour conséquence de faire perdre la filiation tout aspect symbolique toute signification C'est dans une analyse de ces régimes qu'il faut rechercher la signification de ce lien La filiation est un lien social reconnu par le droit un lien social auquel il est donné valeur juridique

Couple, Filiation et Parenté aujourd'hui Irène Théry, 1998-06-01 Creuset où se construit la personne mais aussi cellule de base de la vie sociale la famille est aujourd'hui un enjeu central de société Retard et diminution des mariages accroissement du nombre de divorces des familles recomposées et monoparentales accession plus tardive des jeunes à l'autonomie face à ces mutations quels points de repère se donner pour construire l'indispensable politique de la famille dont notre pays a besoin En matière de filiation d'autorité parentale de mariage de divorce de concubinage de succession et de protection des enfants comment adapter le droit aux réalités actuelles Irène Théry sociologue auteur du *D* mariage propose dans ce rapport un état des lieux de la famille et de la vie privée d'aujourd'hui et présente les fondements de ce qui devrait être une démarche ambitieuse et novatrice pour la France

Le temps en droit de la filiation Catherine Higy, 2010 Le droit de la filiation attachait traditionnellement des effets peu pérnents au temps Les formes opérées en 2005 et 2009 lui accordent des conséquences plus marquées La réforme de 2005 se fondait sur la chronologie pour trancher entre des manifestations concurrentes de volonté d'établir la filiation par exemple en présence de deux hommes revendiquant leur paternité l'un gardait un même enfant Cette solution n'est pas toujours adéquate car certaines personnes sont admises à établir pr

cocement la filiation tandis que d'autres ne le peuvent pas en raison de leur statut matrimonial. La loi de 2009 s'est cartée de ce critère en certaines hypothèses dans un sens critiquable. La biologie peut être prise en compte par une décision relative à la filiation, or une telle décision est déclarative et produit donc des effets rétroactifs. Cela est source d'insécurité juridique aussi convient-il d'empêcher qu'une telle décision n'intervienne tardivement. La loi s'y attache en faisant du temps coulé une cause d'irrecevabilité de l'action, liant l'expiration des délais ou l'autorité de la chose jugée. Il peut ensuite justifier que ne soit pas ordonnée une expertise biologique, ce qui influe parfois sur le sens de la décision. Lorsque malgré ces précautions la sécurité juridique est menacée par une décision relative à la filiation, des correctifs interviennent en dernier lieu afin notamment de protéger les intérêts des tiers. Le temps est devenu une considération essentielle en droit de la filiation et le cas échéant un outil stratégique dans les rapports de famille au soutien de la stabilité de l'état de l'enfant et de la sécurité juridique.

Principes de droit civil

François Laurent, 1878 Le droit civil international, 5 (1881) François Laurent, 1881 *New Code of International Law*
Jerome Internoscia, 1910 **Les distinctions dans le droit de la filiation** Nadège Coudoing, 2007. La filiation est un lien de droit dont la seule donnée biologique ne saurait rendre compte de la richesse et de la complexité. Le droit qui la régit forme un système de preuve qui varie dans le temps et dans l'espace en fonction de l'objectif qu'il poursuit des contingences politiques et économiques, des influences sociales et supranationales. Avec l'ordonnance du 4 juillet 2005, il s'est agi d'organiser et de sécuriser les liens de filiation. Cependant, les rédacteurs n'ont pas instauré d'unification parfaite, il demeure des distinctions entre la maternité et la paternité, parfois associées des distinctions selon qu'il existe ou non un engagement conjugal entre les parents, de même qu'il y a toujours une différence de régime entre la filiation charnelle et la filiation par greffe. Parmi les divergences, il en est particulièrement dans les domaines qui ont été exclus de la forme dont la suppression serait bienvenue au regard de la cohérence du droit. Il en est d'autres dont l'abolition est plus sujette à controverses. Enfin, il en est dont la disparition serait regrettable parce qu'elles témoignent de ce qui est véritablement la filiation. On rencontre ces distinctions dans le non-contentieux où leur réduction aurait pour conséquence de faire perdre à la filiation tout aspect symbolique, toute signification. C'est dans une analyse de ces règles qu'il faut rechercher la signification de ce lien. La filiation est un lien social reconnu par le droit, un lien social auquel il est donné valeur juridique.

La filiation Janine Revel, 1998. Présente le droit de la filiation tel qu'il résulte des grandes options législatives : conception que se fait l'état du mariage du concubinage, de la place de l'enfant dans sa famille et dans la société sans compter l'émergence de nouvelles revendications de nature à transformer la notion même de famille.

Le droit international privé Pasquale Fiore, 1907

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Le Droit De La Filiation Introduction

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