

Clause 1. Task of Family Law of Ukraine

1. The Family Law of Ukraine defines foundations of marriage, personal non-property and property rights and duties of spouses, grounds of emergence, substance of personal non-property and property rights and duties of parents and children, adoptive parents and adoptive children and other family members and relatives.

2. Regulating family relationship is done with this Law in order to:

- to consolidate a family as a social institution and a unity of the certain persons;
- to affirm the feeling of duty as to parents, children and other members of the family;
- to build family relationship on grounds of equality, feelings of mutual love and respect, mutual support;
- to provide each child with family upbringing, opportunity of spiritual and physical development.

Clause 2. Partners of family relationship that is regulated with the Family Law of Ukraine

1. The Family Law of Ukraine regulates family personal non-property and property relationship between spouses, between parents and children, adoptive parents and adoptive children, between mother and father of a child as to upbringing, development and support of a child.

2. The Family Law of Ukraine regulates family personal non-property and property relationship between grandmother, grandfather, great-grandmother, great-grandfather and grandchildren, great-grandchildren, between brothers and sisters, between stepmother, stepfather and stepdaughter, stepson.

3. The Family Law of Ukraine regulates family personal non-property and (or) property relationship between other members of the family, determined in this law.

4. The Family Law of Ukraine does not regulate family relationship between cousins, between aunt, uncles and niece, nephews and between other relatives.

Clause 3. Family

1. Family is the primary and main cell of society.

2. Family consists of persons, who live together, are bound with common being, have mutual rights and duties. Spouses are considered family also when a wife and a husband do not live together through different reasons, for example, studies, work, medical treatment, taking care for parents or children and other good reasons. Child belongs to a family of his/her parents even if he/she does not live together with his/her family.

3. A single person has the rights of a family member.

4. Family is made on ground of marriage, blood relationship, adoption and other grounds, which are not in disagreement with law and moral norms of society.

Clause 4. Right of a person to have a family

1. A person can have a family if she/he has an age of marriage. In cases, mentioned in Item 2 of Clause 23 of this Law, a family can be made by a person, who has not reached the age of marriage.
2. Family can be made by a person irrespective of age if a child has been born.
3. Each person has a right for living in the family. A person can be forcefully isolated from the family only in cases and orders, established by law.
4. Each person has a right for respect as to his/her family life.

Clause 5. Governmental protection of family

1. Government protects family, childhood, motherhood, fatherhood and provides the family with conditions for its normal development.
2. Government provides a person with conditions for motherhood and fatherhood, gives protection of rights of a father and a mother, support a fatherhood and a motherhood materially and morally.
3. Government provides with priority of family upbringing of a child.
4. Government takes each child, who has no parents' care, under its own protection.
5. Nobody can interfere in family life and relationship, except the cases, mentioned in the Constitution of Ukraine.

Clause 6. Child

1. A person, who has not come of age, has the legal status of "child".
2. A child, who is less than 14 years old, has the status of pupil child. Minor child is a child, who is between 14 and 18 years old.

Clause 7. General foundations of regulation of family relationship

1. Family relationship is regulated with this Law and other statutory-legal acts.
2. Family relationship can be regulated through mutual agreement (contract) of family partners.
3. Family relationship is regulated only in that part of relationship, where it is acceptable and possible in terms of interests of family partners and interests of society.
4. Regulation of family relationship is performed, taking into account the right for confidence of private life of family partners, their right for personal freedom and inadmissibility of interference in family life.
5. A participator of family relationship cannot have any privileges or restrictions through race, skin color, sex, political, religious and other credos, ethnic and social origin, financial state, place of residence etc.
6. A women and a man have the equal rights and duties in family relationship.
7. A child has to be provided with opportunity to exercise his/her rights, established with Constitution of Ukraine, Convention of Rights of Child and other international legal acts, acknowledged in Ukraine.
8. Regulation of family relationship is executed in accordance with the best interests of children and incapable members of the family.
9. Family relationship is regulated on grounds of justice, scrupulosity, rationality, according to moral canons of the society.
10. Each participator of family relationship has the right for court protection.

Clause 8. Application of the Civil Code of Ukraine to regulation of family relationship

1. If property relationship between spouses, parents and children, other members of family and their relatives is not regulated with this Law, it is regulated with answering canons of the Civil Code of Ukraine if it is not in disagreement with the substance of family relationship.

Clause 9. Regulating family relationship through agreement (contract) of family partners

1. Spouses, parents of children, parents and children, other members of the family and their relatives, whose relationship is regulated with this Law, can regulate their relationship through the agreement (contract) if this is not in disagreement with requirements of this Law, other laws and moral fundamentals of the society.

2. Persons, who live as a family, and relatives by origin, whose relationship is not regulated with this Law, can regulate their family relationship with a contract, which must be closed in written form. It is obligatory to follow the contract, if it is not in disagreement with the requirements of this Law, other laws of Ukraine and moral canons of the society.

Clause 10. Application of analogy of law

1. If some certain family relationship is not regulated with this Law or agreement (contract) of partners, the canons of this Law, which regulate similar relationship, are applicable to them (analogy of law).

2. If it is impossible to use analogy of law to regulate such a family relationship, it is regulated in accordance with general fundamentals of family legislation.

Clause 11. Consideration of habits and traditions at court hearing, when the court hears the family debates

1. In the court hearing, through the application of the person the court can consider local habits and traditions as well as habits and traditions of national minority, to which the parties or one of the parties belong, if these habits and traditions are not in disagreement with requirements of this Law, other laws of Ukraine and moral canons of the society.

Clause 12. Terms, established in this Law

1. This Law establishes terms in accordance with the Civil Code of Ukraine.

Clause 13. International treaties of Ukraine

1. Part of the national family legislation of Ukraine consists of international treaties, which were approved by Verkhovna Rada of Ukraine (Ukrainian Parliament).

Chapter 2. Exercise of family rights and fulfillment of family duties. Protection of family rights and interests.

Clause 14. Exercise of family rights

1. Family rights are considered very personal and cannot be transferred to another person.

2. If a child or a person, whose legal capacity is limited, cannot exercise his/her family rights, these rights are exercised by his parents, a custodian or by the person with the help of his parents or custodian.
3. Family rights of legally incapable person are exercised by his/her custodian.

Clause 15. Fulfillment of family duties

1. Family duties are considered very personal and cannot transferred to another person.
2. If a person has been acknowledged legally incapable, his her family duty of personal non-property character is discontinued due to his/her inability to fulfill it. Property duty of a legally incapable person is fulfilled by his/her custodian on account of the person.
3. If a person cannot fulfill his/her family duty through his/her mental disorder, severe disease or another reasonable excuse, this person is not considered one, who avoid fulfillment of his/her duties.
4. Non-fulfillment or avoiding fulfillment of family duties can be a cause for application consequences, established with this Law or an agreement (contract) of the parties.

Clause 16. Providing non-adult parents with help in exercising their rights and fulfillment of their parents' duties

1. If a mother, a father of a child is non-adult, then a grandmother, a grandfather from the side of that parent, who is non-adult, is/are obliged to help in exercising his/her parent's right and fulfillment of parent's duties.

Clause 17. Help of Body of Custody and Guardianship to persons in exercising their family rights and fulfillment of their family duties

1. Body of Custody and Guardianship provides a person with help in exercising his/her family rights and fulfillment of his/her family duties in breadth and order, established with this Law and other statutory-legal acts.

Clause 18. Protection of family rights and interests

1. Each participator of family relationship, who is 14 years old or more, has the right to turn to the court for protection of his/her right and interest.
2. The court applies the modes of protection, which are established with the law or an agreement (contract) of the parties.

The modes of protection of rights and interests are:

- (1) establishing legal relationship;
- (2) forcible fulfillment of unfulfilled duty;
- (3) discontinuation of legal relationship and canceling it;
- (4) termination of actions, which break family rights;
- (5) renewal of legal relationship, which existed before the right was broken;
- (6) compensation for material and moral damage if this is provided with this Law or contract.

Clause 19. Participation of the Body of Custody and Guardianship in the process of protection of family rights and interests

1. In cases, mentioned in this Law, a person has a right to preliminarily turn to the Body of Custody and Guardianship for protection of his/her family rights and interests.
2. The decision of the Body of Custody and Guardianship comes into force of law in 10 days from the date when the decision was made. Within 10 days a person can turn to the court for protection of his rights and interests except the case, mentioned in Item 2, Clause 170 of this Law.
3. Turning to the Body of Custody and Guardianship for protection does not cancel the right of a person to turn to the court. If an application has been lodged in the court, the Body of Custody and Guardianship discontinues consideration of the application, which was previously lodged. In case if an application was lodged in the court, implementation of the decision of the Body of Custody and Guardianship is discontinued.
4. The Body of Custody and Guardianship necessarily participates in court hearing when the court hears the cases of participation of a parent in upbringing of a child, about the place of residence of a child, about depriving parents of their parents' rights, retrieval of parents rights, meeting of a child with his/her parents who were deprived of parents' rights, taking a child from a person, who holds the child not on the ground of law or court decree, parents' administration of child's property, canceling an act of adoption of a child and acknowledging this act as invalid.
5. The Body of Custody and Guardianship delivers a conclusion in written form to the court as to the dispute on grounds of information, which was received as a result of examining the living conditions of a child, parents, other persons, who wish to live with the child and participate in his/her upbringing and education and also on grounds of other documents that pertain to this case.
6. The court can disagree with the conclusion of the Body of Custody and Guardianship, if the conclusion is not sufficiently grounded and is in disagreement with interests of a child.

Clause 20. Application of limitation of action as to requirements that appear in family relationship

1. Limitation of action as to requirements that appear in family relationship is not applicable except the cases, mentioned in Item 2 of Clause 72, Item 2 of Clause 129, Item 3 of Clause 138, Item 3 of Clause 139 of this Law.
2. In cases, mentioned in Item 1 of this clause limitation of action is applicable in accordance with the Civil Code of Ukraine, if another mode is not provided with this Law.
- 3.

Marriage. Duties and Rights of Spouses

Chapter 3. General.

Clause 21. Conception of Marriage.

1. Marriage is a family union of a man and a woman, registered in the civil registrar's office.

2. When a man and a woman live together as a family without marriage, it is not the ground for beginning of rights and duties of spouses.

3. Religious rite of marriage is not the ground for a man and a woman to have rights and duties of spouses except the cases when religious rite of marriage had been performed before formation or renewal of civil registrar's offices.

Clause 22. Age of marriage.

1. Female age of marriage is 17 years old and male age of marriage is 18 years old.

2. Persons, who wish to get their marriage registered, have to reach the age of marriage.

Clause 23. Right for marriage.

1. Persons, who have reached the age of marriage, have the right for marriage.

2. Through application of a person, the court can grant the right for marriage to the person, who has reached the age of 14, if this answers the person's interests.

Clause 24. Voluntarism of marriage.

1. Marriage can be registered only through mutual agreement of a woman and a man. To force a man or a woman to marriage is not acceptable.

2. If a person gets married with a person who is legally incapable or who, through other reasons, was not perceiving significance of his/her actions or could not control his/her own actions, this can cause consequences, mentioned in Clauses 38 – 40 of this Law.

Clause 25. Single marriage.

1. A man and a woman can have only one marriage at a time.

2. A man and a woman can get remarried only if the previous marriage has been dissolved.

Clause 26. Persons, who cannot be in marriage between themselves.

1. People, who are in blood relation, cannot be in marriage between themselves.

2. A sister and a brother cannot be in marriage between themselves. Also a step-brother and a step-sister, who have the same mother or the same father, cannot be in marriage between themselves.

3. A cousin (male) and a cousin (female), an uncle and a niece, a nephew and an aunt can not be in marriage.

4. The court can produce the court decree, which can grant the right to a child of a parent and this parent's adoptive child for marriage between them, as well as to adoptive children of the same adoptive parent for marriage between adoptive children.

