

Riabokon Yu.V., applicant for higher education
of the first (bachelor's) level,
National Aviation University, Kyiv, Ukraine
Scientific adviser: Kmetyk Kh.V., Ph.D. in Law

DEPRIVATION OF PARENTAL RIGHTS AS A TYPE OF FAMILY LEGAL RESPONSIBILITY

One of the key directions of Ukraine's policy towards democracy is the protection of children's rights and ensuring their best interests. It should include the care of children, protection of their rights and interests, which are fixed at the legislative level, and worth a lot of attention today.

First of all, with the birth of a child, a legal relationship arises between the parents and the child, which imposes a number of rights and obligations on the parents. Parents are obliged to raise a child in love for their motherland, teach respect for the rights and freedom of others, take care of their physical, moral, and spiritual health and in general provide their child with everything possible for a fulfilling life.

However, not all parents are fully aware of their responsibility for the child's development and do not understand the importance of raising a child and its development. Therefore, sometimes there are cases when parents avoid their listed duties. The key to understanding parental rights is the fact that the exercise of parental rights by parents is at the same time their duty, for the failure of which the responsibility prescribed by law is established. It is in case of improper performance of parental duties parents may be subject to measures of family legal responsibility in the form of registration of parental rights.

Thus, in accordance with Article 16 of the Family Code of Ukraine, parents may be assigned parental rights if it is established that they evade the fulfilment of parental responsibilities for raising children, did not take the child from the maternity hospital, abuse children, are chronic alcoholics or drug addicts, resort to child exploitation, force them to beg and wander. It should be noted that parenthood is a huge responsibility. Understanding between parents, mutual respect, support, self-realization, the balance of

family and personal life, meaningful leisure time, joint participation in raising children, equal division of housework, as components of the idea of gender equality, creation of a family environment favourable for child development [1].

A decision on the enrolment of parental rights is required by the court based on the results of the consideration of the relevant claim. As a mandatory condition during the review of the case on registration of parental rights, guardianship and care authorities are obliged to be present and provide a written opinion on this case. The Family Code establishes an exhaustive list of plaintiffs in this category of cases and prohibits any other person from raising the issue of registration of parental rights before the court.

It should be noted that a person registered with parental rights is not released from the obligation to maintain a child. That is, the father who exercises parental rights is still obliged to maintain his child. Also, simultaneously with the violation of parental rights, the court can decide on the issue of collecting alimony for the child from such a father [2].

One of the procedural dilemmas in the treatment of parental rights is that the mother and the father can be fulfilled parental rights in case of evading the fulfilment of their responsibilities of raising a child if they are content with alcoholics or drug addicts or are involved in any type of child-rearing, in particular, force her to beg and wander, only if her parents reach adulthood. Thus, the list of grounds for deprivation of parental rights provided in Part 1 of Article 164 of the Family Code of Ukraine is exhaustive, and it is impossible to appeal other cases that violate the rights of the child [1].

Summarizing the above, the issue of deprivation of parental rights is, unfortunately, very broad. Parents in the course of raising their child bear administrative, criminal, and family law responsibilities, although the legal relationship between parents and the child starts from its birth and continues until reaching adulthood. The rights of the child are protected both at the national and international levels, therefore it is necessary to pay attention to the best interests of the child when considering these cases. The very principle of preserving the best interests of the child is one of the fundamental principles, which is enshrined in international acts and the national legislation of Ukraine, and found its essential addition in the practice of the ECtHR and the application of national courts.

Literature

1. Сімейний кодекс України: *Кодекс України* від 10.01.2002 № 2947-III. URL : <https://zakon.rada.gov.ua/laws/show/2947-14#Text> (дата звернення: 03.11.2022).

2. Дутко А.О. Загальна характеристика правовідносин батьків та дітей. *Вісник Національного університету «Львівська політехніка». Юридичні науки.* 2015. № 827. С. 99–102. URL : <https://science.lpnu.ua/sites/default/files/journalpaper/2017/jun/4825/dutko2.pdf> (дата звернення: 05.11.2022).