

КАЗАНСКИЙ ФЕДЕРАЛЬНЫЙ УНИВЕРСИТЕТ  
ИНСТИТУТ МЕЖДУНАРОДНЫХ ОТНОШЕНИЙ, ИСТОРИИ И ВОСТОКОВЕДЕНИЯ  
*Кафедра английского языка в социогуманитарной сфере*

**А.В. Фахрутдинова, Е.С. Вайнер, Л.Н. Юзмухаметова**

## **Issues of family law in contemporary British and American Press**

**Учебное пособие**

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**Рецензенты:**

кандидат педагогических наук,

доцент кафедры английского языка в социогуманитарной сфере КФУ Г.Ф. Гали;

кандидат филологических наук,

доцент кафедры иностранного языка КГАВМ Г.Х. Якупова.

**Фахрутдинова А.В., Вайнер Е.С., Юзмухаметова Л.Н.**

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Учебное пособие предназначено для студентов юридического факультета (педагогическое направление) и содержит материалы британской и американской прессы по проблемам семейного права в Великобритании и США, дополняющие основной курс английского языка. Оно также включает в себя приложение в виде отрывков из официальной англоязычной версии семейного кодекса РФ. Пособие предназначено как для аудиторной, так и внеаудиторной работы и адресовано всем, кто стремится улучшить свой уровень владения английским языком при помощи чтения англоязычной прессы.

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## THE LAW OF MARRIAGE

### PRE-READING

#### Answer the following questions:

1. What does the word ‘marriage’ imply, from your point of view?
2. What is your attitude to the age limit for marriage in your country?
3. Do you think that same-sex marriages should be legalized around the world?

#### Guess the meaning of the following words:

bigamous, adj. /'bɪgəməs/

ceremony, n /'serəməni/

register office, n /'redʒɪstə(r)/ /'rɛfɪs/

gender, n /'dʒendə(r)/

#### Study the following words and expressions:

provide, v /prə'veɪd/ - обеспечивать

conduct, v /kən'dʌkt/ - проводить

ordain, v /ɔ:(r)'deɪn/ - устанавливать в законном порядке

clergyman, n /'klɪz:(r)dʒimən/ - священник

encourage, v /ɪn'kʌrɪdʒ/ – поощрять, содействовать

consent, n /kən'sent/ - согласие

irregular, adj. /ɪ'regjʊlə(r)/ - незаконный, нестандартный

enormously, adv. /ɪ'nɔ:(r)məsli/ - весьма, очень, чрезвычайно

minister, n /'mɪnɪstə(r)/ - священник

parish, adj. /'pærɪʃ/ - приход

chapel, n /'tʃæp(ə)l/ - капелла, часовня, молельня

binding, adj. /'baɪndɪŋ/ - принудительный, обязательный

disobey, v /dɪsə'beɪ/ - не повиноваться, не подчиняться

liable, adj. /'laɪəb(ə)l/ - обязанный

transportation, n /trænspo:(r)'teɪʃ(ə)n/ – ссылка (преступника)

Jews, n /dʒu:/ - еврей, иудей

Quaker, n /'kweɪkə(r)/ - квакер (*последователь протестантского религиозного течения, проповедующего пацифизм и благотворительность; возникло в Англии во второй половине 17 в.*)

exempt, v /ɪg'zempt/ - освобождать, исключать

non-conformist, n /nɔnkən'fɔ:(r)mɪst/-  
сектант, раскольник; диссидент, инакомыслящий

restriction, n /rɪ'strɪkʃ(ə)n/ - ограничение

remove, v /rɪ'mu:v/ - удалять, устранять

eventually, adv. /ɪ'ventʃuəli/ - в конечном счёте, в итоге, в конце  
концов; со временем

worship, n /'wɜ:(r)ʃɪp/ - почитание, поклонение

hold, v /həʊld/ - проводить

response, n /rɪ'spɒns/ - ответ

civil, adj. /'sɪv(ə)l/ - гражданский

devolve, v /dɪ'velva/ - передавать

motion, n /'məʊʃ(ə)n/ - предложение

legislate, v /'ledʒɪ'sleɪt/ - издавать законы, осуществлять  
законодательную власть

introduce, v /ɪntrə'dju:s/ - представлять

representative, n /rɪ'prɪzəntətɪv/ - представитель

challenge, n /'tʃæləndʒ/ - вызов, сложная задача

enable, v /ɪn'eɪb(ə)l/ - давать возможность

convert, v /kən'vɜ:(r)t/ - преобразовывать, превращать

exist, v /ɪg'zɪst/ - существовать

opt in, v – принимать участие в чем-либо

## **READING AND COMPREHENSION**

**Read and translate the text using a dictionary if necessary:**

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**Until the middle of the 18th century marriages could take place anywhere provided they were conducted before an ordained clergyman of the Church of England. This encouraged the practice of secret marriages which did not have parental consent and which were often bigamous.**

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### **Irregular marriages**

It also allowed couples, particularly those of wealthy background, to marry while at least one of the partners was under age. The trade in these irregular marriages had grown enormously in London by the 1740s.

In 1753, however, the Marriage Act, promoted by the Lord Chancellor, Lord Hardwicke, declared that all marriage ceremonies must be conducted by a minister in a parish church or chapel of the Church of England to be legally binding.

### **Parental consent**

No marriage of a person under the age of 21 was valid without the consent of parents or guardians. Clergymen who disobeyed the law were liable for 14 years transportation.

Although Jews and Quakers were exempted from the 1753 Act, it required religious non-conformists and Catholics to be married in Anglican churches.

### **Restrictions removed**

This restriction was eventually removed by Parliament in the Marriage Act of 1836 which allowed non-conformists and Catholics to be married in their own places of worship.

It was also made possible for non-religious civil marriages to be held in register offices which were set up in towns and cities.

## **Minimum age**

In 1929, in response to a campaign by the National Union of Societies for Equal Citizenship, Parliament raised the age limit to 16 for both sexes in the Ages of Marriage Act. This is still the minimum age.

## **Civil partnerships**

The Civil Partnership Act 2004, for example, granted civil partnerships to same-sex couples in the United Kingdom with rights and responsibilities identical to civil marriage.

Although the Act was intended to apply only to England and Wales, the devolved Scottish Parliament passed a Legislative Consent Motion which allowed Westminster to legislate on behalf of Scotland.

## **Marriage (Same Sex Couples) Act 2013**

In 2013, Parliament passed the Marriage (Same Sex Couples) Act which introduced civil marriage for same-sex couples in England and Wales. The legislation allowed religious organisations to opt in to marry same-sex couples should they wish to do so and protected religious organisations and their representatives from successful legal challenge if they did not wish to marry same-sex couples. The legislation also enabled civil partners to convert their civil partnership into marriage and transsexual people to change their legal gender without necessarily having to end their existing marriage.

In Scotland, the Scottish Parliament has legislated to allow same-sex marriages. The Northern Ireland Assembly has not legislated to allow the marriage of same-sex couples in Northern Ireland.

The first same-sex marriages in England and Wales took place in March 2014. (From <http://www.parliament.uk/about/living-heritage/transformingsociety/private-lives/relationships/overview/lawofmarriage-1/>)

**Answer the following questions:**

1. Where could marriages take place until the middle of the 18th century?
2. What did the Marriage Act, 1753, declare?

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3. When was marriage of a person valid without the consent of parents or guardians according to the act?
4. What kind of punishment did clergymen who disobeyed the law have?
5. Who was exempted from the 1753 Act?
  
6. Where did the 1753 Act require religious non-conformists and Catholics to be married?

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7. When were the restrictions removed?

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8. When did Parliament raise the age limit to 16 for both sexes in the Ages of Marriage Act?

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9. When did Parliament pass the Marriage (Same Sex Couples) Act which introduced civil marriage for same-sex couples in England and Wales?

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10. Has the Scottish Parliament and the Northern Ireland Assembly legislated to allow same-sex marriages?