5. An adoptive parent and an adoptive child cannot be in marriage. A marriage between an adoptive parent and an adoptive child can be registered only after adoption has been dissolved.

Chapter 4. State Registration of Marriage.

Clause 27. Significance of the state registration of marriage.

1. The state registration of marriage is needed to provide a woman and a man with stability of their relationship, to protect the rights and interests of spouses, their children as well as interests of the State and society.

2. The state registration of marriage is being held in solemn manner.

3. After the state registration of marriage a husband and a wife get the official document "Marriage Certificate", the pattern of which was approved by the Cabinet of Ukraine.

Clause 28. The application for marriage.

1. The application for marriage registration is lodged by a woman and a man in any civil registrar's office.

2. The application for marriage registration is lodged by a woman and a man personally.

3. If a woman and/or a man can not lodge their application for marriage registration in the civil registrar's office personally through reasonable excuses, he/she can lodge the application, certified by the notary public, through their official representative, the authority of whose must be certified by the notary public.

4. If marriage registration ceremony is not held in the scheduled date, the application for marriage registration is canceled in 3 months from the date when it was lodged.

Clause 29. Informing persons, who lodged the application for marriage registration, about their rights and duties.

1. Civil registrar's office is to inform persons, who lodged their application for marriage registration, about their rights and duties as future spouses and parents and also inform the persons about the liability for concealment of the obstacles for marriage registration.

Clause 30. Mutual information of persons, who lodged their application for marriage registration, about their health.

1. Persons, who lodged their application for marriage registration, are to inform each other about the state of their health.

2. Government provides the persons, who lodged the application for marriage registration, with opportunities to have medical examination.

3. The Cabinet of Ukraine establishes the order of implementation of medical examination of the persons, who lodged the application for marriage registration.

4. The result of medical examination is a secret and is delivered only to the persons, who lodged the application for marriage registration.

5. If some bad disease or diseases, which are dangerous for the other spouse, their descendants, are hidden, this fact can be considered a reason for admission of marriage invalid.

Clause 31. Engagement.

1. Engaged people are people, who lodged the application for marriage registration.

2. Engagement does not make obligation for the persons to get married.

3. A person who refuses to get married after engagement has to compensate to another party in case if he/she made expenses, making preparation for marriage registration and wedding party. However if a reason of the refusal is illegal, immoral conduct of the other engaged person or concealment of important information, which has essential significance (bad illness, having a child, conviction etc), compensation is not being done.

4. If a person, who previously got a present for future marriage, refuses to get married, the person has to return the presented thing, which was given. In case if the presented thing was lost, the compensation must be done.

Clause 32. Time of marriage registration.

1. Marriage is registered in one month after a woman and a man lodged their application for marriage. If a man and a woman have a reasonable excuse a chief of a civil registrar's office can register the marriage earlier.
2. In case if a woman is pregnant or of the birth of a child, if life of an engaged man or woman is in danger their marriage can be registered at the day when the application for marriage is lodged.
3. If there is information about presence of obstacles for marriage registration, the chief of the civil registrar's office can postpone the marriage registration, however not longer than for three months. The decision about postponing can be appealed in court.

Clause 33. Place of marriage registration.

1. Marriage is registered in the building of the Civil Registrar's Office. Through application of the engaged persons, the marriage can be registered in solemn manner in another place.
2. Through the application of a bride and a bridegroom the marriage registration can be held in the place of their residence, in the place of his/her hospital treatment or another place, if they can not come to the civil registrar's office through reasonable excuse.

Clause 34. Personal presence of a bride and a bridegroom when their marriage is registered.

1. A man and a woman have to be present personally at the registration of their marriage.
2. Registration of marriage through a representative is not allowed.

Clause 35. Right to choose a surname at marriage registration.

1. At marriage registration the young couple can choose the surname of one of them as the common surname of the spouses or they can have the surnames, which they had before their marriage registration.
2. A bride (a bridegroom) can add the surname of a bridegroom (a bride) to her/his surname. If they wish to have a double surname, through their agreement they have to determine whose surname is the first in the double surname, and whose surname is the second. Combination of more than two surnames is not allowed, unless another mode appears in a habit of national minority, to which the bride and/or the bridegroom belongs.
3. If the surname of a man/a woman is already a double surname at the moment of their marriage registration, he/she has the right to replace one of the parts of his/her surname with his/her surname.

Clause 36. Legal consequences of marriage.

1. Marriage is a ground for beginning of rights and duties of spouses.
2. Marriage cannot be a ground for granting privileges or advantages to a person as well as for limitation of the person's rights and freedom, constituted by the Constitution and laws of Ukraine.

Clause 37. Validity of marriage.

1. Marriage is valid, except cases, mentioned in Items 1, 2, 3 of Clause 39 of this Law or unless the marriage is acknowledged invalid through the court decree.

Chapter 5. Invalidity of Marriage.

Clause 38 Grounds of invalidity of marriage

1. Ground of invalidity of marriage is contravention of requirements, mentioned in Clauses 22, 24-26 of this law.

Clause 39. The marriage, which is invalid.

1. Marriage, which is registered with a person, who is already married with another person, is invalid marriage.

2. Marriage between a man and a woman, who are relatives of the direct line, or between a man and a woman, who are a brother and a sister, is invalid.

3. Marriage with a person, who is adjudicated legally incapable, is invalid.

4. Through application, lodged by the interested person, the civil registrar's office cancels a marriage record in cases, mentioned in Items 1-3 of this clause.

5. If marriage is registered with a person, who is already married, then in case if the previous marriage is dissolved before canceling the second marriage, the second marriage becomes valid since the moment when the previous marriage was dissolved.

6. A marriage record is being canceled, irrespective of the fact of death of a person, with whom marriage was registered (Items 1 – 3 of this clause) or divorce with this person.

Clause 40. The marriage, which is invalid through a court decree.

1. Marriage is invalid through a court decree, if this marriage was registered without free-will agreement of a woman or a man. Agreement is not considered free-will if this agreement was received violently or when a person was suffering from mental disorder, was under alcohol or drug intoxication and as a result the person could not control his/her own actions and decisions.

2. Marriage is acknowledged invalid through the court decree in case if the marriage is fictitious. Marriage is fictitious if it was registered without any intention to build a family and have rights and duties of spouses.

3. Marriage cannot be acknowledged invalid if at discussion of the case in the court the facts, which evidenced absence of agreement of a person for marriage or his/her non-wish to build a family, fell away.

Clause 41. The marriage, which can be acknowledged invalid through a court decree.

1. Marriage can be acknowledged invalid through a court decree if it was registered:

(1) between an adoptive parent and his/her adoptive child with contravention of requirements, mentioned in Clause 26 of this Law;

(2) between a cousin (female) and a cousin (male), an aunt and her nephew, an uncle and his niece;

(3) with a person, who hid his/her bad disease or a disease, which is dangerous for another spouse or their descendant;

(4) with a person, who has not reached the age of marriage and who has not be granted the right for marriage.

2. When the case about acknowledging marriage invalid is being discussed in court, the court considers how badly this marriage contravened the rights and interests of a person, length of the spouses' life together, nature of their relationship and other circumstances, which have the essential significance.

3. Marriage cannot be acknowledged invalid if a lady is pregnant or if a child was born into the family of persons, mentioned in (1), (2), (4) of Item 1 of this

clause or that person, who did not reach age of marriage, has already reached it or been granted the right for marriage.

Clause 42. Persons, who have a right to turn to the court with the action for acknowledging marriage invalid.

1. The right to turn to the court with the action for acknowledging marriage invalid belongs to a husband or a wife, other people, rights of whose were contravened through this marriage registration: parents, custodian, guardian of a child, custodian of legally incapable person, public prosecutor, body of custody and guardianship if interests of a child or a person, who was acknowledged legally incapable or a person, whose capacity is limited, need to be protected.

Clause 43. Acknowledging marriage invalid after it has been dissolved.

1. Divorce, death of a husband or a wife cannot be an obstacle for a procedure of acknowledging marriage invalid.

2. If the marriage was dissolved through the court decree, the action for acknowledging that marriage invalid can be made only after reversal of the court decree about divorce.

Clause 44. Time, from which the marriage is considered invalid.

1. In cases, mentioned in Clauses 39 – 41 of this Law, marriage is considered invalid from the date of its official registration.

Clause 45. Legal consequences of invalid marriage.

1. Invalid marriage (Clause 39 of this Law) or marriage, acknowledged invalid through the court decree is not cause for the beginning of duties and rights of spouses between a woman and a man, who got their marriage registered, as well as rights and duties, established for spouses with other laws of Ukraine.

2. If, being in invalid marriage, a man and a woman purchased property, this property belongs to them through the right for joint partial ownership. Their parts of the property are determined in accordance with participation of each of them in purchasing this property.

3. If a person got alimony from a person, with whom the person was in invalid marriage, amount of paid alimony is considered being paid without sufficient legal ground and is subject of refund according to the Civil Law of Ukraine, but not more than amount, received during the last three years.

4. If a person, being in invalid marriage with another person, came to his/her flat and live there, this person does not obtain the right for a part of this flat.

5. If a person, due to registration of invalid marriage, changed his/her surname, changing the surname is considered being done without sufficient legal ground.

6. Legal consequences, established in Items 2 – 5 of this clause are applicable to a person, who knew about obstacles for registration of marriage and hid the obstacles for marriage from another party and (or) from the civil registrar's office.

Clause 46. Consequences of invalid marriage for a person, who did not know about obstacles for marriage.

1. If a person did not know and could not know about the obstacles for marriage registration he/she has right:

(1) for division of property, purchased in invalid marriage, as a property of joint ownership of spouses;

(2) for living in the house/the flat, where a person came to after registration of invalid marriage;

(3) for alimony in accordance with Clauses 75, 84, 86, 88 of this law;

(4) for a surname that a person chose after registration of marriage.

Clause 47. Rights and duties of parents and a child, who was born in invalid marriage.

1. Invalidity of marriage does not influence upon content of mutual duties and rights of parents and a child who was born in this marriage.

Clause 48. Acknowledging marriage unregistered.

1. Marriage, registered with absence of a bride and (or) a bridegroom, is considered unregistered. The marriage record is canceled in the civil registrar's office through the court decree on ground of the application of an interested person as well as public prosecutor.

Chapter 6. Personal non-property Rights and Duties of Spouses.

Clause 49. Right for motherhood.

1. Wife has a right for motherhood.

2. If a husband does not wish to have a child or through some disability cannot have a child, this can be a reason for their marriage to be dissolved.

3. Depriving a woman of the opportunity to give birth to a child through her fulfilling her constitutional or work duties or through somebody's illegal conduct can be a ground for the woman to recover moral damages.

4. In family all necessary conditions must be made for a pregnant wife for protection of her health and normal birth of her child.

5. In family all necessary conditions must be made for a wife-mother for her motherhood and fulfilling other duties and exercising rights of hers.

Clause 50. Right for fatherhood.

1. Husband has a right for fatherhood.

2. If a wife does not wish to have a child or through some disabilities cannot have a child, this can be a reason for their marriage to be dissolved.

3. Depriving a man of the opportunity to perform his reproductive function through his fulfilling his constitutional or work duties or through somebody's illegal conduct can be a ground for the man to recover moral damages.

Clause 51. Right of a wife and a husband for respect for their personality.

1. A wife and a husband have the equal rights for respect as to their personalities, habits and preferences.

Clause 52. Right of a wife and a husband for physical and spiritual development.

1. A wife and a husband have the equal rights for physical and spiritual development, for education, works and rest.

Clause 53. Right of a wife and a husband for changing a surname.

1. If at marriage registration, a wife and a husband, kept their pre-marriage surnames, they can lodge their application in the civil registrar's office, which registered their marriage, or an according body in the place of their residence in order to have the surname of one of them as their common surname or adding the surname of the spouse to his/her surname.

