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| **Avis de Soutenance** Madame Marine MONTEILDroit - EDSJP Toulouse Soutiendra publiquement ses travaux de thèse intitulés*L'orphelin mineur* dirigés par Madame Claire NEIRINCK Soutenance prévue le ***mardi 03 juillet 2018*** à h00Lieu :   Université Toulouse 1 Capitole 2, Rue du Doyen Gabriel Marty 31042 Toulouse Cedex 9 salle des thèses **Composition du jury proposé**

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| --- | --- | --- | --- | --- |
| Mme Claire NEIRINCK  |   | Université Toulouse 1 Capitole |   | Directeur de thèse  |
| Mme Dominique FENOUILLET  |   | Paris II Panthéon-Assas |   | Rapporteur  |
| M. Hugues FULCHIRON  |   | Université Jean Moulin Lyon 3 |   | Rapporteur  |
| Mme Maryline BRUGGEMAN  |   | Université Toulouse 1 Capitole |   | Examinateur  |

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| **Mots-clés :**  | orphelin, mineur, décès, filiation, autorité parentale, tutelle |

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| **Résumé :**   |
| Image d’Épinal de la littérature du passé, l’orphelinage demeure une réalité contemporaine. Selon les dernières estimations de l’INSEE, il existe 328 000 orphelins mineurs en France. Malgré leur nombre conséquent, le législateur semble se désintéresser d’eux et ignorer leur singularité. Les textes actuels révèlent en effet une absence totale de réflexion sur les besoins et la protection dus aux orphelins sur le plan personnel et patrimonial. Cette étude se propose de dégager la spécificité de ces enfants et de réfléchir à leur statut juridique, tant en droit positif qu’en droit prospectif. Pour ce faire, il est nécessaire de distinguer le mineur qui a perdu un seul parent de celui qui est entièrement orphelin. Dans le premier cas, les régimes de l’autorité parentale et de l’administration légale sont modifiés. L’enfant est entièrement soumis à la volonté du parent survivant. Dans le second cas, l’orphelin relève de tutelles variées. Mal pensés et mal articulés, ces régimes de protection le privent d’une partie de ses droits. |
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