## **VOCABULARY WORK**

**Ex.1. Complete the table with the appropriate forms of the words given. Use a dictionary if necessary:**

Verb	Noun
encourage	
	restriction
exempt	
	worship
exist	
	conformist
convert	
	response
introduce	
	representative
legislate	

**Ex.2. Match the words with their definitions:**

1.conduct	a. in some Christian churches, a district that has its own church building and priest
2.ordain	b. legally responsible for causing damage or injury, so that you have to pay something or be punished
3.parish	c. the activity of showing respect and love for a god, for example by singing or praying
4.liable	d. to create a new law and have it officially accepted
5.worship	e. to do something in an organized way. In ordinary speech it is more usual to say that someone carries something out
6.legislate	f. to make someone a priest, minister,

	or rabbi in an official religious ceremony
7.convert	g. allowed to ignore something such as a rule, obligation, or payment
8.exempt	h. to change from one system, use, or method to another, or to make something do this

**Ex. 3. Give Russian equivalents to these expressions:**

ordained clergyman

parental consent

in response to a campaign

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civil partnerships

on behalf of Scotland

parish church

**Ex. 4. Give English equivalents to these expressions:**

из богатого рода

место поклонения

принимать участие в заключении брака

бюро записей актов гражданского состояния

**Ex. 5. Find the synonyms to the following words:**

Conduct, consent, enormously, binding, exempt, eventually, convert, opt in.

**Ex. 6 Translate from Russian into English:**

1. С 1753 года церемония заключения брака в Англии начала проводиться священником в приходской церкви или часовне англиканской церкви. (conduct, minister, parish church, chapel)

2. До 21 года брак был возможен только с согласия родителей. (parental consent)

3. В 1836 году инакомыслящим и католикам разрешили жениться в своих местах богослужения. (non-conformist, place of worship) Также нерелигиозные гражданские браки могли заключаться в бюро записей актов гражданского состояния. (civil marriage, register office)

4. С 2013 года религиозные организации имеют право участвовать в заключении однополых браков. (opt in)

5. Ограничение прав и свобод человека может привести к нарушению закона и стать опасным вызовом для всего общества (restriction, disobey, challenge).

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## **SPEAKING**

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**Discuss the following questions as a group:**

1. What kind of difficulties can lawyers have in legal regulating civil marriages?

2. Do you think that parental consent is still important for the young couples?

**Use the phrases below:**

I think that . . .

The important thing (here) is . . .

On the other hand,

---

On the contrary,

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## COHABITATION

### PRE-READING

#### Answer the following questions:

1. Nowadays a lot of couples live together without conducting marriage.

Do you find it reasonable?

2. Can you name any advantages of conducting marriage?

3. Are you aware of the fact that the absence of legally conducted marriage can lead to some serious consequences?

#### Study the following words and expressions:

mortgage, n [ 'mɔ:.gɪdʒ] - ипотека

repay, v [ rɪ'peɪ ] – возвратит деньги

asset, n [ 'æs.ət ] - доход

clarify, v [ 'klær.ɪ.fai ] - разъяснять

intend, v [ in'tend ] – намереваться

split up, v [ split ʌp] – разделять

set out, v [ set aut] – начинать

carry out, v [ 'kæri aut] – осуществлять деятельность

charge, n [ tʃa:dʒ ] - платеж

tenant, n [ 'ten.ənt ] - арендатор

complication, n [ ,kɒm.plɪ'keɪ.ʃən ] - усложнение

scheme, n [ ski:m ] - план

tax, n [ tæks ] - налог

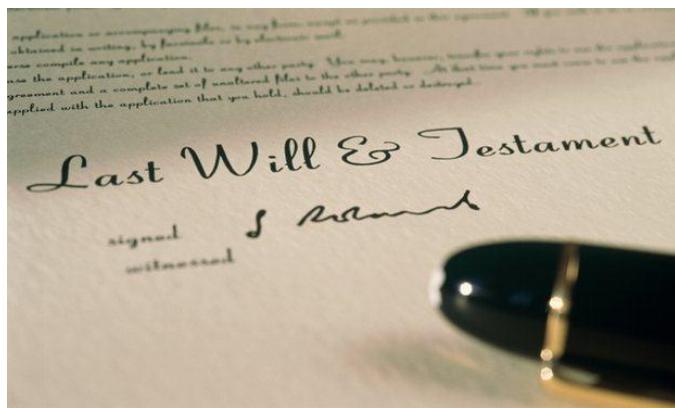
allowance, n [ ə'lao.əns ] - содержание

spouse, n [ spaʊs ] - супруг, супруга

cost the earth [ kɒst ðə z:θ] – быть заоблачно дорогим  
bereavement allowance [ bɪ'ri:v.mənt ə'lau.əns] – пенсия вдовы/вдовца  
legally binding [ 'li:.gəl.i 'bain.dɪŋ] – обязательный  
tie the knot [ tae ðə nɒt ] – связать узами брака

## READING AND COMPREHENSION

**Read and translate the article from the magazine «The Guardian» using a dictionary if necessary:**



‘Couples living together should draw up wills to cover themselves legally.’

Photograph: Getty Images

Esther Shaw

Saturday 21 March 2015 06.59 GMT

There are more than six million cohabiting couples in the UK – twice the number 20 years ago – and half have no idea that they have no legal protections if they break up. But while campaigners have repeatedly called for cohabitantes to be given increased legal protection, the government has failed to act, with family law judges also deeply split over the issue.

If you are cohabiting, but not keen to get married or enter a civil partnership, there are steps you and your partner can take to arrange your financial affairs sensibly. Just follow this five-point plan.

## **1. Draw up wills**

If you are cohabiting, it is essential you have a valid will in place as, despite changes to the rules of intestacy last October, cohabitantes do not automatically have rights to their partner's estate if they die without leaving a will. The key is to draw up a document setting out what you want to happen once you are no longer around.

Writing a will does not need to cost the earth and if affairs are very simple, you could go down the DIY route. Consumer body which offers two types of package: the simpler option costs £57 while a version costing £89 gives you the option to get a will specialist to review the document.

If your affairs are not quite so straightforward, you should go to a solicitor – a basic will is likely to start at between £100 and £300.

Useful sites include the Law Society ([solicitors.lawsociety.org.uk](http://solicitors.lawsociety.org.uk)), the Society of Trust and Estate Practitioners ([step.org](http://step.org)) and the Institute of Professional Will writers ([ipw.org.uk](http://ipw.org.uk)).

## **2. Consider writing up a cohabitation agreement**

A cohabitation agreement sets out exactly what assets each partner is bringing to the relationship and how they should be divided in the event of the relationship breaking down. This includes your property, its contents, personal belongings and savings. It can also set out how much someone has contributed to the mortgage deposit and repayments.

Damien Fahy from finance site [moneytothemasses.com](http://moneytothemasses.com) says: “Cohabiting couples have no legal rights to remain in a property – or to take a share of any assets not owned by them – should they split up. This is why long-term partners should arrange either a cohabitation agreement or declaration of trust, laying out who owns what and how these will be distributed on separation.”

This can be especially important if the property is owned by one partner but where the other has helped to pay the mortgage. Unless these contributions are set out in the agreement, the partner who does not own the property could find they have no right to a share of the home if they split up.

As well as helping you plan for a time when you are no longer living together, a cohabitation agreement can also be used to clarify areas of potential conflict, such as responsibility for bills and whether you will have joint credit cards and bank accounts. It can also cover day-to-day matters, such as the way the household is run. In addition, it could set out how you intend to support any children you might have together.

While some solicitors could charge you £1,000 or more for one of these agreements, Co-operative Legal Services charges a fixed fee of £650 plus VAT ([co-operativelegalservices.co.uk](http://co-operativelegalservices.co.uk)).

Online legal service [rocketlawyer.co.uk](http://rocketlawyer.co.uk) offers a template so you can create your own cohabitation agreement online. Membership of the website costs £25 a month. Note that while downloading a ready-made template may be cheaper than other options, it is essential there are no mistakes.

### **3. Use sound legal structures for property contracts**

When buying a home together, cohabiting couples should decide whether to arrange the contact as joint tenants or tenants in common. Under joint tenancy, both partners own the whole property. “If one partner dies, the property automatically goes to the other owner,” says Fahy. “If you are tenants in common you will each own a specified share. Under this arrangement, you can leave your share to whoever you wish in your will.”

### **4. Carry out some pension planning**

Unlike married couples, unmarried couples who live together are not entitled to receive the state pension or bereavement allowance for deceased partners.

In addition, there may be complications in some pension schemes paying out to unmarried partners in the event of death, especially when it comes to occupational schemes. While most schemes deal with married couples, they will not necessarily deal with cohabiting partners.

“Each partner can complete an expression of wish form to inform their pension scheme where they want the benefits to go on death,” says Fahy. “If you

are cohabiting, you should look to name your partner as the person you choose to benefit. That said, this declaration is not legally binding.”