2. If the surname changed, the civil registrar's office issues the new marriage certificate.

Clause 54. Right of a wife and a husband for division of duties and joint solution of questions of family life.

1. A wife and a husband have a right to divide duties between them in their family. A wife, a husband has to respect any job, which is being done in the interests of the family.

2. All the important matters of the life of the family are settled by a wife and a husband on the ground of equality. A wife, a husband have a right stand against her/his removal from solution of questions of family life.

3. It is considered that actions of one spouse concerning family life are made by approbation of the other spouse.

Clause 55. Duty of spouses to care for their family.

1. A wife and a husband are obliged to care for their family, to build family relationship between themselves and between other members of their family basing themselves on feelings of mutual love, respect, friendship and mutual support.

2. In the family a husband has to strengthen respect as to mother and a wife has to strengthen respect as to father.

3. A wife and a husband are mutually responsible to each other and to other members of their family for their conduct in their family.

4. A wife and a husband are mutually obliged to take care for the well-being of their family.

Clause 56. Right of a wife and a husband for personal freedom.

1. A wife and a husband have a right to choose the place of their residence.

2. A wife and a husband have a right to follow the way, which is not forbidden by law and not in disagreement with moral canons of the society in regard to keeping marriage relationship.

3. Each of the spouses has a right to discontinue marriage relationship.

4. To use force or psychic influence to make continue or discontinue marriage relationship or have sexual relationship is entrenchment on a right of a spouse for personal freedom and can have consequences in accordance with law.

Chapter 7. Right of Wife and Husband for Personal Private Property.

Clause 57. Private, personal property of a wife and a husband.

Personal private property of a wife, a husband is:

1) Property (things), which was (were) gained by a husband (a wife) before marriage;

2) Property (things), which was (were) gained by a husband (a wife) in marriage as a gift or heritage;

3) Property (things), which was (were) gained by a husband (a wife) in marriage for money, which belonged personally to to him (her).

2. Personal private belongings of a husband (a wife) are things of personal usage even if these things, including values, were purchased for account of common money of spouses.

3. Personal private belongings of a husband (a wife) is awards, bonus, which he (she) got for personal merits. However court can adjudge a right of another spouse to have a part of this bonus (award) if he (she) was favorable to it through his (her) help at home (housekeeping, upbringing children etc.).

4. Personal private belongings of a husband (a wife) are finance, which he (she) got as compensation for damage of the personal things (belongings).

5. Personal private belongings of a husband, a wife are insurance money, which he (she) got as a result of a required or voluntary personal insurance.

6. Personal private belongings can be also the things, which was purchased during separate living of spouses due to termination of their family relationship.

7. If something was purchased by spouses for their common money and also for money, belonging to one of spouses, the part of this thing is his/her personal private in accordance with how much personal money was spent by this spouse.

Clause 58. Right for income from the plants (trees) or things, which are personal private belongings.

If something, which gives fruits or income, belongs to one of spouses, he (she) is the owner of these fruits, income.

Clause 59. Exercise of rights for personal private belongings.

That of spouses, who is an owner of property, determines regime of use of the property, considering interests of family and, first of all, interests of children.

At commanding his/her personal property a wife, a husband is obliged to consider interests of a child, other members of their family, who have rights for use of the property.

Chapter 8. Right of Spouses for Joint Ownership of Property

Clause 60. Grounds of right of spouses for joint ownership of property.

Property, gained by spouses during their marriage, belongs to the husband and the wife as of right for joint ownership of property irrespective of their personal income and occupation during their marriage (studies, housekeeping, taking care for children, illness etc).

Each thing, except things of personal use, purchased during marriage, is considered an object of right of spouses for joint ownership.

Clause 61. Objects of right for joint ownership of property.

Object of right of spouses for joint ownership can be any thing, except those things, which are excluded from civil circulation.

Objects of right for joint ownership are wages, pension, scholarship, other incomes that are received by one of spouses and put in the family budget or put in his/her personal bank account in bank institution.

If one of the spouses settles a contract, following the interests of his/her family, then money, other property, including honorarium, prize, which were got through this contract, are objects of right of spouses for joint ownership.

Things for professional occupation (musical instruments, planning, medical equipment etc.), purchased in marriage for one of the spouses, are objects of right of spouses for joint ownership.

Clause 62. Beginning of right of spouses for joint ownership of property, which belonged to a husband (a wife).

If personal property of one spouse was significantly enlarged and increased in value as a result of common investment of work, finance or for account of another spouse during their marriage, this property can be adjudged in court to be an object of right of spouses for joint ownership.

Clause 63. Exercise of right of spouses for joint ownership of property.

The husband and the wife have equal rights for ownership, use, order of property, which belongs to the family as of right for joint ownership if there is no separate agreement between the husband and the wife.

Clause 64. Right of spouses to conclude a contract (agreement).

The husband and the wife have right to close all types of contracts, which are not forbidden by law, as to his/her personal property and also property, which is an object of right of spouses for joint ownership.

Agreement of alienation of one spouse's part of common property, done by him/her in favor of another spouse, can be done without selecting this part.

Clause 65. Right of spouses to command property which is an object of right of spouses for joint ownership.

The husband, the wife command the property, which is an object of right for joint ownership, only through mutual agreement.

When a contract is closed by one spouse, he/she is supposed to have done it with knowledge and agreement of another spouse. The husband (the wife) has right to turn to the court asking the court to acknowledge the contract invalid, which was made by another spouse without his/her knowledge and agreement. The contract, which requires a state notary certification, or the contract as to valuable things can be closed by a spouse only if another spouse gives his/her agreement in written form. This agreement must be certified by the notary public.

The contract, closed by one spouse in the interests of family, produces obligations for another spouse, if property, got through this contract, was used in the interests of the family.

Clause 66. Right of spouses to determine an order of use of property.

Spouses have right to arrange with each other about use of property, which belongs to them as of right of joint ownership.

Agreement of order of use a house, a flat or another structure or lot delivers obligations to a successor of the husband and the wife, if the agreement has been notarized.

Clause 67. Right to command a part of property that is an object of right of spouses for joint ownership.

A husband (a wife) can enter with another person into a contract of sale and purchase, exchange, gift, guarantee as to his/her part of joint property of spouses only after it has been selected and given in kind or after the order of use of this property has been determined.

A wife, a husband can make her/his will about her/his part of property that is an object of right spouses for joint ownership before it has been selected and given in kind.

Clause 68. Exercise of right of spouses for joint ownership of property after divorce.

Divorce does not discontinue the right for joint ownership of property, purchased during the time of marriage.

After divorce governing property, which is an object of the right for joint ownership, is being executed by the part-owners exclusively through mutual agreement in accordance with the Civil Code of Ukraine.

Clause 69. Right of spouses for division of property that is an object of right of spouses for joint ownership.

A husband and a wife have right to divide their property that is an object of right of spouses for joint ownership irrespective of their divorce.

A husband and a wife have right to divide their property through mutual agreement. Agreement of division of a house, a flat, other immovable property as well as selecting a part of immovable property from the whole property for

giving it to a husband (a wife) has to be notarized.

Clause 70. Size of parts of property of a husband and a wife after division of property that was an object of right of spouses for joint ownership.

If property, which is an object of right for joint ownership, is being divided, the parts of the husband and the wife are equal, if the size of their parts were not determined with the agreement or marriage contract.

Hearing the case about division of the property, the court can change the rule of equal parts of spouses if there are significant reasons, in particular if one of the spouses hid material things, was destroying joint property or damaging it or wasting it not thinking about family or did not care for material well-being of family.

Through court decree the part of property of one spouse (the husband or the wife) can be more than the part of the other spouse if children live with her (him) and also if incapable daughter (or son) live with her (him) if alimony is not enough for a good physical and spiritual development and medical treatment.

Clause 71. Modes and order of division of property that is an object of right of spouses for joint ownership.

The property, which is the object of right of spouses for joint ownership, is divided for them in kind. If the husband and the wife did not agree about how they want to divide their property, such a decision can be made in court.

Making the decision court takes into account interests of the wife, the husband, their children and other circumstance, which have essential significance.

Things, which it is impossible to divide, are given to one of the spouses if another mode was not determined with their mutual agreement.

Things for professional occupation are given to the spouse, who used them in his/her professional practice. Price (how much these things cost) of these things is considered, when other things are given to the other spouse.

Money compensation can be made by one of the spouses to another spouse for his/her part of the joint property, in particular, a house, a flat, lot only through their mutual agreement, except cases, mentioned in the Civil Code of Ukraine.

Adjudgement of money compensation to one of the spouses is possible if money for compensation was put in a special account of the court before discussing this mode in court.

Clause 72. Application of limitation of action as to requirements for division of property that was an object of right of spouses for joint ownership.

Limitation of action is not applicable in the case of division of property, which is an object of right of spouses for joint ownership if the spouses did not get divorced.

After divorce, limitation of action equals 3 years, beginning since the day when one of the part-owners got to know or could get to know about breach of his/her right for property.

Clause 73. Recovery of penalty on property that is an object of right of spouses for joint ownership.

Through liabilities of one of the spouses penalty can be imposed only on his/her personal property or his/her part of property, which is an object of right for joint ownership and which was selected and given to him/her in kind.

Penalty can be imposed on property, which is an object of right of spouses for joint ownership, if court established that the contract had been closed by one

of the spouses in accordance with interests of the family and what had been received through this contract, was used for family needs.

At repayment for damage, produced by one of the spouses, penalty can be imposed on property, which was purchased in marriage, if court ascertained that this property was purchased for funds, gained through criminal action.

Clause 74. Right for property of a wife and a husband who live as a family, but who are not in official marriage.

If a woman and a man live as a family, but who are not in official marriage, property, gained during their cohabitation, belongs to them as of right for joint ownership, if other mode was not determined through mutual agreement in written form.

Property that is an object of right for joint ownership of a woman and a man, who are not in official marriage, is affected by clauses of Chapter 8 of this law. Chapter 9. Rights and Duties of Spouses for Support (alimony).

Clause 75. Right of one of spouses for support

The husband and the wife are to materially support each other.

Right for support (alimony) belongs to that of the spouses, who is incapable to work (invalid) and needs material support if the other spouse can provide material support.

The incapable is considered that of the spouses, who reached the retiring age, settled by law, or who is an invalid of group 1, 2 or 3.

One of the spouses has the right for support if his/her salary, pension, income from his/her property or other income do not provide with living wage, settled by law.

The person has no right for support if the person was dishonest in family relationship or if the person got incapable in consequence of deliberate crime, committed by this person, if this crime was proved in court.

The spouse, who got incapable in consequence of illegal conduct of the other spouse, has right for support irrespective of indemnification, according to the Civil Code of Ukraine.

Clause 76. Right of one of spouses for support after divorce.

Divorce does not cancel the right for support, which appeared in time of marriage.

After divorce a person has the right for support if he/she got incapable before divorce or if he/she got incapable within one year after the day of divorce and needs material support if her/his former spouse can provide with material support. A person has the right for support also then when he/she got invalid more than in a year after the day of divorce if her/his disablement was a result of illegal conduct of the former spouse as to her/him when being in marriage. If at divorce a husband and a wife have age, which is 5 years less than the retirement age, settled by law, is, he/she has the right for support after having reached the retirement age, if they lived together in marriage during not less than 10 years long.

If one of the spouses did not have an opportunity to get education, to work because he/she was busy with bringing up children, housekeeping, taking care for members of the family or because of illness or other circumstances, which have essential significance, he/she has the right for support after divorce even if he/she is capable of working if he/she needs support, and the former spouse can provide with material support. In this case the right for support lasts 3

years since the day of divorce.

Clause 77. Modes of providing one of the spouses with material support.

