

# Family Law

Protection of family rights

# Methods of protection

- **Contracts** – guarantees property rights, maintenance rights etc.
- **Organ of tutorship and guardianship** – cases which involve minors or people with limited/ceased active capacity
- **Court** – civil or criminal, depending on the rights to be protected

# Organ of tutorship and guardianship: plaintiffs

- Parents of a child whose rights are to be protected
- Other interested persons
- Tutors or guardians of people with ceased/limited active capacity
- Minors themselves

# Courts: plaintiffs

- Any person, whose interests are involved
- Minors from the age of 14
- Tutors/guardians of people with limited/ceased active capacity

# Courts system of the RK

- **District (rayon) Court**
  - Around 260
- **Oblast Court**
  - 14 + Almaty and Astana
- [Economic Courts and other specialized courts]
- **Supreme Court**
  - 1 court, 48 Judges

# Jurisdiction

Civil court considers following cases:

- civil
- family
- labor
- housing
- administrative
- financial
- land
- usage of natural resources
- environmental protection
- others.

# Principles of civil litigation:

1. **Legitimacy**
2. **Justice is made only by the court**
3. **Right for court protection of rights, freedoms and legal interests of a person**
4. **Respect of honor and dignity of a person**
5. **Inviolability of private life. Secret of correspondence, phone-conversations, mail, telegraph and other messages**

# Principles of civil litigation:

6. **Inviolability of property**
7. **Independence of judges**
8. **Equality of everybody in front of the Law and the Court**
9. **Observance of rules of language of litigation**
10. **Competition and equality of parties**



# Principles of civil litigation:

11. **Impartiality of judge in considering the proofs**
12. **Liberation of certain categories of people from the duty to testify in court**
13. **Right for qualified legal aid**
14. **Publicity of the trial**
15. **Security of the trial**
16. **Binding power of the courts decisions**
17. **Appellation of court's actions and decisions.**

# Why to know these principles:

- Significant violation of at least one of the principles of civil litigation results in invalidity of the court's decision.

# In which court the action is to be made:

- The court of residence of the defendant (for legal entity – court of its juridical address)
- If it is not known – the court of the place where the defendant has property
- For cases of exaction of maintenance money – can be made in a court of plaintiff
- For divorce – can be made in a court of plaintiff in a case if the plaintiff has minor children
- For the cases with immovable property – by the place where the property is situated.