## **5. Think about tax**

Married couples and same-sex couples in a civil partnership enjoy some limited tax advantages over cohabiting couples, so you need to be aware of these if you do not intend to tie the knot.

“Married couples can transfer ownership of assets between themselves with no tax liability,” says Patrick Connolly from independent financial adviser Chase de Vere. “This means that if the sale of any asset – such as shares or a property – would result in a capital gains tax bill, part or all of an asset could be transferred in order to use both partners’ annual CGT allowance. This should reduce the tax bill.”

In a similar vein, married couples can also pass assets to each other free from inheritance tax (IHT).

“If, however, a couple are not married, any assets passing from the deceased to the other partner would be potentially liable to IHT,” adds Connolly. Expert advice is essential.

From the start of the new tax year on 6 April, married couples and civil partners will benefit from an additional tax break. The marriage allowance means a spouse or partner who does not pay tax, or is earning below the basic-rate tax threshold of £10,600, can transfer up to £1,060 of their personal tax-free allowance to a spouse or civil partner – as long as the recipient does not pay more than the basic rate of income tax.

Eligible couples could save up to £212 in tax a year, according to government figures.

Formal arrangements



### *Simon Matthews and Ashlie Proud*

Simon Matthews, 31, and Ashlie Proud, 25, are looking to draw up a cohabitation agreement to help them organise the family finances so they are in everyone's best interests.

The couple from Bassingbourn, Cambridgeshire, are engaged but not married, and have two children: Lilly, three, and six-week-old Poppy.

“Ashlie and I have been together for around five years,” says Matthews, a senior support worker. “We do have plans to get married but are struggling to find the money to afford this right now with two young ones.”

While the couple have a verbal agreement about certain areas of their finances – such as who pays which bills – they would like to get something more concrete in place.

“I think we would both benefit from putting everything down in a ‘living together’ agreement and have been looking at different options on the internet,” says Matthews. “This agreement could set out the way the household is run and who is responsible for the various bills and living expenses.

“It could also set out who owns what and who is entitled to what should we split up. This should ensure that neither of us would lose out financially.” (From <http://www.theguardian.com/money/2015/mar/21/what-cohabiting-couples-can-to-do-put-their-financial-house-in-order> )

### **Answer the following questions:**

1. What is cohabitation?
2. Why should couples conduct marriage, and what are legal consequences of living together without any written agreements?

3. What should couples do, to prevent themselves from legal difficulties?
4. Name the difference between the amount of taxes paid by married couples and non married people
5. What problems can arise if people, who live together, but do not conduct marriage have no will?
6. What can be written in pension agreement?

**Are these statements true, false or not stated?**

1. The number of cohabiting couples becomes less every year
2. Simon and Ashlie are planning their marriage.
3. Married couples can transfer ownership of assets between themselves with no tax liability.
4. If you are cohabiting, having a valid will is not essential.
5. If the property is owned by one partner but the other has helped to pay the mortgage, he also becomes the owner.
6. Unmarried couples who live together are entitled to receive the state pension or bereavement allowance for deceased partners.
7. Cohabitation agreement can be concluded in the oral form.

**VOCABULARY WORK**

**Ex. 1 Complete the table with the appropriate forms of the words given. Use a dictionary if necessary:**

<b>Verb</b>	<b>Noun</b>
arrange	

	complication
contribute	
	declaration
	ownership
add	
repay	
	marriage
organise	
decide	
	share

**Ex. 2 Fill in the words or expressions from the text:**

1. When people live together without conduction of marriage it is called \_\_\_\_\_.

2. When people don't want to live together anymore they \_\_\_\_\_.

3. Peter wants to buy a car = Peter is \_\_\_\_\_.

4. The meeting is going to be at 5 o'clock. Everything is already \_\_\_\_\_.

5. \_\_\_\_\_ people always analyze all the factors before doing something.

6. This document will not be \_\_\_\_\_ without your signature.

7. We can't buy this telephone, it \_\_\_\_\_.

8. If you can't afford a flat right now take a \_\_\_\_\_.

9. This dress can't be put on for a wedding party, it is casual, it is \_\_\_\_\_.

10. Another name for a wife or a husband: \_\_\_\_\_.

11. If people are in need of money, government pay them an \_\_\_\_\_.

12. The company can be called rich company if it has a lot of \_\_\_\_\_.

13. If you don't pay \_\_\_\_\_ you can be fined or even imprisoned.
14. If you rent a flat, you are called a \_\_\_\_\_.
15. If students don't understand the material, the teacher \_\_\_\_\_ it.

**Ex. 3 Try to find the English equivalent to the following words:**

Сожительство -

Прекратить отношение -

Хотеть что-то сделать -

Сделка -

Организовать -

Разумный -

Правовой -

Завещание -

Имущество -

Очень дорогой -

Ипотека -

Вернуть -

Доля -

Супруга -

Налог -

Обязательный -

Связать узами брака -

Пособие -

Налоги -

Усложнение -

План -

Арендатор -

Отделить -

Разделить -

Вклад –

**Ex. 4 Translate from English into Russian:**

1. She's planning to tie the knot with her German boyfriend next June.
2. Marriage Allowance lets you transfer £1,100 of your Personal Allowance to your husband, wife or civil partner - if they earn more than you.
3. You may be able to get a £2,000 Bereavement Payment if your husband, wife or civil partner has died. This is a one-off, tax-free, lump-sum payment.
4. The hardest part of writing a will is often finding the will to write it.
5. When two or more people own a home as a joint tenancy, each individual owns a share (or interest) of the entire property.

**Ex. 5 Match the words with their definitions:**

1. draw up	a. to start, to begin
2. cost the earth	b. to give (money, time, knowledge, assistance, etc.) to a common supply, fund, etc., as for charitable purposes
3. mortgage	c. to prepare a plan, or a version of something, e.g. a document
4. repay	d. to divide
5. asset	e. a legal agreement in which a person borrows money to buy property (such as a house) and pays back the money over a

	period of years
6. split up	f. A statement made by the title holder of a piece of property that the property is being held for the benefit of another person
7. long-term	g. to want or to plan something
8. declaration of trust	h. to make (an idea, statement, etc.) clear
9. contribute	i. to pay back
10. clarify	j. something that is owned by a person, company, etc.
11. set out	k. to be very expansive
12. intend	l. continuing to exist, be relevant, or have an effect for a long time in the future
13. occupational	m. obligatory
14. legally binding	n. an amount of money that you have to pay to the government, which is used to provide public services and pay for governmental institutions
15. tie the knot	o. relating to, or caused by, your job
16. tax	p. relating to, or caused by, your job
17. occupational	q. to get married

## **SPEAKING**

Look through the Family code of the Russian Federation and answer the question if anything is said in it about the cohabitation agreement.

If nothing is said about it in the legislation of Russian Federation do you think it is necessary to fix it?

## THE TERMINATION OF MARRIAGE

### PRE-READING

#### Answer the following questions:

1. Do you know the grounds for dissolution of marriage in the Russian Federation?
2. Do you believe it is possible to conduct marriage between relatives? Why?

#### Guess the meaning of the following words:

biological identity [ 'baɪ.ə'lɒdʒ.i.kəl aɪ'dentəti]

birth certificate [ bɜ:θ sə'tifikət]

origin [ 'ɔrɪdʒɪn ]

falsify [ 'fɔ:l.sɪ.fai ]

#### Study the following words and expressions:

emerge, v [ i'mz:dʒ ] – возникать, появляться

invalid, adj. [ in'veəl.id ] - недействительный

route, n [ ru:t ] – направление, маршрут

track down [ træk daʊn] – отслеживать

reveal, v [ rɪ'veɪl ] – выявлять, разоблачать, открывать

conceive, v [ kən'si:v ] – зачать, задумывать

abolish, v [ ə'bɒl.ɪʃ ] - отменять

collude, v [ kə'lju:d ] - сговариваться

deception, n [ dɪ'seپ.ʃən ] – обман, хитрость

omit, v [ əu'mɪt ] – пропускать, не включать, пренебрегать

inquire, v[ɪn'kwaɪər] – спрашивать, расследовать, запрашивать  
reveal [ rɪ'veɪl ] – показывать, разоблачать, открывать

## READING AND COMPREHENSION

**Read and translate the article using a dictionary if necessary:**

### **Court annuls marriage between twins separated at birth**

Clare Dyer, legal editor

Saturday 12 January 2008 23.52 GMT



Twins who were separated at birth and later married each other without realising they were brother and sister have had their marriage annulled by the high court's family division, it emerged yesterday.

