

Practical Legal Guidebook for foreigners

# Legal Guide on Marriage and Family



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English

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## Rights and obligations arising from marriage

**Obligation of cohabitation (living together)**

A married couple is obliged to live together in the same house.

Exceptions include cases wherein there are legitimate grounds for living apart temporarily.

**Obligation of support**

A married couple is obliged to provide necessities of life for cohabitation. The obligation of support means that either husband or wife must provide food, clothing, and shelter that they need in order to live together.

If one party is a sole bread winner, the bread winner should provide monetary support for a living to the other partner.

**Obligation of cooperation**

A married couple is obliged to discuss important matters and help each other instead of making decisions by oneself alone. "Important matters" include house chores.

**Obligation of chastity**

A married couple is obliged to never commit adultery after getting married.

Violating this obligation allows the other person to file a claim for compensation for damages, and it may serve as grounds for divorce in trial.

A claim for compensation for damages caused by the act of adultery will be upheld. It also may serve as grounds for divorce under trial.



Learn more

**Equality of both spouses**

In the Republic of Korea, a husband and a wife are standing equally. Being equal means no discrimination in terms of obligations and rights. Married couples must respect and take care of each other.

## Domestic violence

## What is domestic violence?

- Domestic violence is abuses between family members which inflict physical, mental or property damage.

## Types of domestic violence

**Type 1****Physical Abuse**

Beating up a spouse or a child

**Type 2****Emotional/  
Psychological Abuse**

Swearing, disregarding the culture of the spouse, controlling or suspicion

**Type 3****Sexual Abuse**

Forcing any unwanted sexual activity

**Type 4****Financial Abuse**

Withholding funds that are needed to obtain basic needs  
Spending money recklessly

## How to report a case of domestic violence

- Call the police (Phone: 112) if you are experiencing domestic violence or have witnessed such a case
- Reach out to Danury Call Center (Phone: 1577-1366) for counseling and support if you have a language barrier
- Provides a temporary shelter and operates support activities with medical, legal, prosecution and police authorities for marriage migrant women who are suffering from domestic and sexual violence.



## Child abuse

## What is child abuse?

- Child abuse is all forms of physical, emotional ill-treatment, sexual abuse and/or other exploitations by adults including guardians, resulting in actual or potential harm to the minor-aged child's health, well-being and development.

## Type of child abuse



Type 1

**Physical abuse**

Hitting, scratching, tying up with rope or other materials



Type 2

**Emotional abuse**

Swearing and cursing, insulting comparison with someone else, confinement (detention), etc.



Type 3

**Sexual abuse**

All sexual activities engaged in by an adult against a minor



Type 4

**Neglect / Abandoning**

Poor feeding, Not providing medical treatment, Not enrolling a child in school

## How to report a case of child abuse

- Call the police (Phone: 112) if you have witnessed a case of child abuse.

## School violence

## What is school violence?

- School violence includes acts of assault, detention, threat, kidnapping, abduction, defamation/insulting, intimidation, forced errands and sexual abuse, bullying (including online bullying), and exposure to or utilization of violent/obscene information on IT infrastructure/device on a student in and outside of school, resulting in physical, psychological, and/or property damage.

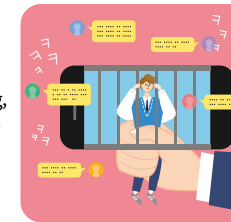
## Types of school violence



Type 1

**Physical violence**

Beating up, punching, or pushing the victim while claiming it was done as a joke



Type 2

**Cyber violence**

Inviting the target to a group chat room solely to bully the victim, Posting humiliating messages Making a personally defamatory posts on social media



Type 3

**Sexual violence**

Teasing on sexual grounds including sexual harassment



Type 4

**Bullying**

Intentionally avoiding the victim, Not allowing others to get close to or friendly with the victim

## How to report a case of school violence

- Call the School Violence Reporting Center (Phone: 117) if you are experiencing school violence or have witnessed such a case.
  - Upon receiving a report, the center provides emergency rescue, launches an investigation, or provides legal advice.
  - Reporting by text message: #0117 (free)
  - Online reporting: Safety Dream ([www.safe182.go.kr](http://www.safe182.go.kr))



