

The legal situation of a minor child of divorcing parents

Family breakup caused by divorce is one of the most serious social problems today. The scale of the problem is evidenced by the fact that about 2.5 million people have divorced since the beginning of the 21st century, and a significant proportion of these divorces affected minor children. As a result, the legal situation of a minor child of divorced parents is becoming an increasingly significant and practical issue.

The considerations presented in doctoral dissertation are divided into nine substantive chapters. I begin by presenting introductory issues – the evolution of national provisions related to the institution of divorce. In this part I also compare selected foreign legal systems.

Next, I discuss the current and planned legal status, taking into account national and international regulations regarding institutions appearing in divorce proceedings.

The summary of the dissertation includes conclusions and postulates resulting from the analysis carried throughout the thesis.

The first five chapters are devoted to the institutions of substantive law such as alimony, contacts and parental authority (including custody). The following (6-7) chapters touch upon procedural issues, i.e. mediation and safeguard proceedings. Finally, chapters (8-9) describe the position of a minor child following a divorce decree by the Court of first instance and discuss the costs associated with divorce proceedings.

My general intention was to show how to fully implement the principle of protecting the good of the child in the divorce proceedings of his parents.

The main purpose of the dissertation was to analyse whether the good of the child is properly protected in the event of divorce of his parents and whether the applicable provisions are fully in line with the principle that constitutes the foundation of family law.

Related to this goal – specific goals – ultimately focus on providing answers to the following questions:

- Do the provisions governing the situation of the child of divorcing parents allow the separation of the minor from the conflict of his parents?
- What is the control mechanism over the implementation of the principle of protection of the best interests of the child?
- Who should be involved in child protection if the child cannot rely on his parents?
- Are the interests of parents or rather these of a minor child preferred in current regulations?
- Are children's rights more dependent on the law or on the parents' will?

A separate issue was the question of a possible conflict between the good of the child from marriage and the good of the child born out of wedlock.

The dissertation also provides answers to the questions of how the fact of having a minor child affects the speed of divorce proceedings and the related costs, and what should be the child's participation in "divorce" proceedings (substantial/limited/none).