The pair, who were adopted by separate sets of parents, were granted an annulment after a high court judge ruled their marriage was invalid because of their close blood relationship.

The identities of the British brother and sister and details of the relationship and marriage, including how long they were married and how they discovered they were siblings, have been kept secret. The most likely route is through tracking down their birth parents.

Their story was revealed to the independent peer Lord Alton in a conversation with the high court judge who annulled the marriage. The peer used it to back up a call for children conceived by donor insemination to be told the circumstances of their conception, during a debate on the human fertilisation and embryology bill, currently going through parliament.

Alton first raised the case in a House of Lords debate on December 10. He said such a case was more likely to occur with IVF, in which it was legally possible to father up to 10 children. Although a donor's right to anonymity was abolished three years ago, there is no obligation to tell the resulting children how they were conceived.

"[The brother and sister] met later in life and felt an inevitable attraction, and the judge had to deal with the consequences of the marriage that they entered into and all the issues of their separation," Alton told peers. "I suspect that it will be a matter of litigation in the future if we do not make information of this kind available to children who have been donor-conceived."

He said yesterday he was worried that the biological identity of one parent would not appear on the birth certificate and that there was nothing on the certificate to let a child know he or she had been donor-conceived. "The state is colluding in a deception. We are opening the door to more cases like this one. One of the most fundamental things of all is to know who you are. The issue here is about human rights. A birth certificate that omits any mention of your true origin falsifies your history in a very significant way."

He added: "Although you have the right to inquire, there is no duty on anybody to tell you that you are donor-conceived. It's therefore possible for children never to be given that information."

He recommended that the genetic history of a child should be kept on the long birth certificate. And donor-conceived children should be told about it before 18, preferably by about the age 12.

He refused to reveal the identity of the judge who granted the annulment. Most family division judges are still away from work for the judicial vacation and a spokesman for the judicial communications office said those he had managed to contact were unaware of the case.

(From <http://www.theguardian.com/uk/2008/jan/12/uknews4.mainsection2>)

**Answer the following questions:**

1. Who conducted marriage?
2. Did future husband and wife know that they were relatives, before thy conducted marriage?
3. Does the article contain information how wife and husband understood the truth?
4. What is one of the fundamental rights according to the text?
5. Was it correct to annul the marriage mentioned? Why?
6. What precondition caused the case?
7. What recommendation was given in the article?

**Are these phrases true, false or not stated:**

1. The twins were adopted together by the same set of parents
2. Twins married each other without realizing they were brother and sister
3. A birth certificate has always given the information of a person's true origin
4. It has been recommended that the genetic history of a child should be kept on the long birth certificate
5. The article deals with the human rights

**VOCABULARY WORK**

**Ex. 1 Complete the table with the appropriate forms of the words given. Use a dictionary if necessary:**

<b>Noun</b>	<b>Verb</b>
deception	

	falsify
	conceive
	abolish
conclusion	
annulment	
	inquire

**Ex. 2 Match the words with their definitions:**

1. annulment of marriage/nullification of marriage	a. relation between spouses
2. dissolution of marriage	b. the condition of being waiting for the birth of the baby
3. divorce	a. a legal proceeding in a court
4. spouse	a. a person's partner in marriage
5. agencies for the registry of acts of civil status	a. basis for
6. judicial proceeding	a. a process whereby a person assumes the parenting of another, usually a child, from that person's biological or legal parent or parents, and, in so doing, permanently transfers all

	rights and responsibilities, along with filiation, from the biological parent or parents
7. minor children	a. an area of the law that deals with family matters and domestic relations
8. grounds of	h. agreement
9. consent	i. official bodies
10. adoptive and adopted people	j. the same as dissolution of marriage
11. marriage	k. an infant or person who is under the age of legal competence
12. legal capacity	l. power provided under law to a natural person or a juridical person to enter into contracts, and to sue and be sued in its own name
13. family law	m. procedure, which declares that the marriage never technically existed and was never valid
14. family code	n. the ending of a valid marriage between a man and a woman returning both parties to single status with the ability o. to remarry
15. pregnancy	p. a law, which regulates family matters

**Ex. 3 Give Russian equivalents for the words and word combinations and use them in the sentences of your own:**

to grant an annulment -

sibling -

to track down -

birth parent -

litigation -

donor-conceived -

collude -

family division judges –

**Ex. 4 Complete the sentences using the words from the text:**

1. Being healthy before, during and after \_\_\_\_\_ involves so many different aspects of woman's life.

2. The influential \_\_\_\_\_ of Bill and Hillary Clinton, along with their busy schedules and life style, continues to be under a media microscope.

3. The knowledge of \_\_\_\_\_ will be tested during the exam.

4. Coping with the\_\_\_\_\_ process is difficult but learning to do so will make the process less stressful on all concerned.

5. Monthly meetings and newsletters provide education and assistance to the\_\_\_\_\_ family.

**SPEAKING**

**Express your point of view:**

1. It should be forbidden to adopt siblings separately. They do not have to be separated

2. A donor's right to anonymity should not have been abolished

3. Donor-conceived children should be told their genetic history at the age of 18

4. A birth certificate that omits any mention of your true origin violates human rights

5. It's the right of adoptive parents to conceal information about the children's biological parents

**Use the phrases below:**

That's a good idea.

I never thought of that.

Actually,...

Without a shadow of a doubt, I'd...

It goes without saying that...

# **MONEY AND CHILDREN AFTER DIVORCE**

## **PRE-READING**

### **Answer the following questions:**

1. What effects can divorces have on children, in your opinion?
2. What do you think can be done for protecting children from the harmful psychological influence of the parents' divorce process?
3. What is the average sum of money per month that is necessary for bringing up a child, from your point of view?

### **Study the new words and expressions:**

Maintenance, n /'meɪntənəns/ - средства к существованию, алименты

Complication, n /'kɒmplɪ'keɪʃ(ə)n/ - сложность, осложнение

Increase, v /ɪn'kri:s/ - увеличиваться, расти

Require, v /rɪ'kwaɪə(r)/ - требовать

Pain, n /peɪn/ - боль, горе, огорчение

involve, v /ɪn'velv/ - привлекать, вовлекать

straightforward, adj. /'streɪt'fɔ:(r)wə(r)d/ - прямой, простой, откровенный

divvy up, v /'dɪvi/ - распределять (прибыль)

asset, n /'æsət/ - имущество

tricky, adj. /'trɪki/ - сложный, хитрый

assume, v /ə'sju:m/ - допускать, предполагать

ferociously, adv. /fə'rəʊʃəsli/ - жестоко, ужасно, невыносимо

challenging, adj. /'tʃælɪndʒɪŋ/ - требующий напряжения сил, стимулирующий, побуждающий

reduce, v /rɪ'dju:s/ - сокращать

obligation, n /'ɒbli'geɪʃ(ə)n/ - обязательство  
mortgage, n /'mɔ:(r)gɪdʒ/ – залог, ипотека  
cease, v /si:s/ - прекращаться  
cohabit, v /kəʊ'hæbɪt/ - сожительствовать  
arrangement, n /ə'reɪndʒmənt/ - договоренность, соглашение  
negotiation, n /nɪ'gəʊʃɪ'eɪʃ(ə)n/ - переговоры  
assessment, n /ə'sesmənt/ - оценка  
reciprocal, adj. /rɪ'sɪprək(ə)l/ – взаимный, обоюдный

net income – чистая прибыль

## **READING AND COMPREHENSION**

**Read the text below using a dictionary if necessary:**

**Child maintenance complications can increase the pain of divorce, so be prepared by knowing what the law requires**

Divorce is never pleasant or simple, but it is a lot more painful and complicated if children are involved. First, there is the emotional pain. Then there is the small matter of money.

For divorcing couples who don't have children, breaking up is relatively straightforward. You divvy up the assets between the two of you, and get on with the rest of your lives. Divorce with children is much more difficult, and the younger they are, the trickier it is.

Child maintenance is a "ferociously complicated area", says Christina Blacklaws, director of family law at Co-operative Legal Services. "The recent partial replacement of the Child Support Agency with the Child Maintenance Service means that many people find it even more challenging than before."

### **Maintenance costs**

Child maintenance can be paid to the father or the mother, depending on who is looking after the children. Whoever pays the money is known as the "non-resident parent" in legal terms. In most cases, that is the ex-husband or father.