One spouse can give support to the other spouse in kind or in the form of money through their mutual agreement.

Through court decree one of the spouses is given alimony, as a rule, in the form of money.

Alimony is given monthly. Through mutual agreement alimony can be given in advance.

If the payer of alimony is going for permanent residence to a foreign country, with which Ukraine has no treaty of aid and advice in legal matters, alimony is paid in advance for the period, determined in a mutual agreement of the spouses, and in case of argument between the spouses, it can be determined in court.

Clause 78. Contract of spouses about support.

Spouses can close a contract about providing one of them with support, where they can determine conditions, size and terms of alimony pay. The contract is closed in written form and certified by the notary public.

In case of default, alimony can be demanded on the ground of executive note of the notary public.

Clause 79. Term, during which one of the spouses is paid the alimony.

Alimony is awarded by court for one of the spouses since the day of lodging statement of claim.

If a plaintiff tried to get alimony from a defendant and could not get it in consequence of evasion of the defendant, the court, taking into account circumstances of the case, can demand alimony pay for the past time, which is not more than one year however.

If one of spouses gets alimony through disability, alimony pay lasts the whole period of disability. In case of lodging the relevant document for prolonging the period of disability, alimony pay lasts more in accordance with the new period of disability without additional court decree.

Clause 80. Determination of the size of alimony in court for one of spouses.

Alimony for one spouse can be part of the salary (income) of the other spouse or it can be some flat amount of money.

The size of alimony for one of spouses is determined by court, taking into account opportunity to get support from an adult son (daughter), parents and other circumstances, which have essential significance.

The size of alimony, determined by the court, can be changed by the court through the statement of claim of the payer or the receiver of alimony in case if their financial and (or) family state changes.

Clause 81. Kinds of incomes, which are considered at determination of the size of alimony.

List of kinds of incomes, which are considered at determination of the size of alimony for one of spouses, children, parents or other persons, are approved by the Cabinet of Ukraine.

Clause 82. Discontinuation of the right of one of spouses for support (alimony).

The right of one of spouses for support as well as the right for support, which was received after divorce, is discontinued in case if ability to work has been renewed or if the person got remarried. The right for support is discontinued since the day when these circumstance arrive.

If execution in accordance with court decree continues after the right for support is terminated, all amounts, which were received as alimony, are considered received without legal ground and are subject to return fully, but for not more than the last three years.

The right of one of spouses for support, which was determined by the court decree, can be terminated by court decree if one of the following facts is established:

- 1) the receiver of the alimony does not need material support;
- 2) the payer of the alimony cannot provide with material support;
4. The right of one of the spouses for support is terminated in cases, mentioned in Clauses 83, 85, 87, 89 of this Law.

Clause 83. Forfeit of the right for support or limitation of the right for support. Through the court decree one of spouses can be deprived of the right for support or time of its force can be limited if:

- 1) spouses lived together in marriage for a short time;
- 2) disability of the spouse, who needs material support, was received in crime, committed deliberately by him/her;
- 3) disability or serious disease of the spouse, who needs material support, was hidden from the other spouse when they got married;
- 4) the receiver of alimony deliberately got the status, at which he/she needs material support.

This clause also applies to the persons, who got the right for alimony after divorce.

Clause 84. The right of the wife for support when she is pregnant and when she lives with a child.

The wife has the right for support from her husband when she is pregnant.

The wife, with whom the child lives, has the right for support from her husband – the father of the child, until the child is 3 years old.

If the child has mental or physical development defects, the wife, with whom the child lives, has the right for support from her husband until the child is 6 years old.

The right for support belongs to the pregnant wife, as well as to the wife, with whom the child lives, irrespective of whether she works and irrespective of her financial state on condition that her husband can provide with material support.

Alimony, awarded to the wife at the time of her pregnancy, is being paid after child's birth without additional court decree.

The pregnant wife or the wife, with whom a child lives, has the right for support after divorce also.

Clause 85. Discontinuation of the wife's right for support.

The wife's right for support, made with Clause 84 of this Law, is discontinued if pregnancy has been discontinued, a dead child is born, the child dies or the child is being given to another person for upbringing.

The wife's right for support is discontinued if the court decree cancels the record of the child's birth certificate, saying that her husband is the father of the child.

Clause 86. The right of the husband for support when he lives with a child.

The husband, with whom the child lives, has the right for support from his wife – the mother of the child, until the child is 3 years old.

If the child has mental or physical development defects, the husband, with whom the child lives, has the right for support from his wife until the child is 6 years old.

The right for support belongs to the husband, with whom the child lives, irrespective of whether he works and irrespective of his financial state on condition that his wife can provide with material support.

The husband, with whom a child lives, has the right for support after divorce also.

Clause 87 . Discontinuation of the husband's right for support.

The husband's right for support, made with Clause 86 of this Law, is discontinued if the child dies or if the child is being given to another person for upbringing.

The husband's right for support is discontinued if the court decree cancels the record of the child's birth certificate, saying that his wife is a mother of the child.

Clause 88. The right for support of the spouse, with whom a child-invalid lives. If one of the spouses lives with a child-invalid, who cannot live without somebody's constant care for him/her and who is cared for by this spouse, this spouse has the right for support on condition that the other spouse can provide with material support. The right for support is in force during the whole period of the child-invalid's living with the spouse and does not depend on financial state of the spouse, with whom the child-invalid lives.

The size of alimony, awarded to the spouse with whom the child-invalid lives, is determined in court in accordance with Clause 80 of this Law. In this case the court does not consider the opportunity of the spouse to get alimony from parents, adult daughter or adult son.

Clause 89. Discontinuation of the right for support through mutual agreement of spouses.

Spouses or persons, whose marriage was dissolved, have right to close a contract about discontinuation of the right for support in exchange for getting the right for ownership of a house, a flat or other immovable property or getting one time financial payment. The contract, through which the ownership for immovable property is transferred, has to be certified by the notary public and officially registered.

If persons arrange with each other about discontinuation of the right for support in exchange for getting one time financial payment, this determined amount of money had to be put in the account of the notary office before the contract is notarized.

The property, which is received in exchange for discontinuation of the right for support, cannot be an object of recovery of penalty.

Clause 90. Mutual participation of the wife (the husband) when expenses for medical treatment are born.

The wife (the husband) is mutually bears expenses, connected with disease or mutilation of the spouse.

Clause 91. The right for support of the wife and the husband who are not in official marriage.

If the husband and the wife, who are not in official marriage, live for a long time as a family, that of them, who became incapable to work during their cohabitation, has the right for support in accordance with Clause 76 of this

Law.

The wife and the husband, who are not in official marriage, have the right for support if their child lives with her (him) in accordance with Clauses 84, 86, 88 of this Law.

The right for support of the wife (the husband) is discontinued on the grounds, mentioned in Items 2 and 4, Clauses 83 and Clauses 85, 87, 89 of this Law.

Chapter 10. Marriage Contract.

Clause 92. The right to close a marriage contract.

1. The marriage contract can be closed by a woman and a man, who applied for registration of their marriage as well as by spouses.
2. Non-adult person, who wants to close a marriage contract before marriage registration, needs signed consent of his/her parent or custodian. The signed consent must be notarized.

Clause 93. Matter of the marriage contract.

1. Marriage contract regulates property relationship between spouses, determines their property rights and duties.
2. Marriage contract can determine property rights and duties of spouses as parents.
3. Marriage contract cannot regulate personal relationship of spouses and it cannot regulate personal relationship between spouses and their children.
4. Marriage contract cannot reduce rights of a child that were settled with this Law as well as it cannot put one of spouses on a poor material state.
5. Through a marriage contract nobody of spouses can receive the ownership for immovable property or another property that are subject of state registration.

Clause 94. Form of marriage contract.

1. A marriage contract is closed in written form and notarized.

Clause 95. Start of a marriage contract effect.

1. If the marriage contract was closed before marriage registration, the marriage contract comes into force on the day of marriage registration.
2. If the marriage contract is closed by spouses, it comes into force on the day of its notarization.

Clause 96. Duration of the marriage contract.

1. The marriage contract can mention duration of the marriage contract as well as duration of specific rights and duties.
2. The marriage contract or its specific provisions can be still in force also after marriage has been dissolved.

Clause 97. Determination of the legal regime of property in the marriage contract.

1. The marriage contract can determine property, which the wife (the husband) gives for family needs as well as the legal regime of property, which spouses were given as gift for their marriage registration.
2. Spouses can arrange about non-application of Clause 60 of this Law to property, gained during their marriage and consider it partly joint property or personal private property of each of the spouses.
3. Spouses can arrange through the contract about possible mode of division of property, including the case if the marriage is dissolved.

4. Parties can also arrange through the marriage contract about use of property, belonging to both of them or to one of them, for satisfying needs of their children or other persons.

5. In the marriage contract parties can mention any other arrangements as to legal regime of property if they are not in disagreement with moral fundamentals of the society.

Clause 98. Determination of the order of use of accommodation.

1. If one of the spouses settles in accommodation of another spouse after they got married, the parties can determine the order of use of the accommodation in the marriage contract. The spouses can arrange about vacating the accommodation, so that that, who settled in the accommodation, vacates it with money compensation or without it in case if their marriage is dissolved.

2. Parties can arrange about living in the accommodation that belongs to one of them or is their joint property (or their relatives).

Clause 99. Determination of the right for support in the marriage contract.

1. Parties can arrange about providing one of spouses with support, irrespective of incapacity for work and needs for financial support on conditions, mentioned in the marriage contract.

2. If conditions, size of alimony and dates of alimony pay are determined in the marriage contract, in case of default on obligations, the alimony can be demanded on the ground of executive note of the notary public.

3. The marriage contract can determine the condition of discontinuation of the right of one of spouses for material support in connection with getting property (financial) compensation.

Clause 100. Changing conditions of the marriage contract.

1. To unilaterally change conditions of the marriage contract is not possible.

2. The conditions of the marriage contract can be changed by spouses.

Agreement about changing conditions of the marriage contract should be notarized.

3. Through a request of one of spouses the marriage contract can be changed by court if this is required by his/her interests, interests of children, invalid adult daughter (son), which have essential significance.

Clause 101. The right to cancel the marriage contract.

1. Spouses can cancel their marriage contract. Rights and duties, determined in the marriage contract, are discontinued on the day of lodging the application in the notary office about canceling the marriage contract.

Clause 102. Dissolving the marriage contract.

1. Through a request of one of spouses the marriage contract can be dissolved with court decree on grounds that have essential significance, in particular if the marriage contract cannot be fulfilled.

Clause 103. Acknowledging the marriage contract invalid.

1. Through a request of one of spouses or another person, the rights of whose were entrenched by the marriage contract, this marriage contract can be acknowledged invalid by court decree on the grounds, established by the Civil Code of Ukraine.

Chapter 11. Termination of Marriage.

Clause 104. Causes of termination of marriage.

1. Marriage is terminated as a result of death of one of spouses or declaring him/her dead.

2. Marriage is terminated as a result of divorce.

3. If one of spouses dies before the court decree about divorce becomes valid, the marriage is considered terminated as a result of death of one of spouses.

4. If one of spouses dies on the day when the court decree about divorce became valid, the marriage is considered terminated as a result of divorce.

Clause 105. Termination of marriage through divorce.

1. Spouses is divorced through the application of both spouses or the application of one of spouses on grounds of an act of a civil registrar's office in accordance with Clauses 106 and 107 of this Law.

2. Marriage is dissolved as a result of divorce through the application of both spouses on grounds of court decree in accordance with Clause 109 of this Law.

3. Marriage is dissolved as a result of divorce through the application of one of spouses on grounds of court decree in accordance with Clause 110 of this Law.

Clause 106. Termination of marriage through the application of spouses, who have no children, on grounds of act of a civil registrar's office.

