

KENYA SCHOOL OF LAW
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KENYA SCHOOL OF LAW
DIPLOMA IN LAW (PARALEGAL STUDIES)
FAMILY LAW: COURSE OUTLINE
ACADEMIC YEAR 2012/13: TERM 3
LECTURER: SAMUEL AKHWALE

COURSE DESCRIPTION

The course will endeavor to facilitate a clear understanding of the broad legal principles surrounding Family Law in Kenya; specific forms of marriage; matrimonial causes; dissolution of marriage as well as child law. Accordingly the learners will be required to understand the requirements for a marriage to be deemed to have taken place under the different regimes; the rights and obligations of the parties to the unions; the fora for resolution of conflicts and the process of dissolution of the unions. Then there will also be a study of the laws relating to the child, including citizenship, rights of the child; protection offered under the law and children in conflict with the law.

At the end of the course the learner is expected to understand the forms of marriage recognized by law in Kenya; be able to outline the ingredients for formation of the unions under different legal regimes; describe the process of dissolution of the unions and also to understand the laws relating to children in Kenya.

COURSE EVALUATION

The course will be evaluated as follows:

Continuous Assessment Tests	30%
Final Examination	70%
Total marks	100%

CONTACT HOURS

The subject lecturer will deliver two lecture hours a week for the entire term. Alternative arrangements upon making of the appropriate requisite arrangements and receipt of the necessary approval from the authorities will be organized to make up for any such contact hours lost for unavoidable reason.

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STATUTES

The Constitution of Kenya

Interpretation and General Provisions Act Cap. 2 Laws of Kenya.

The Judicature Act Cap. 8 Laws of Kenya

Marriage Act Cap. 150 Laws of Kenya

African Christian Marriage and Divorce Act. Cap. 151 Laws of Kenya

The Matrimonial Causes Act Cap. 152 Laws of Kenya

Mohammedan Marriage and Divorce Registration Act Cap. 155

Mohammedan Marriage, Divorce and Succession Act Cap. 156

Hindu Marriage and Divorce Act Cap. 157

Children Act No. 8 of 2001

Married women's property Act of 1882 of England



RECOMMENDED TEXTS

Michael Freeman, "Understanding Family Law", 1st Ed. London Sweet and Maxwell, 2007

Jill Black DBE, Jane Bridge, Tina Bond, Liam Gibbin," a Practical Approach to Family Law", 8th Ed. Oxford University Press

Judith Masson, Rebecca Bailey-Harris, Rebecca Probert," Principles of Family Law" London Sweet and Maxwell 2008 8th Ed.

Bromley's Family Law: 8th Ed. London, Butterworths, 1992

Jill Black, Jane Bridge, Tina Bond, Gribbin,"A Practical Approach to Family Law" 8th Edition, Oxford University Press, 2007

Eugene Cotran,"Restatement of African Law –Kenya Vol.1: Law of Marriage and Divorce" Sweet and Maxwell 1968

Gillian Douglas,"An Introduction to Family Law" 2nd Edition Cardiff University, Oxford University Press 2004

Charles Kanjama, Katarina Juma, "Family Law Digest: Matrimonial Property" Law Africa Publishing 2009

Janet Kabeberi, "You and the Law: The Child: Custody, Care and Maintenance", Nairobi Oxford University Press, 1990

SPECIFIC TOPICS

A. MARRIAGE

Nature

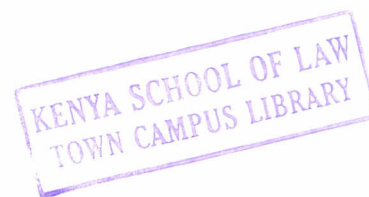
- Agreements to marry
- Marriage contract
- Capacity to marry
- Void and voidable marriages
- Effects of marriage

Types of marriages recognized in Kenya

- (a) Customary law marriages
- (b) Statutory marriage

B. DISSOLUTION OF MARRIAGE

- Death and presumption of death
- Divorce



C. MATRIMONIAL CAUSES

Grounds for divorce

- Adultery
- Desertion
- Cruelty
- Matrimonial property

D. CHILD LAW

- Rights and welfare of the child

- Parental responsibility
- Custody and maintenance
- Guardianship
- Judicial orders
- Foster care and placement
- Adoption

Child Law: Institutional and administrative framework

Children in the court process

- Children in need of care and protection
- Child offenders