What you pay depends on what you earn. If you earn less than £5 a week, you pay nothing. If you earn between £5 and £100, you pay a flat rate of £5 a week, no matter how many children are involved.

If you earn up to £200 a week, you pay that £5 flat rate plus a percentage of your after-tax weekly income. That is 25% of your income for the first child, 35% for two children and 45% for three or more.

If you earn more than £200 a week, you will pay 15% of your after-tax weekly income for one child, 20% for two and 25% for three or more.

If the non-resident parent does a share of the childcare, these figures will be reduced accordingly. Blacklaws explains: "If, say, the kids regularly stay with Dad two nights a week, he would only pay five-sevenths of his child maintenance obligations."

Couples can do their own sums using the child maintenance calculator, although this can be tricky if the non-resident parent doesn't declare all their earnings – a particular problem where people do cash-in-hand jobs, such as self-employed building work.

You pay child maintenance up to age 16, or 20 if the child is still in full-time education, but only up to A-levels and equivalent. You aren't obliged to fund your children through university.

Private school fees can sometimes be an issue, Blacklaws says. "If a child goes to a private school, and the father wants them to go to the local comprehensive instead, the case can often end up in court."

### **The family home**

A key priority is making sure the children continue to have a roof over their heads. "Husbands often come to me expecting to sell the house and walk away with half of its value," says Peter Watson-Lee, a family law specialist at

Williams Thompson Solicitors in Christchurch, Dorset. "I'm left with the unpleasant task of explaining this isn't necessarily the case."

If there aren't many other assets to divide, the wife (assuming she is the primary carer) and children will often be allowed to continue living at the house. "The court may say the house can only be sold, with the ex-husband getting his share, after their education is over," says Watson-Lee. "A man with young children could wait 15 years or more, and have to pay his share of the mortgage in the meantime."

If either partner starts a new relationship, things get even more complicated. If the mother moves in with a partner or gets married, that won't affect the father's maintenance obligations to his children, he will have to keep paying out exactly as before. But any obligation to pay maintenance to the ex-wife will cease if she remarries, or in some cases, cohabits.

If a father moves in with a new partner, and the new partner has children from a previous relationship who live with them, he may have to pay less child maintenance to his own children.

### **Negotiations**

The government wants most couples to sort child maintenance between themselves, either by negotiating a family-based arrangement, or failing that, using the CSA.

Most couples sort out their problems without going near a court. But if one parent refuses to pay, the other parent may have to ask the CSA to enforce its maintenance assessment.

The CSA can only take into account net income of up to £2,000 a week when making its assessment, says Rhona Adams, accredited family law specialist at Morton Fraser in Edinburgh. "If the paying parent earns more, their ex-partner can apply to the court for additional top-up maintenance."

Things get tricky if one partner is living or working abroad. "In this case, the courts do have power to enforce an application for maintenance. The EU

Maintenance Regulation of 2008 covers this and the UK also has reciprocal agreements with many other countries," she says.

Where a cohabiting couple separate, the mother has few legal rights to maintenance for herself, but she may be able to claim maintenance for her children through the CSA.

Children are expensive. The lifetime cost of bringing up a child is £222,000, according to research from insurer LV=. To cover that, both partners will need to pay their share.

The original said: "If you earn more than £200 a week, you will pay 15% of your after-tax weekly income for one child, 25% for two and 35% for three or more." The correct figures are 15%, 20% and 25% respectively.

(From <http://www.theguardian.com/money/2013/feb/15/money-children-after-divorce>)

**Answer the following questions:**

1. What is maintenance cost according to the text?
2. What are the reasons for reducing maintenance cost?
3. Can the ex-husband initiate the house selling and get half of its value?
4. What if either partner starts a new relationship?
5. What is the maximum week income that the CSA take into account when making its assessment?
6. What if one partner is living or working abroad?

**VOCABULARY WORK**

**Ex. 1. Complete the table with appropriate forms of the words given. Use a dictionary if necessary:**

Verb	Noun
increase	
	complication
involve	
	Obligation
require	
	Negotiation
cohabit	
	assessment
reduce	
	Arrangement

**Ex. 2. Match the words with their definitions:**

1. Maintenance	a. not complicated or difficult to understand
2. reciprocal	b. a legal agreement in which you borrow money from a bank in order to buy a house. You pay back your mortgage by making monthly payments
3. mortgage	c. done according to an arrangement by which you do something for someone who does the same thing for you
4. assessment	d. severe or strong
5. ferociously	e. difficult to deal with or achieve, but interesting and enjoyable
6. asset	f. money that you pay to your ex-wife or ex-husband to help her or him and your children after you are divorced
7. challenging	g. something such as money or property that

	a person or company owns
8. straightforward	h. the process of making a judgment or forming an opinion, after considering something or someone carefully

**Ex. 3. Give Russian equivalents to these expressions:**

to divvy up the assets  
 cash-in-hand job  
 to pay one's share  
 to claim maintenance  
 to sort out their problems  
 to take into account

**Ex. 4. Give English equivalents to these expressions:**

относительно просто  
 местная общеобразовательная школа  
 обратиться в суд  
 инициировать заявку на обеспечение  
 страховое общество

**Ex. 5. Find the synonyms to the following words:**

Maintenance, to divvy up, income, assessment, asset, to enforce, complicated, assume.

**Ex. 6. Translate from Russian into English:**

1. Развод – сложный процесс и особенно болезненным он оказывается для детей. (complicated, painful)

2. После развода вопрос обеспечения детей становится самым важным и порой требует вмешательства суда для его решения. (maintenance, involvement)

3. Сумма ежемесячной выплаты на содержание ребенка не живущим с ним родителем зависит от его доходов. (maintenance, non-resident parent, income)

4. Дом, в котором живет ребенок, не может быть продан, пока он не окончит свое обучение, а обязательства по выплате своей доли ипотечного кредита сохраняются за каждым родителем. (obligation, mortgage)

5. Ситуация может усложниться, если родитель живет заграницей. (tricky)

6. Тем не менее, проблему часто решают по обоюдному соглашению родителей. (reciprocal arrangement) Спокойные переговоры являются необходимым в данной ситуации. (negotiation)

## **Speaking**

### **Discuss the following question as a group:**

Do you think that the process of maintenance regulation in UK described in the article is sensible and correctly organized? Is it fair in relation to children and parents?

### **Use the phrases below:**

It seems to me that...

My impression is that...

I'm (very much) in favour of / (really) against...



## **ALIMONY: WHO SHOULD PAY IT AND HOW MUCH?**

### **PRE-READING**

**Answer the following questions:**

1. Who do you think has to pay alimony payments after divorce?
2. How do you believe the amount of money paid as alimony should be counted?

**Guess the meaning of the following words:**

alimony ['æl.ɪ.mə.ni]

standard of living ['stændəd əv 'livɪŋ]

measure ['meʒə(r)]

practical ['præktɪkl]

figure out ['figə(r) əʊt]

stay-at-home parent ['steɪ.ət, həʊm 'peərənt]

reasonable ['ri:znəbl]

qualify ['kwɔːlifai]

inability [,ɪnə'bɪləti]

enable [ɪ'neɪbl]

**Study the following words:**

lavish, adj. ['læv.ɪʃ] - расточительный

modest, adj. ['mɒd.ɪst] - скромный

crucial, adj. ['kruːʃl] - ключевой

wage, n [weɪdʒ]- заработка плата

maintain, v [meɪn'teɪn] – поддерживать

decline, n [dɪ'klain] – снижение, ухудшение  
cap, n [kæp] - предел  
resent, v [rɪ'zent] - возмущаться, негодовать  
betrayal, n [bɪ'treɪ.əl] - предательство  
impose, v [ɪm'pəʊz] – облагать, навязывать  
extent, v [ɪk'stent] – в некоторой степени  
self-sufficient, adj. [self.sə'fɪʃ.ənt] - самодостаточный  
reimbursement, n [rɪ:.ɪm'bɜ:s] – компенсация, возмещение  
acquire, v [ə'kwaɪə(r)] – приобрести  
equitable, adj. ['ek.wɪ.tə.bl] - справедливый  
asset, n ['æs.ət] – актив  
dee, v [di:m] - считать

## READING AND COMPREHENSION

**Read and translate the article using a dictionary if necessary:**



Although women have made strides professionally, the divorce rate in the United States has remained fairly constant. About half of marriages in the United States end in divorce

### **Alimony: Who Should Pay It and How Much?**

by William H. Donahue, Jr., Esq., APM

The key to alimony is understanding the term "the standard of living of the marriage." It's one of the measures the law uses to determine if you are entitled to alimony and if so, how much. The basic idea behind alimony is that when your marriage ends, you both should be able to go on living as you were before the divorce. If you make all or most of the money, you would probably have to share that income with your spouse. If you didn't, your standard of living would rise considerably above the one you enjoyed while married, and your spouse's would drop below it.