1. Spouses, who have no children, have right to apply to the civil registrar's office for divorce.

2. The civil registrar's office produces a decree about divorce in one month from the day, when the application had been lodged, if it has not been canceled.

3. Marriage is dissolved irrespective of existence of property debate between spouses.

Clause 107. Termination of marriage through the application of one of spouses on grounds of act of a civil registrar's office.

1. Marriage is dissolved on grounds of an act of the civil registrar's office through the application one spouse if another spouse is:

1) declared missing;

2) legally incapable;

3) convicted for crime and sentenced to deprivation of freedom for not less 3 years.

2. Marriage is dissolved irrespective of existence of property debate between spouses.

Clause 108. Acknowledging divorce fictitious.

1. Through an application of an interested person (privy), marriage that was dissolved, according Clause 106 and item 3 part 1 Clause 107 of this Law, can be acknowledged fictitious by court, if the court establishes that a husband and a wife continued to live together as one family and did not have any intention to terminate their marriage relationship. On grounds of court decree the divorce record and divorce certificate are canceled by the civil registrar's office.

Clause 109. Termination of marriage on grounds of court decree through the application of both spouses.

1. Spouses, who have children, have right to lodge their application for divorce in the court with an agreement in written form about with whom of spouses their children will live after divorce and which part of support to satisfy children's needs will belong to that spouse, who will live separately, as well as conditions of exercising the parent's right for personal participation in upbringing of his/her child (children)

2. Agreement of spouses about size of alimony for children must be notarized. In case of default, the alimony can be demanded on the ground of executive mote of the notary public.
3. The court issues a decree about divorce, if the court establishes that the application about divorce answers the real will of the husband and the wife and that after their divorce their personal and property rights and the rights of their children are not breached.
4. The court issues a decree about divorce in one month from the day when the application about divorce had been lodged. During this period of one month the husband and the wife have right to cancel their application about divorce.

Clause 110. Right to apply for action for divorce.

1. Action for divorce can be made by one of spouses.
2. Action for divorce cannot be made while the wife is pregnant or within one year after a child was born, except cases when one of spouses conducted illegally with signs of crime as to the other spouse or a child.
3. The husband (the wife) has right to make the action for divorce during the pregnancy of the wife if the father of the future child is another man.
4. The husband (the wife) has right to make the action for divorce before the child is one year old, if the father is another man or if the court decree cancels the item of the birth record, saying that the man is the father of the child
5. A custodian has right to make the action for divorce, if this is in the interest of that spouse, who is acknowledged legally incapable.

Clause 111. Steps of the court as to conciliation of spouses.

1. The court makes steps as to conciliation of spouses if this is in agreement with moral norms of society.

Clause 112. Causes of the action for divorce, made by one of spouses.

1. The court establishes factual relations of spouses, real reasons of the action for divorce, considers existence of a small child (child-invalid) and other circumstances of life of spouses.
2. The court issues the court decree about divorce if the court established that conjoint living of spouses and to keep the family are in disagreement with interests of one of spouses, interests of their children if the interests have essential significance.

Clause 113. Right to choose a surname after divorce.

1. A person, who changed his/her surname as a result of marriage, has the right to have this surname after divorce or take her/his surname, which she/he had before marriage.

Clause 114. Time of termination of marriage in case the marriage is dissolved.

1. If marriage was dissolved by a civil registrar's office, the marriage is terminated at the day when the answerable act is issued.
2. If marriage was dissolved by the court, the marriage is terminated at the day when the court decree comes into force.

Clause 115. Divorce registration.

1. Divorce after court decree has to be registered in the civil registrar's office through the application of either the ex-husband or the ex-wife.
2. The Civil registrar's office issues the divorce certificate, approved by the Cabinet of Ukraine.

Clause 116. The right to remarry after the marriage has been dissolved.

1. After the marriage was dissolved and the divorce certificate was received, a person has the right to remarry.

Clause 117. The right to renew the marriage after it has been dissolved.

1. A wife and a husband, whose marriage was dissolved, have the right to apply to the court for renewal of their marriage on condition that neither of them was remarried after their divorce.

2. On the ground of the court decree about renewal of the marriage and canceling the divorce record, the civil registrar's office issues the new marriage certificate where through the choice of spouses the day of the marriage registration can be considered the day of their first marriage registration or the day, when the court decree about renewal of their marriage comes into force.

Clause 118. Renewal of marriage in case if a person, who was declared dead or missing, appears.

1. If a person, who was declared dead, appears and the corresponding court decree is canceled, the marriage is renewed on condition that neither of them is remarried.

2. If a person, who was declared missing, appears and the corresponding court decree is canceled, the marriage can be renewed through their application on condition that neither of them is remarried.

3. In the cases, mentioned in Items 1 and 2 of this clause, the civil registrar's office cancels divorce record and the according certificate, which was issued on the ground of the record.

Clause 119. Establishing a regime of separate inhabitation of spouses.

1. Through an application of spouses or action of one of them the court can issue a decree about the regime of separate inhabitation for spouses in case if they cannot live together or if the husband or the wife does not wish to live together.

2. The regime of separate inhabitation is discontinued in case if the family relationship is renewed or through the court decree on the ground of an application of one of spouses.

Clause 120. Legal consequences of the regime of separate inhabitation of spouses.

1. The regime of separate inhabitation does not discontinue the rights and the duties of spouses, which are established by this Law and which the husband and the wife had before establishing this regime, as well as the rights and the duties, which were established by the marriage contract.

2. In case if the regime of separate inhabitation of spouses has been established:

1) property, which will be purchased by the husband and the wife in future, is not considered purchased in marriage;

2) a child that was born by the wife in 10 months is not considered a child of her husband;

3) the wife (the husband) can adopt a child without agreement of the other spouse.

4)

Rights and Duties of a Mother, a Father and a Child.

Section 3. Rights and Duties of a Mother, a Father and a Child.

Chapter 12. Determination of parentage of a child.

Clause 121. General bases of beginning of rights and duties of a mother, a father and a child.

1. Duties and rights of a mother, a father and a child are based on the parentage of a child, which is registered by the civil registrar's office in accordance with the order, mentioned in Clauses 122 and 125 of this Law.

Clause 122. Determination of parentage of a child from a mother and a father, who are in marriage.

1. A child, who was conceived and born in marriage, originates from these spouses. Parentage of the child is determined on grounds of a marriage certificate and a medical document, saying about the birth of the child.

2. A child, who was born within 10 months after the marriage had been dissolved or acknowledged invalid, originates from the spouses, excluding the case, mentioned in Clause 124 of this Law.

3. The wife and the husband have right to lodge their application in the civil registrar's office for non-acknowledging the husband as the father of the child. In this case parentage of the child is determined in accordance with Item 1, Clause 135 of this Law.

Clause 123. Determination of parentage of a child, who was conceived through artificial impregnation and implantation of embryo.

1. If the wife got pregnant through artificial impregnation of embryo, which was performed through her husband's agreement in written form, he is recorded as the father of the child who was born by his wife.

2. In case of implantation of embryo, which was conceived by spouses, in a body of another woman, the parents of the child are considered the spouses.

3. If an embryo, conceived by a man, who is in a marriage, and another woman, was implanted in body of his wife, the child is considered the child of spouses.

Clause 124. Determination of father of a child in case if the child's mother gets remarried.

1. If a child is born within 10 months after the marriage was dissolved or acknowledged invalid, but after the day when the child's mother got remarried with another man, the father of the child is considered her husband, with whom the woman got remarried. Fatherhood of the ex-husband can be acknowledged on ground of the application of the ex-husband and the current husband or through the court decree.

Clause 125. Determination of parentage of a child, whose parents are not in a marriage.

1. If a mother and a father of a child are not in a marriage, parentage of the child from a mother is determined on ground of the medical document about birth of the child.

2. If a mother and a father of a child are not in a marriage, parentage of the child from a father is determined:

1) through an application of a mother and a father;

2) through an application of a man, who thinks that he is a father of the child;

3) through court decree.

Clause 126. Determination of parentage of a child from a father through the application of the woman and the man, who are not in a marriage.

1. The parentage of a child from a father is determined through the application of the woman and the man, who are not in marriage. Such an application can be lodged in the civil registrar's office either before or after the birth of a child.
2. If the male person, who lodges the application to acknowledge him a father of a child, is non-adult, the civil registrar's office is to inform his parents (custodian) about the record that he is a parent.
3. If the application about determination of parentage cannot be lodged personally, it can be lodged by a representative or it can be sent by mail. In this case the application must be notarized.

Clause 127. Determination of parentage of a child through the application of a man, who thinks that he is a father.

1. A man, who is not in marriage with a mother of a child, can lodge his application in the civil registrar's office about acknowledging him a father of the child, whose mother died or is declared dead, legally incapable, or declared missing or is deprived of parent's right or if the mother of the child does not live with the child during more than 6 months and does not provide the child with mother's care and love. Circumstance of accepting such an application is the record about father of the child in the birth register in accordance with Item 1, Clause 135 of this Law.

Clause 128. Acknowledging fatherhood through the court decree.

1. If the application, the right for which is mentioned in Clauses 126 and 127, is absent, the fatherhood can be determined through the court decree.
2. Grounds for acknowledging fatherhood are any information, which can evidence parentage of a child from the certain person and which has been received in accordance with Civil procedural code of Ukraine.
3. The action for acknowledging fatherhood can be made by a mother of a child, guardian, custodian of a child, a person, who takes care for a child or by the child him/herself who is adult. The action for acknowledging fatherhood can be made by a person, who thinks that he is a father of the child.
4. The action for acknowledging fatherhood is accepted by the court, if the record about father of a child in the birth register was made in accordance with Item One, Clause 135 of this Law.

Clause 129. Debate about fatherhood between a husband of a mother's child and a man, who thinks that he is a father of this child.

1. The man, who thinks that he is a father of a child, born by a woman, who was in marriage with another man at the moment of impregnation or birth of the child, has the right for the action for acknowledging him a father against her husband, if he was recorded as the child's father.
2. The right to make the action for acknowledging fatherhood has the time limitation, which is 1 year, beginning from the day when the person got to know or could know about his fatherhood.

Clause 130. Establishing a fact of fatherhood through the court decree.

1. In case of death of a man, who was not in marriage with a mother's child, the fact of his fatherhood can be established through court decree. The application about establishing the fact of fatherhood is accepted by court if the record if the record about father of a child in the birth register was made in accordance with Item One, Clause 135 of this Law.
2. The application about establishing the fact of fatherhood can be lodged by persons, determined in Item 3, Clause 128 of this Law.

Clause 131. Acknowledging motherhood through the court decree.

1. A woman, who thinks that she is a mother of a child, can apply to the court for acknowledging her as a mother, if the record of a mother of a child was made in accordance with Item 2, Clause 135 of this Law.

Clause 132. Establishing a fact of a motherhood through the court decree.

1. If a woman, who had thought that she had been a mother of a child, died, the fact of her motherhood can be established through the court decree. The action for establishing the fact of motherhood is accepted by the court, if the record about a mother of a child in the birth register was made in accordance with Item 2, Clause 135 of this Law.

2. The action for establishing a fact of motherhood can be made by a father, a guardian, custodian of a child, a person, who takes care for a child or by the child him/herself who is adult.

Clause 133. Recording spouses as parents of a child.

1. If a child was born into the family of spouses, a wife is recorded as a mother and a husband is recorded as a father of a child.

Clause 134. Registration of fatherhood, motherhood.

1. On the ground of an application of persons, mentioned in Clauses 126 and 127 of this Law or of the court decree the civil registrar's office makes adequate changes in the birth register and issues the new birth certificate.

Clause 135. Record of parents of a child if fatherhood (motherhood) has not been established.

1. When a child is born by a mother, who is not married, in case if there is no joint application of parents, no application of a father, no court decree, a record about the child's father is made in the birth registration book as follows: mother's surname is recorded, and the name and patronymic of the child's father are recorded as the child's mother will say.

