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Kashperska Tamara – Researcher
of the Department of Civil Law
and Process of the National
Academy of Internal Affairs

PROCEDURAL PECULIARITIES OF CONSIDERATION BY THE COURT OF THE CASES OF THE ESTABLISHMENT OF THE FACT OF MATERNITY AND PATERNITY

The scientific article is devoted to the procedural order of consideration of the cases of establishing of the fact of paternity (maternity) by the court. It has been proved that one of the features of special proceedings in cases of establishing of the fact of paternity (maternity) is availability of the exclusive list of substantive grounds for the court to have the right to start proceedings in the case. These grounds are to be regulated by family law and they simultaneously form the list of circumstances that are subject of proof in such cases.

There has been determined the subjective composition of persons involved in the cases of establishing the fact of paternity (maternity). It has been proved that the applicants in cases of establishing of the fact of paternity can be: mother, guardian, caretaker of the child, a person who provides and brings up the child, the child who has attained his majority. In the cases of establishing of the fact of maternity the applicants can be: father, guardian, caretaker of the child, a person who provides and brings up the child, the child who has attained his majority. The following persons are the interested parties in such cases: relatives of the probable father (mother) of the child as the establishment of paternity (maternity) fact results in appearance between them and the child the mutual rights and obligations; spouse of the deceased; parents of the deceased; social security authorities if the proceedings started with a purpose to receive pension and so on. There has been specified that the court considers the cases of establishing of the fact of paternity

(maternity) like any other cases of special proceedings, in compliance with the general rules, set by Civil Procedural Code of Ukraine, except for competition and limits of court consideration. There have been determined the content features of the operative part of the court decision of establishing the fact of paternity (maternity), which must contain the detailed description of the facts established by the court and the circumstances which prove these facts. It has been reasoned that the court decision of the establishment of the fact, having its legal value, do not substitute those documents issued by mentioned bodies but only act as basis for their issuing. Therefore, if the court establishes the fact of paternity (maternity) the state registration authorities must make the relevant record on the basis of the court decision.

Keywords: special proceeding; consideration of cases by court; establishment of the fact of paternity; maternity by the court; persons participating in the case; court decision.

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Kastarnov Dmytro – Postgraduate
Student of Department of Criminal
Process of the National Academy
of Internal Affairs

PLACE CIRCUMSTANCES CHARACTERIZING THE PERSONALITY OF THE ACCUSED IN THE SYSTEM CIRCUMSTANCES TO BE PROVED

The purpose of this article is to determine the place and circumstances characterizing the personality of the accused in the system circumstances to be proved and their significance for criminal proceedings.

In practice proving the circumstances that characterize the identity of the accused is not always high quality and limited collection of reference and general information, which is obviously