

Family abandonment:

written by Dennis_ Rombaut_ | March 28, 2022

Abandonment of the family means that financial maintenance is no longer paid to the beneficiary or beneficiaries. This includes, for example, the traditional maintenance for the ex-spouse and/or children, but also, for example, the parents' obligation to contribute to the school fees of their children.

Family abandonment can only occur if there is a delay of more than two months after the judge has decided that this maintenance should be paid. Moreover, the debtor must be in default voluntarily, i.e. intentionally and knowingly. The two-month time limit does not apply if the court decision is still under appeal or even just possible.

The maintenance obligation towards these persons must arise from the law or from a court decision. For example, if a person voluntarily pays maintenance and has an agreement to do so, one cannot speak of family abandonment if they stop paying this maintenance.

For more information on this offence, a concrete punishment and/or tailor-made advice, contact our criminal lawyers at info@studio-penale.be.