The standard of living of the marriage is really how you live and how much it costs to live that way. For some people, the standard of living involves big homes, expensive cars and lavish vacations. For others, it involves a modest house, a practical car and trips to the shore. It's different for every family, but it is basically defined by how much money you had to spend while you were married, and how you spent it.

A mediator will work with you and ask questions to help you define your standard of living. This is crucial to figuring out alimony. Once you can agree as to the standard of living and what it will cost you each month to live that way, other important questions come up.

If you are a non-wage earning spouse as many stay-at-home parents are, or if you earn less than your spouse, you need to ask whether you could support the standard of living you had while you were married. If not, how much would you need to support that lifestyle? If the answer is \$4,000 per month, you may be entitled to that much in alimony.

Two important factors come into play. The law obligates you to support yourself to the extent that you reasonably can, taking into account the need to care for children, your health, education, work experience, etc., and alimony is based not just on your need but also on your spouse's ability to pay what you need and meet his or her own needs.

Remember, the idea is to have both spouses maintain the standard of living of the marriage or share equally in the decline in the standard of living. In most

divorces, neither spouse maintains the same standard of living they had before the divorce. It costs more to run two households than one. Unless there is an increase in income after the divorce, both spouses will be worse off than they were before.

Another important reason for determining the standard of living attained during the marriage is that in the years after the marriage, alimony should only be paid so long as one spouse cannot maintain that standard on his or her own, and also because the standard of living of the marriage establishes a cap on the alimony the paying spouse should ever have to pay.

### **How Can Mediation Help?**

Alimony is often the most difficult issues to resolve. People who can agree on everything else often bitterly resent having to pay alimony after the divorce. By looking at future goals and the needs of their spouses, people usually begin to see the fairness of alimony. It is hard to defend the position that one spouse should end up living better than during the marriage and one should be much worse off. By addressing issues of anger, fear, depression and betrayal, the mediation process can help people reach settlements that meet their needs and often such settlements have to include alimony.

### **The four types of alimony in New Jersey:**

Permanent alimony. As the name implies, permanent alimony is intended to continue indefinitely or at least until some major change of circumstance. It is awarded only in long-term marriages where there is little if any chance that a spouse would ever be able to maintain the standard of living of the marriage. The typical permanent alimony case is one where one spouse has been a full time parent and homemaker for many years. This parent may have past work experience and even a college or post-graduate degree. But in the 20 or more years that the spouse has been at home, the other spouse has built a career, a wage-earning capacity and a standard of living that the homemaking spouse would probably never be able to achieve. The law still imposes on the spouse seeking alimony an obligation to contribute to his or her own support to the extent reasonable under the circumstances.

Term alimony. This is alimony that is to be paid for a certain period of time. It is appropriate in shorter-term marriages and in marriages where there is a reasonable probability that the spouse being paid the alimony will become self-sufficient to the extent of being able to maintain the standard of living of the marriage.

Rehabilitative alimony. Like term alimony, rehabilitative alimony is paid for a period of time, but the amount of the alimony and the duration of time it is paid is tied to a specific plan for the spouse receiving the payments to become financially self-sufficient. A plan for a spouse to go back to school to get a high school, college or post graduate degree would qualify a spouse for rehabilitative alimony. Vocational training, technical training or starting a business would qualify a spouse for this kind of alimony. The idea is to pay alimony to a spouse who cannot maintain the standard of living of the marriage while he or she is preparing to become self-sufficient. This kind of alimony often takes into account the costs of the education or training program and the inability of the spouse to work or work full time while going to school.

Reimbursement alimony. This type of alimony is designed to reimburse one spouse for time and support given to the other spouse who has obtained a valuable degree or certification. It usually applies where one spouse supports the family while the other goes to law, medical, business or some other professional school, with the anticipation of sharing in the benefits of the degree once it is earned.

### Factors Considered by Judges When They are Deciding Whether Alimony is Appropriate

- The actual need and ability of the parties to pay
- The duration of the marriage
- The age, physical and emotional health of the parties
- The standard of living established during the marriage and the likelihood that each party can maintain a reasonably comparable standard of living

- The earning capacities, educational levels, vocational skills, and employability of the parties
- The length of absence from the job market of the party seeking maintenance
- The parental responsibilities for the children
- The time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment, the availability of the training and employment, and the opportunity for future acquisitions of capital assets and income
- The history of the financial or non-financial contribution to the marriage by each party including contributions to the care and education of the children and interruption of personal careers or educational opportunities
- The equitable distribution of property ordered and any payouts on equitable distribution, directly or indirectly, out of current income, to the extent this consideration is reasonable, just and fair
- The income available to either party through investment of any assets
- The tax treatment and consequences to both parties of any alimony award, including designation of all or a portion of the payment as a non-taxable payment
- Any other factors which the court may deem relevant

When a share of a retirement benefit is treated as an asset for purposes of equitable distribution, the court shall not consider income generated thereafter by that share for purposes of determining alimony. (From <http://www.itsmydivorce.com/pg15.cfm>)

**Answer the following questions:**

1. What is “standard of living of the marriage”?
2. What can a non-wage earning spouse get?

3. What is the role of mediator in alimony disputes?
4. Name 4 types of alimony in New Jersey.
5. What is the difference between the types of alimony? Describe each type.
6. Name the factors considered by judges when they are deciding whether alimony is appropriate.

## VOCABULARY WORK

**Ex. 1 Complete the table with the appropriate forms of the words given. Use a dictionary if necessary:**

<b>noun</b>	<b>verb</b>
	maintain
	qualify
reimbursement	
	hike
<b>noun</b>	<b>adjective</b>
	obsessed
reason	
	self-sufficient
decline	

**Ex. 2 Match the words with their definitions:**

1. betray	a. to gradually change and develop over a period of time
-----------	--

b. sea change	b. to do harm to people when they have trusted you
3. survey	c. a very big or important change
4. lavish	d. to complain, especially continuously and about unimportant things
5. wage	e. a limit on the amount of money that you can spend or charge
6. cap	f. become less or worse with their work
7. reimburse	g. an amount of money that you earn for working, usually according to how many hours or days you work each week or month
8. hover	h. something such as your work that provides the money that you need to live
9. grumble	i. something that is spent, or is given in a very large amount, especially if it costs a lot of money
10. decline	j. to give someone the same amount of money that they have spent, for example on something connected to

11. livelihood	k. to be in a state or situation that may change at any time
12. evolve	l. a set of questions that you ask a large number of people or organizations

**Ex. 3 Translate from Russian into English:**

Алиментные платежи должны быть выплачены вовремя

Ухудшение финансового положения может быть причиной снижения размера алиментных выплат

Расточительные выходные привели к снижению уровня жизни

Заработка плата была определен в размере 1000 долларов

**Ex. 4 Translate from English into Russian:**

Both spouses **maintain** the standard of living the of the marriage.

Many stay-at-home parents are non-**wage** earning spouses.

People who can agree on everything else often **bitterly resent** having to pay alimony after the divorce.

For some people, the standard of living involves big homes, expensive cars and **lavish** vacations. For others, it involves a **modest** house, a practical car and trips to the shore.

The mediation process can help people reach settlements that meet their needs and often such settlements have to include alimony.

**Ex. 5 Give Russian equivalent :**

Скромный дом

Расточительные выходные

Основной кормилец

Не зарабатывающий супруг

Горькие возмущения

Предел суммы алиментных платежей

Кратковременный брак

Финансовая независимость

**DISCUSSION:**

1. Do you agree with the idea that when your marriage ends, you both should be able to go on living as you were before the divorce and pay your former spouse to provide it?
2. Is the situation in the Russian Federation the same?

## PARENTING TIME

### PRE-READING

**Before reading the text, please, answer some questions:**

1. What difficulties can arise if the parents of the child don't live together?
2. According to your point of view, what characteristics should be taken into account when defining the place of the child's residence?
3. Do you believe it is better for the child to live either with the Mother, or with the Father, or to spend half time with the Mother and half time with the Father? Why?

