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TERMINATION OF PARENTAL RIGHTS

Parents have a fundamental interest in raising their children. All parents have legal rights and duties as a parent - known as 'parental responsibility'. The parents should educate the child in the spirit of respect for the rights and freedoms of others, love to his/her family, relatives and other people. Moreover, they should have the duty to care for child's health, their physical, spiritual and moral development. Parents should ensure that the child obtains full general secondary education and shall prepare them to making their own life. Any exploitation of the child by parents is prohibited.

However, not all parents realize it and adhere to their duties. Termination of parental rights can be applied the court in situations involving neglect or abuse, or if the parent has abandoned their children or refuses to see them. In these cases, it's important to understand the process of parental rights termination so that the proceedings are enacted legally and in the best interests of children. It is important to know the grounds for deprivation of parental rights. There is a large number of cases in the world today because of some loopholes in national legislation of Ukraine.

Article 164 of the Family Code of Ukraine provides that the court may deprive mother or father of parental rights if he/she:

- 1) has not taken the child from maternity home or any other health institution without valid reasons and within six months did not care about the child;
- 2) avoids discharging their duties to educate the child;
- 3) treats the child in a brutal manner;
- 4) is a chronic alcoholic or drug addict;

- 5) resort to the child's exploitation, involves him/her in begging and vagrancy;
- 6) has been convicted of committing an intentional crime against the child.

Another important issue concerns legal consequences of termination. The person deprived of parental rights loses his/her personal non-property rights with regard to child. In addition, parents terminate being a legal representative of the child and lose the rights for benefits given by the State to families with children. They may not be an adopter, custodian or caretaker of the child, may not acquire property rights arising from parentage in future, which he/she could have been entitled to in case of his/her inability to work (the right to maintenance on the part children of their future, the right to an old-age benefit and reparation of damage in case of the loss of the breadwinner, succession right) and lose other rights arising from their consanguinity to the child [1].

According to article 180 of the Family Code the parents shall have the responsibility to maintain the child till he/she attains the full age[2]. It is one of the most important obligations of parents. It is due to the fact that children are not able to earn their living. Thus, they depend on their parents.

Judicial practice proves that the the fact of improper financial security is taken into account by the courts when judges are making decisions on the termination of parental rights. However, it isn't the ground for termination of parental rights, so it must be change in the Family Code [3].

Therefore, in order to prevent violations of children's rights, courts analyze each particular situation and as an extreme measure they deprive parents of their rights. This procedure provides the opportunity to protect the rights, interests and comprehensive child's development. Unfortunately, cases of deprivation of parental rights in Ukraine are not rare. The courts of first instance has satisfied 8429 claims for termination of parental rights according to the statistics of the State Judicial Administration of Ukraine in 2014.

Termination of parental rights is also a preventive nature. Other parents may reconsider relationships with children and take the correct way to preserve valuable family.

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