

## **Resumé**

### **Maintenance Duty between Parents and Children**

This thesis deals with the theme: "Maintenance duty between parents and children". I have chosen this theme because the maintenance duty implicates each of us and at the same time I became familiar with the issue during my practice in a solicitor's office.

The maintenance duty between parents and children is set up by Act 94/1963 Coll. and forms an important part of family law. The issue of maintenance duty of parents towards children has been continually pursued by different authors like Milana Hrušáková, Olga Těžká, or Hana Nová.

Parents have a legal duty to maintain their children if the child is not able to earn for living on his own, the parents are able to pay the maintenance and provision of maintenance is not *contra bonos mores*. The extent of maintenance duty is given by abilities, possibilities and property conditions of the liable parent and by the needs of the children.

Main purpose of this thesis is to specify the ways and reasons of court decisions regarding alimony and which criteria should be suppressed and which emphasized.

Chapter 2 deals with the maintenance duty in a wider context and sums up the fundamental principles and legal regulations. Aside from the current Czech legal system, several foreign legal forms are discussed and a short historical development of the maintenance duty is presented.

Chapter 3 and 4 deals with the particular conditions of development, range and abolishment of the maintenance duty of both parents towards children and vice versa. Emphasis of the work is in the fifth chapter that discusses factors determining adequate alimony. Such factors could be related to both the obligor and obligee.

Chapters 6 to 8 discuss the possibilities of revision of the previous decisions, appliance of the *bono mores* principle and avoidance of the misuse of the resources by the receiving parent.

Chapter 9 suggests future improvements to the alimony system, inspired by the practice in foreign countries.

Final chapter briefly summarizes contents of the thesis and pinpoints weak points of the current legislation.

**Klíčová slova:** vyživovací povinnost, výživné

**Keywords:** maintenance duty, alimony