In case of child's mother's death or if it is not possible to establish a place of her residence, records of a mother and a father of the child are made in accordance with this clause, through an application of the relatives, or other persons, or an authorized representative of the medical establishment, where the child was born.

2. If parents are unknown, records about the parents are made in the birth registration book in accordance with a decision of the body of custody and guardianship.

Clause 136. A man, who was recorded as a father of a child, can dispute his fatherhood.

1. A man, who was recorded as a father of a child in accordance with Clause 122, 124, 126 and 127 of this Law, has a right to dispute his fatherhood, making an action for canceling the record about him as about father of the child.

2. If absence of blood relationship between the man, who was recorded as a father, and the child is proved, the court produces the court decree to cancel the record about the man as about a father.

3. Disputing fatherhood is possible only after the birth of the child and before the child reaches the age of consent.

4. Disputing fatherhood is impossible in case of death of the child.

5. A man, who knew that he was not a father of a child at the moment of registration of his fatherhood, or a man who agreed for his wife to have artificial impregnation has no right to dispute his fatherhood.

6. Limitation of action for request of a man to cancel the record about his fatherhood is not applicable.

Clause 137. Disputing fatherhood after the man, who was recorded as a father, died.

1. If that man, who was recorded as a father of a child, had died before the child was born, his inheritors have right to dispute his fatherhood, if he had lodged his application about disclaimer of his fatherhood to the notary public when he had been alive.

2. If that man, who was recorded as a father of a child, died after he made an action for canceling the record about him as about a father of a child, the action can be supported in the court by his inheritors.

3. If through good reasons a man did not know that he had been recorded as a father and died, the action for canceling the record of his fatherhood can be made by his inheritors: his wife, parents or children.

4. Limitation of action to cancel the record about a man's fatherhood is not applicable.

Clause 138. The right of a mother of a child to dispute fatherhood of her husband.

1. A woman, who gave a birth to a child in marriage, has the right to dispute fatherhood of her husband.

2. The request of a mother of a child to cancel the record of her husband's fatherhood can be satisfied only if another man lodges his application about his fatherhood.

3. Limitation of action of a mother of a child for changing the record about fatherhood is one year from the date when the birth of a child was registered.

Clause 139. To dispute motherhood.

1. A woman, who was recorded as a mother of a child, can dispute her motherhood.

2. A woman, who thinks that she is a mother of a child, has a right to make an action for acknowledging her motherhood against a woman, who was recorded as a mother of a child. To dispute motherhood is not possible in cases, mentioned in Items 2 and 3 of Clause 123 of this Law.

3. Limitation of action for acknowledging motherhood is one year from the date when a woman got to know or could get to know that she was a mother.

Clause 140. Disputing fatherhood (motherhood) by a man (a woman) who pays alimony through the court decree.

1. If a father (a mother) pays alimony for a child, this does not prevent him (her) from making an action for canceling the record about him (her) as about a father (a mother) of a child.

Chapter 13. Personal non-property rights and responsibilities of parents and children.

Clause 141. Equal parental rights and responsibilities in respect of the child.

The mother and the father assume equal rights and responsibilities in respect of the child irrespectively of whether they were married to each other or not.

Dissolution of parents' marriage, their living separately from the child does not affect the scope of their rights and does not release them from responsibilities

in respect of the child.

Clause 142. Equal children's rights and responsibilities in respect of their parents

Children assume equal rights and responsibilities in respect of their parents irrespectively of whether their parents were married to each other or not.

Clause 143. Parental responsibility to take the child away from the maternity home or any other health institution.

The child's mother and the father married to each other shall have the responsibility to take the child away from the maternity home or any other health institution.

The unmarried mother shall have the responsibility to take the child away from the maternity home or any other health institution.

The parents may abandon the child in the maternity home or any other health institution if the child suffers from serious physical and/or mental handicaps, as well as under other essential circumstances.

Whenever the parents did not take the child away from the maternity home or any other health institution, the child's grandmother, grandfather, other relatives may take him/her away upon permission of the Custody and Care Authority.

Clause 144. Parent's responsibility to register the child's birth in the civil registrar's office.

The parents shall register the child's birth in the public civil status act registration authority without delay but not later than one month after the child has been born. Disregard of this responsibility constitutes the ground for them to be brought to responsibility prescribed by law.

If the parents die or are unable, for valid reasons, to register the child's birth, such registration is made upon application by relatives, other persons, and authorized representative of the health institution where the child was delivered or where the child stays at the time of registration.

The child's birth registration is made by the civil registrar's office that also indicates the parentage and passing on to the child the family name, the first name and patronymic.

The child's birth is attested by the Certificate of Birth whose specimen is approved by the Cabinet of Ministers of Ukraine.

Clause 145. Establishing the child's family name.

The child's family name is established by the family name of his/her parents. If family names of the mother and the father are different, the child's family name is established upon their consent.

If family names of the mother and the father are different, the parents may pass on to the child double family name by combining their own family names. Any dispute between the father and the mother about the child's family name may be discussed in the Custody and Care Authority, or the court.

Clause 146. Establishing the child's first name.

The child's first name is established upon consent of the parents. The first name of the child born by an unmarried woman is established by the child's mother in the absence of voluntary recognition of the parental affiliation.

The child may be passed on to not more than two first names unless a custom of the national minority to which the mother and/or the father belongs provides otherwise.

Any dispute between the father and the mother about the child's first name may be discussed in the Custody and Care Authority, or the court.

Clause 147. Establishing the child's patronymic.

The child's patronymic is established by the father's first name.

The patronymic of the child born by an unmarried woman is established by the first name of the person that the mother of the child claimed to be the father unless parental affiliation has been established.

Clause 148. Changing the child's family name by the parents.

The family name of the child that has not attained the age of 7 is changed if both parents change their family name.

The family name of the child that has attained the age of 7 is changed upon his/her consent if both parents change their family name.

If one of parents changes his/her family name, the family name of child that has attained the age of 7 may be changed upon his/her consent and upon consent of both parents.

Whenever one of parents objects to changing the child's family name, the dispute between the parents may be discussed in the Custody and Care Authority, or the court. When considering such a dispute, the extent to which the parents fulfill their responsibilities in respect of the child and other circumstances showing that changing the family name corresponds to the child's interests are taken into account.

Clause 149. Changing child's patronymic.

1. In case if father of child changed his name, patronymic of the child that reached the age 14 can be changed if the child agrees.

Clause 150. Parental responsibilities in respect of the child's education and development.

The parents shall educate the child in the spirit of respect for the rights and freedoms of the others, love to his/her family and relatives, people and Motherland.

The parents shall have the duty to care of the child's health, his/her physical, spiritual and moral development.

The parents shall ensure that the child obtains full general secondary education and shall prepare him/her to making his/her own life.

The parents shall pay respect for the child.

Giving the child to other persons for education does not release the parents from their responsibility to care about him/her.

Any exploitation of the child by parents is prohibited.

Physical punishment of the child by the parents, as well as other inhuman or degrading treatment or punishment are prohibited.

Clause 151. Parental rights in respect of the child's education

The parents enjoy preferential right to personal education of the child.

The parents may make other persons involved in the child's education and give the child to physical and legal persons for education.

The parents shall have the right to choose forms and methods of the child's education unless they are contrary to law and morals of the society.

Clause 152. Ensuring the child's right to the appropriate parental education.

The child's right to the appropriate parental education is secured by the State control system established by law.

The child has the right to object to inappropriate discharge by parents of their

responsibilities in respect of him/her.

The child has the right to approach the Custody and Care Authority, other public authorities, local authorities and public organizations in view of protecting his/her rights and interests.

The child has the right to seek a remedy in court to protect his/her rights and interests provided he/she has attained the age of 14.

Clause 153. Right of the parents and the child to communicate with each other. The mother, the father and the child enjoy the right to free communication with each other, in particular if one of them finds himself/herself in an extraordinary situation (hospital, detention center and place of confinement, etc.).

Clause 154. Parental rights in respect of the protection of their child

The parents have the right to protect themselves their child, daughter and son who have attained the full age.

The parents enjoy the right to approach the court, public authorities, local authorities and public organizations in view of protecting rights and interests of their child, as well as the son and daughter who are unable to work, as their legal representatives that do not require having special powers thereto.

The parents are entitled to apply for protecting rights and interests of their children in situations when, in accordance with law, they themselves have the right to seek such protection.

Clause 155. Exercising parental rights and discharging parental responsibilities.

Exercising parental rights and discharging parental responsibilities shall be based on the respect for the child's rights and his/her human dignity.

Parental rights may not be exercised contrary to the interests of the child.

Abandonment of the child by parents shall be unlawful and breaks down morals of the society.

Avoiding discharging parental responsibilities constitutes the ground for bringing parents to responsibility prescribed by law.

Clause 156. Rights and responsibilities of parents under the full age.

Parents under the full age assume the same rights and responsibilities as adult parents do and may discharge them at their own.

Parents under the full age who have attained the age of 14 have the right to apply to court for protecting their child's rights and interests.

Parents under the full age are entitled to legal assistance in the court free of charge.

Clause 157. Parents' deciding matters relating to the education of the child.

Matters relating to the child's education are decided by parents jointly.

The parent who does not live with the child shall have the duty to participate in the child's education and has the right to personal communication with the child.

The parent living together with the child may not obstruct the parent who does not live with the child in his/her communication with the child and in his/her participation in the child's education unless such a communication impedes normal development of the child.

The parents may conclude an agreement with regard to exercising parental rights and discharging parental responsibilities with the parent who does not live together with the child. The parent living together with the child if he/she avoids fulfilling the agreement shall repair material and moral damage inflicted

on the other parent.

Clause 158. Deciding by the custody and care authority a dispute related to the participation of the parent who does not live with the child in the child's education.

Upon the application of the mother, the Custody and Care Authority prescribes the ways, in which the parent who does not live with the child should participate in the child's education and communicate with the child. A decision thereon, the Custody and Care Authority makes after having found out the style of parents' life, their attitude towards the child, and other essential circumstances.

Decision taken by the Custody and Care Authority is binding. The person that avoids following up the decision made by the Custody and Care Authority shall have the duty to repair material and moral damage inflicted on the parent who does not live with the child.

Clause 159. Deciding by the court a dispute related to the participation of the parent who does not live with the child in the child's education.

Whenever the parent who lives with the child obstructs the parent who does not live with the child in his/her communicating with the child and educating the child, in particular if he/she avoids following up the decision made by the Custody and Care Authority, the other parent may take a legal action for eliminating such an obstruction.

The court prescribes the ways, in which one of parents should participate in the child's education (periodical and systematic access, possibility to rest together, child's coming to the place of residence of the other parent, etc.), the place and the time of their communication, taking into account the age, the state of health of the child, parents' conduct, as well as other essential circumstances. In some cases, if the interests of the child are at stake, the court may make access to the child conditional on the presence of another person.

Upon application of the person concerned, the court may suspend the decision made by the Custody and Care Authority until the dispute is settled.

Whenever the person with whom the child lives disregards the court's decision, the court, upon application of the parent who does not live with the child, may give the child to the latter for them to live together.

The person that avoids following up the judicial decision shall have the duty to repair material and moral damage inflicted in the parent who does not live with the child.

Clause 160. Parental right to determine the child's place of residence.

The place of residence of the child under the age of 10 is determined upon parents' consent.

The place of residence of the child that has attained the age of 10 is determined upon parents' consent and consent of the child himself/herself. Whenever the parents live separately, the place of residence of the child that has attained the age of 14 is determined by himself/herself.

Clause 161. Dispute between the mother and the father about the place of residence of a minor child.

If the mother and the father who are separated disagree on with whom of them the minor child will be living, such a dispute may be decided judicially.