**Guess the meaning of the following words:**

spectrum [ 'spek.trəm ]

contraindication [ ,kɒn.trə,ɪn.dɪ'keɪ.ʃən ]

echo [ 'ek.əʊ ]

badmouth [ 'bæd.maʊθ ]

activities [ æk'trɪv.ɪ.ti ]

highlight [ 'haɪlaɪt ]

conflict [ 'kɒnflikt ]

**Study the following words and expressions:**

exacerbate, v [ ɪg'zæs.ə.beɪt ] – раздражать, усугублять, обострять

prerequisite, n [ ,pri: 'rek.wi.zɪt ] - предпосылка

crucial, adj. [ 'kru:ʃl ] - решающий

adolescent, n [ ,æd.ə'les.ənt ] - отрок

attune, v [ ə'tju:n ] – делатьозвучным

reduce, v [ rɪ'dju:s ] - уменьшать  
robust, adj. [ rəʊ'bʌst ] – крепкий, сильный, шумный  
perpetuate, v [ pə'petʃ.u.eɪt ] – сохранить навсегда  
mislead, v [ ,mɪs'li:d ] – вводить в заблуждение  
assessment, n [ ə'ses.mənt ] – оценка  
involvement, n [ in'velvment ] - участие  
benefit, n [ 'benɪfɪt ] - выгода  
clause, n [ klɔ:z ] - статья  
bolster, v [ 'bəul.stər ] – поддерживать  
hence, adv [ hens ] – следовательно  
intrinsical, adj. [ in'trɪnsɪklɪ ] – свойственный, присущий, внутренний  
adjust, v [ ə'dʒʌst ] – настроить, приспособить, регулировать  
maternal, adj. [ mə'tz:.nəl ] – материнский  
dissuade, v [ dɪ'sweɪd ] - отговаривать  
robust, adj. [ rəʊ'bʌst ] – ясный, сильный  
evidence, n [ 'evidəns ] - очевидность, доказательства  
sibling, n [ 'sɪb.lɪŋ ] – брат, сестра  
burdensome, adj. [ 'bɜ:.dən.səm ] – обременительный  
trap, v [ træp ] – отделять, заманивать, обманывать  
durable, adj. [ 'djuər.rə.bl̩ ] – долговременный, прочный,  
overt, adj. [ əʊ'vert ] – явный, очевидный, нескрываемый  
mature, adj. [ mə'tjuər ] – зрелый, выдержаный  
capacity, n [ kə'pæsəti ] - правоспособность, способность,

возможность

viable, adj. [ 'vai.ə.bl̩ ] - жизнеспособный  
rigid, adj. [ 'rɪdʒ.id ] – стойкий, суровый, жесткий

court-imposed [ kɔ:t-im'pəoz] – определенное судом, вынесенное судом  
flip side [ flip said ] – обратная сторона  
peer group [ piər gru:p] – группа сверстников

## READING AND COMPREHENSION

**Read and translate the article using a dictionary if necessary:**

### **Shared parenting time: messages from research**

*JOAN HUNT, Honorary Professor in Cardiff Law School*

#### **Introduction**

Clause 11 of the Children and Families Act, originally entitled Shared Parenting, introduces a presumption that the involvement of both parents after separation will benefit the child. This has been much criticised within and outside Parliament. The Government has always said the clause does not imply any particular division of parenting time and argued that the explanatory notes made this clear. However the reaction of the media and some fathers' groups ignored these subtleties and understood it to mean a right to equal parenting time. The Government initially responded to concerns by changing the title to the more neutral 'parental involvement'. The House of Lords then amended the substance of the clause to make its meaning clear in the legislation itself following which the Government introduced its own amendment, stating that 'involvement means involvement of some kind, either direct or indirect, but not any particular division of a child's time'. Despite these changes professionals in the family justice system may well be faced with more demands from fathers for equal or near equal parenting time, particularly since most will not have been legally advised. Such applications may be bolstered by references to research 'showing' that shared parenting is better for children. Hence it is important to understand what the research does and does not say. This presentation draws on several overviews of the mainly international research, listed at the end.

On the positive side it is clear that shared parenting time can work and is not intrinsically harmful to children, who are on average as well, or better adjusted, as those in primary maternal care and have closer, more enduring

relationships with their fathers. Nor does it appear to compromise the mother-child relationship. Hence there is no reason, in principle, to dissuade parents from considering it as an option. However it is vital to note that most studies are based on families who have self-selected this arrangement and have distinctive characteristics likely to make it a workable option. Recent Australian research found that once those factors were taken into account, there was no longer any significant difference in outcomes between children in shared and primary care. Nor does the evidence show that children's outcomes depend on the quantity of time they have with their father. In contrast there is robust evidence that they are linked to relationship and parenting quality.

### **Shared parenting: pros and cons**

As with any care arrangement children report advantages and disadvantages to shared parenting time. On the plus side it enables them to keep a normal relationship with both parents, have special time with each but also time apart, there are positives in having two homes and they feel secure, loved, and valued by both parents. However, as one research overview points out: 'living in two homes is not as simple as living in one'. There are substantial practical inconveniences and challenges, adjusting to different environments, loyalty conflicts and interference with peer group activities. One of the key findings from research is that how these pros and cons balance out will vary between children, even between siblings. As Smart's UK research emphasises, there is a spectrum of experience, with some being quite relaxed, others prepared to live with the difficulties, and others finding it burdensome. Children tend to be more positive when the arrangements are flexible, shaped by their needs and wishes; they feel comfortable in each household; and their parents get along. They are more negative when the opposite conditions apply. It is also becoming clear that children can feel trapped in shared care but unable to discuss their difficulties with their parents.

What factors are associated with durable and workable shared care arrangements? In practical terms the parents tend to be well educated, better

resourced and live near to each other. Fathers tend to have been ‘hands-on’ dads prior to the separation and have flexible work arrangements afterwards. Both parents are committed to sharing care, respect each other’s contribution and have confidence in each other’s parenting. They are not necessarily best mates but they have a business-like relationship with little overt conflict. They are also emotionally mature and child-focused. In terms of child characteristics shared care is more likely for single children and those of primary school age.

Then there is the flip side, the circumstances in which shared care is not advisable. Two leading Australian researchers have produced a ‘risk matrix’ with three groups of risk factors, expressed in terms of the resources available to the family. The first set, pragmatic resources, essentially relate to practical/logistical factors. The second – parenting and relationship resources – encompass ‘enduring problems with parental maturity, violence, conflict, acrimony, cooperation, child focus, shared values, respect for other’s role, flexibility, child responsiveness, support of partner/family’. The third, risks in relation to the child’s developmental resources, highlight the importance of the capacity, needs, and wishes of the child. Families without any of these risks they categorise as low risk. At the other end of the spectrum are families for whom there are so many red flags it is never going to be a viable option. In between are those where there are some contraindications but also some potential to make it work, with support, if not necessarily immediately.

Most families bringing their disputes to the family justice system are likely to fall into the high or moderate risk categories. Research indicates that shared time for these families is less durable and child outcomes are poorer than in primary care arrangements arrived at through the same processes. A Swedish study, for example, found that almost half the court-imposed shared care arrangements broke down within 12 months. Children are more likely than those in primary care to report more parental conflict and feeling caught in the middle of conflict. They are also more likely to want to end the arrangements. An Australian study of mediated/litigated cases found that children in shared care,

particularly boys in rigid arrangements, are more likely to have problems with hyperactivity and inattention. This echoes the findings of an earlier American study of more problematic adjustment for shared care children in high conflict families.

Many of the children involved with the family justice system are very young. One Australian study of non-litigating parents indicates that shared care for children under 4 can be risky even in the most favourable circumstances, because they lack the developmental capacity to meet its demands. Although this research needs replicating, there is some support from studies in Sweden and the USA. Parents coming to the family justice system, of course, are not in the most favourable circumstances, hence the normative risks for very young children are likely to be exacerbated by poor parental cooperation and high conflict.

How much cooperation is necessary? As noted earlier, parental cooperation is one of the factors associated with workable shared care arrangements. This is likely to be particularly important when the child is very young. For other children it is clearly preferable and some commentators even maintain that it is an essential prerequisite. Others argue that, while ideal, it is not crucial and that 'parallel parenting' where each parent operates without much reference to the other, can work, at least for adolescents. A recent UK study while concluding that high levels of cooperation are not necessary, adds the critical rider 'provided that parents accept each other's involvement and needs and are attuned to the child' Again not something which characterises many parents using the family justice system.

