

## Abstract, Marie-France Carlier

### The decisive role of the family judge in maintaining parent-child ties

In Belgium, judges are fortunate to have an extensive legislative arsenal which enables them to react quickly and effectively to situations of risk, such as those of broken family ties, and in particular:

- since July 18, 2006, equal share parenting must be given priority to before any other type of accommodation access model and the judges have the tools to enforce his their own decisions (payment of a penalty for any disregard of the decided visit no-show of children);
- the existence of a family court since the law of July 30, 2013 which:
  - o establishes the principle: one judge - one case - one family;
  - o sets the a deadline for setting a requests concerning the for the organization of custody arrangements for children at a maximum of 15 days following its filing in court;
  - o specifies that measures taken with regard to children are deemed to be urgent measures;
  - o favors ADR and creates the amicable settlement chamber;
  - o ...
- since June 15, 2018, at the introductory hearing, the parties must inform the judge on the way in which they have attempted to amicably resolve their dispute before the introduction of the cause in order to determine whether an amicable resolution is possible (article 1253ter / 1§2 of the Judicial Code);

Despite all these legal tools, the new legal procedure specific to family litigation within the Family Court (implemented since September 1, 2014) remains an “adversarial” procedure often leading unwittingly parents into an escalation of conflict.

It belongs to the Family Judges to guide the parents from the first hearing on the path to conciliation, but he they cannot do it alone on their own without the support of all the professionals and moreover the lawyers.

Only the consensus model, which consists of an interdisciplinary and rapid management of a separation in which the parents are empowered with a view to finding an amicable consensual solution centered on the needs and well-being of their children, makes it possible to keep the parents' links ties intact with their children.