When considering the dispute about the place of residence of the child, the court takes into account how parents discharge their parental responsibilities,

personal affection of the child towards each of parents, the child's age, state of health and other essential circumstances.

The court may not leave the child live with the parent who does not have his/her own earnings, abuses with alcohol and drugs and can hamper the child's development with his/her immoral behavior.

If the court has found that neither of parents is able to create adequate conditions for the child's education and development, upon request of the grandmother, grandfather or other relatives involved in the case, the child may be left in charge of somebody of them.

As long as the child cannot be given to anyone of these persons, the court, upon request of the Custody and Care Authority, may pronounce the decision to take the child from the person the child lives and give him/her in charge of the Custody and Care Authority.

Clause 162. Legal consequences of the unlawful conduct of one of parents or any other person during determining the child's place of residence.

If one of parents or any other person, at his/her own discretion and without consent of the other parent or other persons with whom the minor child has lived in accordance with law or judicial decision, changes the child's place of residence, including by kidnapping, the court, upon legal action of the person concerned, has the right without any delay to render the decision on taking the child back and giving him/her to person with whom the child lived before. The child may not be taken back only if his/her staying in the previous place of residence creates a real threat to the child's life and health.

The person that, on his/her own discretion, has changed the place of residence of the minor child shall have the duty to repair material and moral damage inflicted on the person with whom the child lived together.

Clause 163. Parental right to take the child from other persons.

The parents enjoy preferential right for their minor child to live with them.

The parents have the right to demand separating the minor child from any person who keeps him/her against law or judicial decision.

The court may refuse to take the minor child back and give him/her to the parents or one of them if it is ascertained that this is contrary to the child's interest.

Clause 164. Grounds for deprivation of parental rights.

The court may deprive the mother, the father of parental rights if he/she:

1) has not taken the child away from the maternity home or any other health institution without valid reasons and within six months did not care about the child;

2) avoids discharging his/her responsibilities to educate the child;

3) treats the child in a brutal manner;

4) is a chronic alcoholic or drug addict;

5) has recourse to the child's exploitation, involves him/her in begging and vagrancy;

6) has been convicted for committing an intentional crime against the child.

The mother, the father may be deprived of the parental rights on the grounds referred to in subparagraphs 2, 4 and 5 of paragraph 1 of the present Clause if they have attained the full age.

The mother, the father may be deprived of the parental rights in respect of all of their children or some of them.

The court shall institute criminal proceedings if, when hearing the case related to the deprivation of parental rights, it finds elements of crime in actions committed by both parents or one of them.

Clause 165. Persons that have the right to take legal action for the deprivation of parental rights.

The right to take legal action for the deprivation of parental rights belongs to one of parents, custodian, the caretaker of the child, the person in whose family the child lives, the health institution or the school where the child stays, the Custody and Care Authority, prosecutor, as well as the child himself/herself provided that he/she has attained the age of 14.

Clause 166. Legal consequences of parental rights deprivation.

The person deprived of the parental rights:

- 1) loses his/her personal non-property rights in respect of the child and is released from responsibilities to educate the child;
- 2) terminates being legal representative of the child;
- 3) loses the rights for benefits given by the State to families with children;
- 4) may not be an adopter, custodian or caretaker of the child;
- 5) may not acquire in the future property rights arising from parentage, which he/she could have been entitled to in case of his/her inability to work (right to maintenance from children, right to an old-age benefit and reparation of the damage in case of loss of the breadwinner, succession right);
- 6) loses other rights arising from the affiliation to the child.

A person deprived of his/her parental rights is not released from the responsibility to maintain the child. In parallel with deprivation of parental rights, the court may, upon request of the applicant or upon its own initiative, to decide the issue of levying maintenance for the child.

Clause 167. Placing the child whose parents have been deprived of their parental rights.

Whenever the child lived with the parent who has been deprived of his/her parental rights, the court decides the issue of their eventually continuing to live in the same living premises.

The court may render the decision to evict the parent who has been deprived of parental rights from the living premises where that parent lives together with the child if it is ascertained that he/she possesses another house and can move in, or the decision on the enforced partition of the living premises or their exchange.

Upon the wish of the other parent, the child can be given to him/her.

As long as the child cannot be placed under the care of the other parent, priority in taking the child in their charge belongs, upon their request, to the grandmother, grandfather, adult brothers and sisters, as well as other relatives.

Whenever the child cannot be placed under the care of the grandmother, grandfather or other relatives, stepmother, stepfather, he/she is placed in charge of the Custody and Care Authority.

The child that has been placed under the care of relatives, stepmother, stepfather, the Custody and Care Authority retains the right to live in the living premises he/she stayed before and may return therein at any time.

The manner, in which the child is taken from, and given to, is established by law.

Clause 168. Access of the mother, the father that have been deprived of their parental rights to the child.

The mother, the father deprived of their parental rights may take legal action for giving them the right to access to their child. The court may allow single, periodical access to the child unless such access is damageable to the life, health and moral education of the child, on the condition of the presence of another person.

Clause 169. Resuming parental rights.

The mother, the father deprived of their parental rights may take legal action for resuming their parental rights.

Resuming parental rights is impossible if the child has been adopted and unless the adoption has been revoked or found invalid judicially.

Resuming parental rights is impossible if at the time of court's hearing the case the child has attained the full age.

The court checks the extent to which behavior of the person deprived of parental rights has changed and ascertains the circumstances that were the reason for deprivation of parental rights and pronounces the decision, in which the child's interests are of paramount consideration.

When resolving the case related to resuming parental rights of one of parents, the court takes into account the view of the other parent, other persons with whom the child lives.

In case of dismissing the action for resuming parental rights, re-taking legal action for resuming parental rights is possible but after one year from the date on which the court's decision to dismiss such an action has become res judicata.

Clause 170. Separating the child from the parents without depriving them of parental rights.

The court may decide to take the child from the parents or one of them without depriving them parental rights, in cases referred to in Clause 164, paragraph 1, subparagraphs 2 -5, as well as in other situations unless leaving the child with them is dangerous to the life, health and moral education of the child. In such a case, the child is given to the other parent, grandmother, and grandfather, other relatives upon their request or to the Custody and Care Authority.

In exceptional situations, when the child's life or health is seriously endangered, the Custody and Care Authority, or the prosecutor may render the decision on immediately separating the child from his/her parents. In such a case, the Custody and Care Authority shall inform the prosecutor thereon without any delay and, within seven days after the decision has been made, take legal action for depriving both parents or one of them of parental rights or for separating the child from his/her mother, father without depriving them of parental rights. Similar legal action may be taken by the prosecutor.

Whenever circumstances, which hampered the parents in appropriately educating their child disappear, the court, upon parents' application, may decide on giving the child back to them.

In satisfying the action for separating the child from his/her mother, father without depriving them of parental rights, the court decides the issue of levying maintenance on them in favor of the child.

Provisions of paragraphs 1-3 of the present Clause apply to situations when the

child is taken from persons with whom he/she lives.

Clause 171. Due regard to the child's views in deciding matters related to his/her life.

A child has the right to be heard by his/her parents, other members of the family, officials in matters that relate to him/her personally and to the family. A child that can express his/her views should be heard in proceedings related to the dispute between his/her parents, other persons about the child's education, place of residence, and to the dispute about deprivation of parental rights, resumption of parental rights, and administration of his/her property. The court has the right to pronounce a decision without taking into account views of the child if the child's interests require it.

Clause 172. Responsibility of the child, adult daughter and son to care about their parents.

The child, adult daughter and son shall care about their parents and assist them.

The adult daughter, adult son has the right to seek protection of the rights and interests of their parents that are unable to work and care about themselves, as their legal representatives and do not require special powers thereto.

Whenever adult daughter, adult son does not care about their parents that are unable to work and care about themselves, expenses born by providing such care may be covered with resources levied on them judicially.

Chapter 14. Property Right Of Parents And Children

Clause 173. Separate Property Regime for Parents and Children

1. Parents and children, in particular those living together, may own property separately.

2. In resolving a property dispute between the parents and minor, juvenile children that live together, it is understood that the property is owned by the parents.

Clause 174. Right of the Child to Property Intended for His/Her Development, Training and Education

Property acquired by the parents or one of them to ensure the development, training and education of the child (clothes, other articles for personal use, toys, books, musical instruments, sport equipment, etc) shall be the child's property.

Clause 175. Right of Parents and Children to Joint Property

1. Property acquired by the parents and their children as a result of their working collectively or using their joint resources belongs to them as joint property.

Clause 176. Right of Parents and Children to Use Property

The parents shall transfer to the child's use the property, which has to ensure his/her education and development.

The rights of parents and children to use housing, which one of them owns are established by law.

Clause 177. Administering the Child's Property

If a minor child has a property, his/her parents administer such a property without having to have special powers thereto. The parents shall necessarily hear their child's views on the ways, in which such a property should be administered.

If one of parents concludes an agreement in respect of the property of the minor child, it is understood that he/she acts upon the consent of the other parent. The other parent has the right to apply to the court for annulment of the agreement concerned as one that has been entered in without his/her consent if such an agreement goes beyond the limits of a minor household agreement.

The parents decide matters related to the administration of the child's property jointly. Disputes, which can arise between the parents with regard to the administration of the child's property, may be resolved by the Custody and Care Authority, or the court.

After terminating such administration, the parents shall have the duty to return to the child the property they have administered together with any earnings obtained.

Inappropriate discharge by the parents of their responsibilities in respect of the child's property administration creates the ground for imposing on them the duty to repair material damage inflicted on the child.

Clause 178. Using Earnings Obtained from the Child's Property

Parents may use earnings obtained from the property of a minor child for education and maintenance of other children and for pressing needs of the family.

A minor child shall dispose of the earnings obtained from his/her property in accordance with the Civil Code of Ukraine (1540-06).

Clause 179. Ownership Right to Maintenance Paid for the Child

Maintenance received for the child is owned by the parent in whose favor it is paid and should be used for earmarked purposes. A minor child has the right to participate in administering maintenance, which has been paid to maintain him/her.

If the parent with whom the child lives dies, maintenance shall be the property of the child. The custodian administers maintenance, which has been paid to maintain a minor child. A juvenile child has the right to personally receive and administer maintenance in accordance with the Civil Code of Ukraine (1540-06).

Chapter 15 Responsibility Of The Mother, The Father To Maintain The Child And Its Discharge

Clause 180. Parents' Responsibility to Maintain their Child

The parents shall have the responsibility to maintain the child till he/she attains the full age.

Clause 181. Ways, in which the Parents Should Discharge their Responsibility to Maintain the Child

Ways, in which the parents should discharge their responsibility to maintain their child, are determined upon agreement between them.

Upon agreement between the parents, the parent who does not live with the child may participate in his/her maintenance in cash form or in kind.

Upon judicial decision, money for the child's maintenance (maintenance) are awarded as a share of earnings of his/her mother, father and/or as a fixed amount.

Whenever one of the parent leaves for permanent residence in a State with which Ukraine has not signed the agreement on legal assistance, the maintenance are levied as prescribed by the Cabinet of Ministers of Ukraine.

If the parent's place of residence is unknown or if they avoid paying maintenance or do not have the possibility to maintain their child, the latter is awarded temporary State benefit. The manner, in which such temporary State benefit is awarded, shall be prescribed by the Cabinet of Ministers of Ukraine.

Clause 182. Circumstances the Court Takes into Consideration when Determining the Amount of Maintenance

When determining the amount of maintenance to be paid, the court takes into consideration:

- 1) state of health and financial situation of the child;
- 2) state of health and financial situation of the maintenance payer;
- 3) if the maintenance payer has other children, the husband, the wife, parents, daughter, and son who are unable to work;
- 4) other essential circumstances.

The amount of maintenance to be paid for one child may not, under any circumstances, be less than the non-taxable minimum income of citizens.

