

## **Mutual financial support between parents and their children**

The aim of my thesis is to illustrate the problems of alimony within family relations, nevertheless, only regarding mutual support between parents and their children. Family law is a branch of private law, in which the rules with moral principle dominate. Family law is different from civil law in many ways. Subjects of the family law are connected with human relations that tend to be long-term. Most of the rules have a mandatory character so it's impossible to deflect. All the differences that were mentioned above can be found in the area of maintenance. Child support is very important because parent's duty isn't just bringing up his child but he's supposed to nourish him enough for an indispensable time period. As it's the same as for my parents, I chose this theme to be able to understand this problem even better.

This study consists of ten chapters that are initiated by general introduction. Chapter Two - in its first subchapter - concerns about submission of family law to law system as such. Then the next three subchapters concentrate on basic relation between the maintenance and alimony, and they also briefly describe individual kinds of maintenance. The last subchapter is addressed to the development of family law, especially, concerning alimony (maintenance) institute.

Chapter Three is subdivided into three parts that are concerned with the most important kind of maintenance, which is child maintenance. The first subchapter mentions the fact to whom is the maintenance addressed, whereby determines obligatory and competent subjects. Subchapter Two deals in detail with the criteria for the determination of maintenance – ability, possibility, property relations of the obligatory subject and reasoned needs of the competent but also parents' care about children and common household. There's also analyzed, so called "maintenance objectification", and its possible utilization in our country or abroad. Subchapter Three discusses the way of how to determinate the beginning and the end of the maintenance period.

Chapter Four is about parent maintenance. The chapter is not so extensive because this duty isn't much applied in reality, which is supported by the fact that there's not enough judicature that could be used. Children generally support their parents in old age without the necessity of the decision of the court. Mostly, they understand it as their moral duty. The subchapters describe the subjects of this kind of

obligation, the way and the area of its observance. I want to emphasize subchapter three. This subchapter provides a report about the hierarchy of all the kinds of maintenance focused on the fundamental mutual maintenance between parents and their children.

In regard of the law classification no. 94/1963 Sb., concerning family, this Chapter Five illustrates common laws that are applicable, excepting some divergences, to all kinds of maintenance. In this chapter we can find general conditions for observing the maintenance, determination of the content and possibility of a relevant inclusion, solution to the question about expiration of maintenance and alimony, but also an explanation of the problem about observing the maintenance by a person who is not obliged to.

Financially-legal modification can't be separated from process-legal modification, that's why the Chapter Six also points out the Czech case law. There's analyzed the trial court's process in the case of alimony. A judicial remedy against the adjudication is an appeal to court. Recently, there have been also efforts to enable the parties in the suit to exhibit an exceptional legal remedy, extraordinary appeal (motion), but it hasn't been applied so far. So, the Supreme Court could consolidate the judicature of the courts of family law but it'd be more expensive and not quite good solution because the Supreme Court is too engaged in decision making of other things.

The following Chapter Seven investigates the decision making execution that is necessary for the maintenance, if the obliged person stop paying it consentingly. The chapter briefly illustrates a view of the most used ways of the decision making execution. Such as: payroll deductions, debt commands and a project of a personal and real estate.

For a few years, they've been working on a formation of an integrated codex of private law. It can be said that preparations for the adoption are about to be concluded. The Chapter Eight is concerned with the points of view contained in an explanatory report and material intention to the preparing Civil Code. A law about family will be completely canceled and modification of the family law will be in the Civil Code. The family law creates here the only unit without being divided and completes the codex modification with a special law.

The thesis, in Chapter Nine, provides an outline of consequences of failing to fulfill the maintenance as for criminal law. Both valid and effective criminal law