## Divorce by settlement and divorce by trial

### What is Divorce by settlement and divorce by trial?

- Types of divorce include divorce by settlement and divorce by trial.
  - Divorce by settlement: the result of a marital dissolution when a couple is able to come to an agreement on important matters without the case having to go to trial
  - Divorce by trial: Terminating marriage through a lawsuit if there are legal grounds for divorce



### Learn more Grounds for divorce by trial

- If the other spouse has committed an act of unchastity
- If one spouse has been maliciously deserted by the other spouse
- If one spouse has been extremely maltreated by the other spouse or his or her lineal ascendants
- If one spouse's lineal ascendant has been extremely maltreated by the other spouse
- If the death or life of the other spouse has been unknown for three years
- If there exists any other serious cause for making it difficult to continue the marriage

### Learn more

## Post-divorce obligations/rights

### Parental authority

- Rights and duties of parents over their minor child's legal status and assets

### Right to foster

- Parents right to raise their minor child

### Child-rearing expenses

- Right to claim child support expenses by a custodial parent to his or her spouse until their child or children reach adulthood.

### Visitation Right

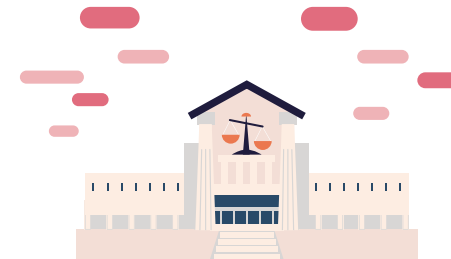
- The right of a non-custodial parent to visit and phone call his or her child or children.

### Alimony

- Compensation for emotional distress claimed against the guilty spouse

### Claim for property division

- Right to claim part of the property (sharing) jointly contributed during married life



# Public institutions that may be helpful to you

## 📍 National Police Agency (☎112, [www.police.go.kr](http://www.police.go.kr))

- Receives reports of crimes including child abuse and deals with national security issues, crime investigation and crime prevention
- In charge of maintaining public order and handling crime investigation, traffic control, and national security issues
- Business hours: 24/7 (telephone counseling service available)

## 📍 School Violence Reporting Center (SAFETY Dream)(☎117, [www.safe182.go.kr](http://www.safe182.go.kr))

- Provides emergency rescue, legal advice and launches an investigation upon receiving a report
- Business hours: 24/7, (telephone counseling service available)

## 📍 Danuri Call Center (☎1577-1366, [www.liveinkorea.kr](http://www.liveinkorea.kr))

- Married foreign women who are experiencing severe domestic/sexual violence may seek help here including temporary shelter as well as emergency support including medical treatment and legal and criminal assistance.
- Provides information about language education, employment, counseling about pregnancy, child-rearing to multicultural family members and marriage migrants/n
- Supported languages: 13 languages including Vietnamese, Chinese, Filipino, Mongolian, Russian, Thai, Khmer, Japanese, Uzbek, Lao, Nepalese, English, Korean, etc.
- Business hours: 24/7 (telephone counseling service available)

## 📍 Comprehensive Foreigner Help Center (Hi Korea) (☎1345)

- Provides information about entry, status of sojourn, and daily life to foreign residents in their native languages
- Supported Languages: 20 languages including Korean, Chinese, English, Vietnamese, Thai, Japanese, Mongolian, Indonesian, French, Bengali (language of Bangladesh), Urdu, Russian, Nepalese, Khmer, Burmese, German, Spanish, Filipino, Arabic, Sinhala, etc.
- Business hours: 09:00~22:00 on weekdays (Korean, Chinese, and English language supported available only from 18:00 to 22:00)

## 📍 Korea Legal Aid Corporation (☎132, [www.klac.or.kr](http://www.klac.or.kr))

- Provides information on legal aid, related forms and documents, precedents, and online reservation and in-person counseling
- Business hours: 09:00~11:50 AM, 13:00~17:50 on weekdays (telephone counseling service available)