Clause 183. Determining the Amount of Maintenance as a Share of Earnings (Income) of the Child's Mother, Father

The amount of earnings (income) of the mother, the father to be paid as maintenance for the child is determined by court.

Whenever maintenance is levied for two and more children, the court determines a single share of earnings (income) of the mother, the father to be paid for their maintenance, such a share being levied till the eldest child will have attained the full age.

If after the eldest child has attained the full age, neither parent applied to the court for determining the amount of maintenance to be paid for other children, the maintenance is levied in the same amount less the portion, to which was entitled the child that has attained the full age.

Clause 184. Determining the Amount of Maintenance as a Fixed Cash Sum

Whenever the maintenance payer obtains occasional earnings or receive a part of his/her income in kind, as well as under other essential circumstances, the court, upon maintenance payer or payee's application, may determine the amount of maintenance to paid as a fixed cash sum.

The amount of maintenance determined by the court as a fixed cash sum is subject to indexing in accordance with law.

Clause 185. Sharing Additional Expenses for the Child by Parents

The parent that has been imposed the duty to pay maintenance for the child, as well as the parent against whom a claim to levy maintenance has not been lodged, shall necessarily share additional expenses for the child when such expenses were born in connection with special circumstances (development of the child's skills, his/her illness, injury, etc.).

The extent, to which one of the parents should share additional expenses for the child in case of a dispute, is determined by court, which takes into account essential circumstances. Additional expenses for the child may be financed in advance or covered, on a lump-sum, periodical or permanent basis, after they have been actually born.

Clause 186. Control by the Custody and Care Authority of the Earmarked Use of Maintenance

Upon application of the maintenance payer or on its own discretion, the Custody and Care Authority checks the earmarked use of the maintenance. Whenever the maintenance is not used for the earmarked purposes, the maintenance payer may apply to court for reducing the amount of the maintenance or for depositing a portion of the maintenance at the child's personal account in a subsidiary of the State Savings Bank of Ukraine.

Clause 187. Withholding Maintenance for the Child upon Maintenance Payer Request

One of the parents may lodge, at the his/her place of employment, at the place where his/her pension, fellowship is paid, an application for withholding the maintenance for the child from his/her wage, pension or fellowship in the amount and during the period referred to in such an application. He/she may withdraw such an application.

Based on the application filed by one of the parents, the maintenance is withheld within three days from the day fixed for the payment of the wage, pension, and fellowship.

Based on the application filed by one of the parents, the maintenance may also be withheld if the total sum, which is subject to deduction on the basis of the application or court orders, exceeds the half of the wage, pension or fellowship, as well as if the maintenance for another child is being already levied from this parent.

Clause 188. Releasing Parents from the Responsibility to Maintain the Child

The parents may be released from the responsibility to maintain the child if the child's earnings greatly exceed the income of either parent and fully meet the child's needs.

Clause 189. Agreement between the Parents for Maintenance of the Child

The parents may conclude a agreement of maintenance payment for the child, such a agreement specifying the amount of maintenance to be paid and the time-limit for its payment. Provisions of such a agreement may not violate the rights of the child as laid down in the present Code. The agreement shall be drawn up in written and certified by a notary.

If one of the parents is in default on his/her obligations, the maintenance may be levied on him/her based on the notarial special execution.

Clause 190. Termination of the Right to Maintenance for the Child as a Result of Acquiring Ownership Right to a Real Estate

The parent with whom the child lives and the parent with whom the child does not live, upon permission of the Custody and Care Authority, may conclude a agreement of termination of the right to maintenance for the child in connection with the transfer of the ownership of a real estate (house, apartment, land lot, etc.). Such an agreement should be certified by a notary and is subject to the State registration. If the child has attained the age of 14, he/she takes part in the conclusion of this agreement.

The ownership right to a real estate is acquired by the child himself/herself or the child and the parent with whom he/she lives, in the latter case the real estate being deemed to be their jointly shared property. In case of concluding such a agreement, the parent with whom the child lives undertakes to maintain the child himself/herself.

Concluding such a agreement does not release the parent with whom the child does not live from the responsibility to share additional expenses for the child.

The property obtained under the agreement referred to in paragraph 1 of the present Article may not be subject to the enforcement of any execution. Property the child has obtained under such a agreement may be alienated prior to his/her attainment of the full age only upon permission of the Custody and Care Authority.

The agreement concluded in accordance with paragraph 1 of the present Article is judicially annulled upon request of the alienator of the real estate if his first name as the father has been withdrawn from the birth record. If the agreement is found invalid, the ownership right of the alienator to the real estate is renewed.

Upon complaint of the alienator of the real estate, agreement concluded in accordance with paragraph 1 of the present Article may be denounced if the parent with whom the child lives disregards his/her responsibility to maintain the child.

Clause 191. Time from which the Maintenance for the Child is Awarded
Maintenance for the child is awarded judicially as from the day of legal action. Maintenance for the previous time may be awarded if the plaintiff produces evidence to the court that he/she has taken measures to obtain maintenance from the defendant but has not succeeded because the latter avoided paying it. In such a case, the court may award maintenance for the previous time but not more than for the last three years.

Clause 192. Changing the Amount of Maintenance

The amount of maintenance determined by the court or upon parents' agreement may be later reduced or increased judicially upon the complaint of the maintenance payer or payee if financial or marital situation of one of them changes or the state of health degrades or improves.

The amount of maintenance may be reduced if the child is maintained by the State, territorial community or a legal person.

Clause 193. Levying Maintenance and Other Resources for the Child that Stays in a Health, Educative or any other Institution

Placing the child into a health, educative or any other institution does not discontinue levying maintenance in favor of the parent with whom the child lived before if the maintenance is used for the purposes it is earmarked.

Whenever the parents do not participate in the maintenance of the child placed to a State or communal health, educative or any other institution, the maintenance may levied upon them on general grounds.

Upon court's decision, the maintenance may be transferred at the child's personal account in a subsidiary of the State Savings Bank of Ukraine.

State pensions, other allowances and survivors' benefit are also transferred to the child's personal account.

Clause 194. Levying Maintenance for the Previous Time and Arrears in Maintenance Payment

Maintenance for the previous time may be levied based on the writ of execution but not more than for the three years, which preceded servicing the writ of execution

If the maintenance was not levied in accordance with the enforced writ of execution because the maintenance payer was wanted or stayed abroad, the maintenance has to be paid for the whole previous period.

Arrears in maintenance levied under Article 187 or the present Code, are

repaid, upon the maintenance payer's application, in the place where his/her wage, pension, fellowship is paid, or levied upon court's decision.

Arrears in maintenance payment are levied irrespective of whether the child has attained the full age and, in case referred to in Article 199 of the present Code, – until the child has attained the age of 23.

Provisions of paragraphs 1 – 3 of the present Article, as well as Articles 195-197 of the present Code apply to the levying maintenance in favor of other persons specified in the present Code.

Clause 195. Determining Arrears in Maintenance Awarded as a Share of Earnings (Income)

Arrears in maintenance awarded as a share of earnings (income) are determined based on the actual earnings (income), which the maintenance payer was obtaining throughout the period, during which the maintenance was not levied.

Whenever the maintenance payer was unemployed at the time when arrears in maintenance arise but is employed at the time of their determination, the arrears are determined based on the earnings (income) he/she is obtaining.

Whenever the maintenance payer was unemployed at the time when arrears in maintenance arise and is not employed at the time of their determination, the arrears are calculated based on the average wage the worker having the same qualification or unqualified worker receives in the given area.

The amount of arrears in payment of maintenance is calculated by the State executor and in case of a dispute – by court.

Clause 196. Responsibility for the Late Payment of Maintenance

If arrears generate because of the person that has the duty to pay maintenance upon court's decision, the maintenance payee is entitled for the forfeit (interest for default) in the amount of one per cent of the sum of unpaid maintenance for each day of default.

The amount of the forfeit may be reduced by the court in the light of the financial and marital situation of the maintenance payer.

The forfeit is not paid if the maintenance payer has not attained the full age.

Clause 197. Establishing Deadline for the Payment of Maintenance. Releasing from the Payment of Arrears in Maintenance

In the light of the financial and marital situation of the maintenance payer, the court may postpone the payment of maintenance or allow paying it by installments.

Upon complaint of the maintenance payer, the court may wholly or partly release him/her from the payment of arrears in maintenance if such arrears arise as a result his/her serious illness or any other essential circumstance whatsoever.

The court may release the maintenance payer from the payment of arrears if it is ascertained that such arrears arose because the person in whose favor the maintenance had been awarded failed to service the writ of execution without valid reasons.

Chapter 16 Parents' Responsibility To Maintain An Adult Daughter, Son And Its Discharge

Clause 198. Grounds for the Creation of Parents' Responsibility to Maintain an Adult Daughter, Son

The parents shall necessarily maintain their adult daughter, son that is unable to work and in need of material support if the parents can provide such a material support.

Clause 199. Parents' Responsibility to Maintain an Adult Daughter, Son that Continue Studying

Whenever an adult daughter, son continue studying and in this connection need material support, the parents shall have the duty to maintain them till they will have attained the age of 23 if they are able to provide such a support. The right to maintenance terminates when studying finishes.

A legal action for levying maintenance may be taken by the parent with whom the daughter, son lives, as well as the daughter and the son themselves if they continue studying.

Clause 200. Amount of Maintenance to be Paid for an Adult Daughter, Son

The court determines the amount of maintenance to be paid for an adult daughter, son as a fixed cash sum and/or as a share of earnings (income) of the maintenance payer taking into account circumstances referred to in Article 182 of the present Code.

When determining the amount of maintenance to be paid by one of the parents, the court considers the possibility of providing maintenance by the other parent, his/her wife, husband and adult daughter, son.

Clause 201. Applying Provisions of the Present Code to Relations with regard to Parents' Responsibility to Maintain their Adult Daughter, Son

1. Provisions of Articles 187, 189-192 and 194-197 of the present Code apply to relations between the parents and their daughter, son in respect of providing them maintenance.

Chapter 17 Responsibility Of An Adult Daughter, Son To Maintain Their Parents and its Discharge

Clause 202. Grounds for the Creation of the Responsibility of an Adult Daughter, Son to Maintain their Parents

An adult daughter, son shall have the duty to maintain their parents that are unable to work and in need of material support.

If the mother, the father has been deprived of their parental rights and if these rights have not been renewed, a daughter, a son in whose respect the parents were deprived of their parental rights assume no responsibility to maintain their mother, father.

Clause 203. Responsibility of a Daughter, Son to Share Additional Expenses for their Parents

A daughter, a son, in addition to the payment of maintenance, shall necessarily share additional expenses born for their parents in connection with a serious illness, disability and inability to work.

Clause 204. Releasing a Daughter, Son from the Responsibility to Maintain their Mother, Father

The court may release a daughter, a son from the responsibility to maintain their mother, the father and from the responsibility to share additional expenses born for their parents if it is ascertained that the mother, the father avoided discharging their parental responsibility. At an exceptional basis, the court may award maintenance to be paid by the daughter, son during the period, which does not exceed three years.

Clause 205. Determining the Amount of Maintenance to be Paid by a Daughter, Son

The court determines the amount of maintenance to be paid in favor of the parents as a fixed cash sum and/or as a share of earnings (income) taking account of the financial and marital situation of the parties concerned.

When determining the amount of maintenance and additional expenses, the court takes into account the possibility of obtaining maintenance from other children against whom a legal action for levying maintenance has not been taken, as well as from the wife, the husband and their parents.

Clause 206. Levying on the Child Expenses for His/Her Parents' Care and Medical Treatment

1. At an exceptional basis when the mother, the father are seriously ill, disabled and when the child (Article 6 of the present Code) obtains sufficient earnings (income), the court may decide to levy on such child means, lump-sum or during a given period, to cover expenses incurred in connection with the care and medical treatment of his/her parents.