

UDK 347.921+347.61

Tamara Kashperska – Researcher of
Civil Law and Procedure Branch of
National Academy of Internal Affairs

THE PERSONS INVOLVED IN CASES OF SPECIAL PROCEEDINGS FOR ESTABLISHING THE FACTS RELEVANT FOR THE PROTECTION OF FAMILY RIGHTS AND INTERESTS

In this article the subjective composition of the persons involved in cases of special proceedings for establishing the facts relevant to the protection of family rights and interests of a person was investigated.

It was established that the persons involved in cases of special proceedings on establishing the facts relevant to the protection of family rights and interests are: the applicant; interested persons; authorities and persons who have the legal right to protect the rights, freedoms and interests of others; representatives of the applicant, interested persons and also authorities and persons who have the legal right to protect the rights, freedoms and interests of others.

It was determined that the applicants in the cases for establishing the facts relevant to the protection of family rights and interests may be: persons specifically stipulated in family legislation or other persons who are subject of appropriate family relationships.

It was proved that the interested persons in the respective category of cases, depending on the purpose of the established fact, can be: social security authorities – if the case proceeding is opened in order to receive pension; relatives of the applicant – if the establishing of the fact may affect their rights and responsibilities; law enforcement agencies – for establishing the fact of family relations in the issue of the citizenship of Ukraine and others.

It is concluded that the authorities and persons who have the legal right to protect the rights, freedoms and interests of others may participate in the cases of special proceedings on establishing facts relevant to the protection of family rights and interests only in the procedural forms stipulated by law and with the presence of the grounds specified in the law.

Keywords: parties involved in the case; applicant; interested persons; special proceedings; establishment of the facts; family rights and interests.