

Abstract

This rigorous thesis deals with the issue of judicial and execution recovery of maintenance for a minor child. The work is conceived as a comprehensive treatise on the topic. The first part includes the definition of the maintenance obligation, questions concerning the relevant aspects of determining the amount of maintenance on the part of both the obligated parent and the entitled child, and maintenance proceedings in the discovery procedure.

The second part of the thesis contains a basic overview of the enforcement proceedings, the differences of the execution and judicial enforcement of the decision are defined. Work is mainly done with the execution regulation, as in practice prevailing for the enforcement of enforceable obligations. The thesis describes the execution process, including its individual subjects and preconditions for conducting execution, execution principles and execution titles. A substantial part of the work is devoted to general ways of execution, because the recovery of maintenance is to some extent a mere enforcement of pecuniary obligations and at the same time it is the ways in which maintenance is most often collected.

The main part is the chapter dealing with the specifics of recovery of child support. Problematic aspects of the enforcement of a maintenance decision are discussed with regard to its change or termination of the maintenance obligation. The interpretation is also supplemented by practical problems of legal practice and their solution, especially with the use of case law. In addition to civil enforcement proceedings, the work also includes a short excursion into other options for obtaining child support or substitute benefits such as obtaining benefits for criminal law maintenance with an emphasis on the use of effective remorse, priority of maintenance claims in insolvency proceedings or discussion advance maintenance as a state social benefit.

Part of the work is also the historical and legal development of the regulation of maintenance obligations and enforcement proceedings in the Czech lands.