

**CIVIL LAW AND CIVIL PROCEDURE;
FAMILY LAW; PRIVATE INTERNATIONAL LAW**

Gres N.M.,

*Senior Instructor at Department of Private and Social Law,
Sumy National Agrarian University*

**SOME ASPECTS OF THE RESPONSIBILITY
FOR PARENTS FAILING TO COMPLY WITH ALIMINARY OBLIGATIONS**

Ukraine is a European leader in the number of divorces as a result of which the children are left to live with one parent. The parent who does not live with the child is obliged to provide the maintenance. But quite a number of parents shy away from the responsibility to pay maintenance for minor children.

To encourage the members of family relationships to perform their duties, legislation of Ukraine provided a number of measures to bring to justice for any failure or improper performance of maintenance obligations. The analysis of legal acts shows that the responsibility for violation of maintenance obligations has cross-sectoral and integrated character. These are the actions of civil, administrative and criminal liability.

Analysis of judicial practice to impose a penalty because of any delay in the payment of maintenance shows that the courts have taken different approaches to this issue and quite often used their right to reduce the size of the penalty, taking into account the financial and marital situation of the payer. Also, the law stipulates

legal sanctions in the form of a temporary restriction of the right to depart from Ukraine. But this sanction is applied not for the fact of failure to perform, but for the avoidance of complying with obligations. The court has sufficient grounds to refuse the application of the sanctions.

The extreme measure of impact on the debtor is criminal liability for non-payment of alimony provided by Article 164 of the Criminal Code of Ukraine. But refusal for payment of maintenance for minor children is a crime only when it is persistent.

It is necessary to find new levers and incentives for debtors to pay child support properly and in a timely manner fulfil their duty of maintenance that will help ensure the rights of children. In our opinion, the impact can be an effective means of deprivation of alimony payers' special rights such as the right to operate a vehicle, certain licenses, etc. (of course if it is not their source of income) and stipulating the restoration of this right immediately after the payment of arrears.