

# SEVILLE – 25<sup>th</sup> March 2015

## SYMPOSIUM

### Latin American/Spanish Speaking (LASS) countries. Latest developments in International family law

The symposium will be divided in four sections during which four cases will be studied. In the morning the first case study will deal with all aspects of divorce, including jurisdictional disputes. The second case will deal with prenuptial agreements and marriage contracts, matrimonial economic regimes and financial disputes regarding capital and property. In the afternoon we shall deal with similar hypothetical practical cases but this time the sessions will cover international child issues including relocation, recognition and enforcement, followed by a panel discussion to consider issues of cohabitation and LGBT rights.

#### PROGRAMME

**09.00** - REGISTRATION

#### **09.30** - Welcome and Introduction to the Symposium

**Alberto Perez Cedillo**, Alberto Perez Cedillo Spanish Lawyers and Solicitors (Spain)  
**President of the Spanish Association of Matrimonial Lawyers (AEFA):** tbc

#### **09.45** - CASE STUDY I: **Should I stay or should I go?**

Jurisdiction in forum disputes on divorce and finances. The session will address the most troublesome jurisdictional issues raised in international divorces:

- The legal landscape and overview: Judges, Notary publics, Abogado and procurador, duties to the court, Privileged correspondence; Undertakings; Court system, legal aid and litigants in person;
- Do the concepts of domicile and habitual residence apply to the jurisdiction in relation to divorce and finances in LASS countries? What happens when one party applies to stay proceedings in favour of a foreign jurisdiction? What factors will the local court take into account when determining forum issues?
- Procedural practicalities: timescale, submission of documents, disclosure, interim measures;
- Grounds for divorce, foreign law; evidence of foreign law;
- What divorce proceedings include?
- Who bears the divorce costs?

Co- Chairs:

**Alfonso Sepulveda**, SEPLAW (Mexico)

**Paulo Lins-e-Silva**, Paulo Lins e Silva - Advogados e Consultores de Familia (Brasil)

**Alberto Perez Cedillo**, Alberto Perez Cedillo Spanish Lawyers and Solicitors (Spain)

**10.45** - Coffee break

### **11.05 - CASE STUDY II: Don't leave me this way**

Through a practical case experienced practitioners will highlight relevant aspects of spouses' maintenance arising from the marital breakdown, matrimonial economic regimes and prenuptial agreements:

- Periodic payments vs lump sums;
- Maintenance vs household work compensation;
- Short term vs long term maintenance;
- Grounds for altering or extinguishing maintenance;
- Marriage contracts/ pre and post nuptials;
- Property regimes;
- A second bite of the cherry?

Co-Chairs:

**Daniela Horvitz Lennon**, Horvitz & Horvitz Abogados (Chile)

**João Perry da Câmara**, Rogério Alves & Associados - Sociedade de Advogados, RL (Portugal)

**Jorge Marfil**, Jorge Marfil, Jorge A Marfil (Spain)

**12.30** - Lunch break

### **14.00 - CASE STUDY III: Mum vs Dad**

Review of issues in the field of children's law and practice. The case will provide an opportunity for participants to provide updates on developments concerning relocation.

- Parental responsibility and custody;
- Shared care and residence, implications of shared care orders in international relocation;
- Child maintenance;

Co-Chairs:

**Patricia Kuyumdjian de Williams**, Estudio Kuyumdjian & Williams (Argentina)

**Esther Susín**, E. Susin Cabinet Juridic Internacional (España)

### **15.00 – CASE STUDY IV: A whistle stop tour on cohabitation and rights of same sex couples in LASS countries**

The case study will give the opportunity to learn what the situation in LASS countries is with regards to:

- Recognition and financial rights of cohabiting couples
- Rights of same sex couples:
  - Recognition of same-sex relationships (such as via same-sex marriage or civil unions);
  - Cohabitation;
  - Allowing of LGBT parenting/adoption;
  - Equal access to assisted reproductive technology;
  - Legal recognition and accommodation of reassigned gender.

Co-Chairs:

**Dilia Jorge Mera**, DLJM Oficina de Abogados (República Dominicana)

**Fabiana Quaini**, Law Office of Fabiana Quaini (Argentina)