### **Parental conflict**

What about parental conflict? Research shows that shared care does not reduce conflict between parents.

Research robustly indicates that when families are in high conflict joint custody (legal or physical) does not heal the relationship and when parents cannot contain their conflict it can be destructive. In short, conflict is harmful and conflict plus frequent access to both warring parents is most destructive.

Indeed it is more likely to perpetuate, or even increase, conflict than primary care. We also know that children in shared care are more likely to feel caught in the middle of this conflict and that when conflict is high child outcomes are poorer than in primary care. Given that parents coming to the family justice system are typically in dispute, the question arises, is any conflict a contraindication for shared care? Here research suggests that conflict is more likely to put a child at risk of poor outcomes where they are placed in the middle and where the conflict is about them. It is less harmful if parents can manage their conflict and keep the child out of it, not badmouthing the other parent to the child or using the child in their conflict.

Many of the cases coming before the family courts also involve concerns about the safety of either the mother or the child. Recent Australian research found that even in a broad population sample 16%–20% of parents with shared care expressed such concerns. Although such concerns were associated with lower levels of child well-being in all care arrangements this was more marked in shared care than traditional arrangements.

### **Key messages**

- It is important not to be misled by research showing better outcomes for children in shared care. These outcomes are likely to reflect the characteristics of the families selecting this option rather than the arrangement itself.
- Quantity of time is less important than the quality of parenting and the quality of the child-parent relationship.
- Children's experiences and their capacity to cope with shared care are very varied. It is vital to focus on the needs and wishes of the individual child in their particular circumstances.
- Durable and workable shared parenting depends on a constellation of factors not typical of families in the family justice system.
- Before recommending or ordering shared care in disputed cases a very careful assessment needs to be made of the risk and protective factors. Particular caution should be exercised in ordering shared care for very young children.

(From <http://www.jordanpublishing.co.uk/practice-areas/family/publications/family-law-0#.VxO3L4sWEW0> )

**Answer the following questions:**

1. Why was the norm about time devision between parents understood not correctly?
2. Can there be a right answer to the question about the amount of time which should be spend with the mother and with the father of the child? Why?
3. What is shared parenting? Primary care?
4. Name the advantages of shared parenting time.
5. Name disadvantages of shared parenting time
6. To make shared care workable, what should parents do?
7. What is 'risk matrix'?
8. Is shared custody affective, when it is the court decision, not the decision of parents themselves?
9. What is the most important factor when making a decison about child care?
10. When is the child more likely to feel trapped?

**VOCABULARY WORK**

**Ex. 1 Complete the table with the appropriate forms of the words given. Use a dictionary if necessary:**

<b>noun</b>	<b>verb</b>
	to perpetuate
involvement	

arrangement	
	to amend
	to bolster
benefit	
trap	
	to evidence

**Ex. 2 Match the words with their definitions:**

1.clause	a. the act of taking part in an activity, event, or situation
2.benefit	b. to make a problem become worse
3.involvement	c. to make something such as a situation or process continue, especially one that is wrong, unfair, or dangerous
4.constellation	d. familiar with something
5.arrangement	e. to criticize someone or something
6.mislead	f. something that must exist or happen before something else is possible
7.badmouth	g. an advantage you get from a situation
8.perpetuate	h. a part of a legal document or law that officially states that something must be done

9.robust	i.such people are strong and healthy
10.reduce	j.a group of people or things that are similar or related
11.attuned	k. a way of organizing things so that problems are solved or avoided
12.adolescents	l.something that is crucial is extremely important because it has a major effect on the result of something
13.crucial	m.to make something change
14.prerequisite	n.to make someone believe something that is incorrect or not true
15.exacerbate	o.a boy or girl who is changing into a young man or woman
16.concern	p.feeling of worry about something, especially one that a lot of people have about an important issue
17.amend	q.to make changes to a document, law, agreement etc, especially in order to improve it
18.bolster	r.a group of people of the same age, social class, or education

19.peer group	s.relating to being a mother
20.maternal	t.to make something stronger or more effective

**Ex. 3 Insert words into the sentences given below:**

**assessment, hence, adjust, siblings, burdensome, dissuade, mature**

1. I tried to \_\_\_\_\_ him from giving up his job.
2. Objective \_\_\_\_\_ of the problem was difficult.
3. We suspect they are trying to hide something, \_\_\_\_\_ the need for an independent inquiry.
4. \_\_\_\_\_ your language to the age of your audience.
5. The younger children were badly treated by older \_\_\_\_\_.
6. The new regulations will be \_\_\_\_\_ for small businesses.
7. Jane is very \_\_\_\_\_ for her age.

**Ex. 4 Give Russian equivalents to these expressions (all expressions are from the text)**

*involvement* of both parents -

shared parenting time is not *intrinsically* harmful to children -

there is a *spectrum* of experience -

primary *maternal* care -

children can feel *trapped* in shared care -

parents *tend to be* well educated -

*court-imposed* shared care arrangements broke down

## **DISCUSSION**

Find the norms, which regulate the same relationship in the Family code of the Russian Federation. Can you find difference in regulation in UK and the Russian Federation?

According to your point of view, what is the best way to communicate with children if parents live apart?

## MAN'S FATHERHOOD CLAIM GOES TO RETRIAL

### PRE-READING

**Answer the following questions:**

1. What are the pros and cons of DNA test for contemporary society?
2. What does the word 'father' imply, from your point of view? Is it purely biological phenomenon or something more?

**Study the following words and expressions:**

fatherhood, n /'fa:ðə(r)hud/ - отцовство

claim, n /kleim/ - требование, претензия, заявление

retrial, n /'ri:traɪəl/ - пересмотр судебного дела

seek, v /sɪ:k/ – искать, пытаться найти

order, n /'ɔ:(r)də(r)/ - приказ, распоряжение, разрешение

undergo, v /,ʌndə(r)'gəʊ/ - подвергаться чему-либо

despite, prep. /dɪ'spaɪt/ - несмотря на

refusal, n /rɪ'fju:z(ə)l/ – отказ, отклонение

request, n /rɪ'kwest/ - просьба, требование, запрос, прошение

hear, v /hɪə(r)/ – слушать (дело)

appeal, n /ə'pi:l/ – апелляция, просьба

establish, v /ɪ'stæblɪʃ/ – устанавливать, учреждать

perpetuate, v /pə(r)'petʃueɪt/ – сохранять навсегда, увековечивать

gossip, n /'gɒsɪp/ – болтовня, сплетни, слухи

rumour, n /'ru:mə(r)/ - молва, слух

profound, adj. /prə'faʊnd/ – сильный, глубокий

misgiving, n /,mɪs'gɪvɪŋ/ – опасение, предчувствие дурного

stem, v /stəm/- происходить, возникать  
confident, adj. /'kɒnfɪd(ə)nt/ – уверенный  
destroy, v /dɪ'strɔɪ/ – разрушать, уничтожить  
evidence, n /'evid(ə)ns/ – основание, факты, доказательство  
permit, v /pə(r)'mɪt/ - позволять, разрешать  
consequence, n /'kɒnsɪkwəns/ – заключение, вывод  
dismiss, v /dɪs'mɪs/ - отклонять  
fanciful, adj. /'fænsɪf(ə)l/ – причудливый, странный  
sufficiently, adv. /sə'fɪʃ(ə)ntli/ – достаточно, полностью  
exclude, v /ɪk'sklu:d/ - исключать  
admit, v /əd'mɪt/ - признавать  
accept, v /ək'sept/ – принимать, соглашаться  
adultery, n /ə'dʌlt(ə)ri/- адультер, нарушение супружеской  
верности, прелюбодеяние  
ignorance, n /'ɪgnərəns/ – незнание, неосведомленность  
quarrel, n /'kwɔrəl/ – ссора, перебранка, спор  
application, n /æplɪ'keɪʃ(ə)n/ – заявление, просьба, обращение  
comply, v /kəm'plai/ – исполнять, уступать, соглашаться  
litigation, n /lɪtɪ'geɪʃ(ə)n/ – тяжба, судебный спор, процесс  
conceal, v /kən'si:l/ – скрывать, утаивать, умалчивать  
deceit, n /dɪ'si:t/ - обман  
county court – суд графства

## **READING AND COMPREHENSION**

**Read and translate the text using a dictionary if necessary:**

An academic in his mid-sixties yesterday won the right to a re-trial in his battle to be declared the father of four-year-old twins. He is seeking an order that

the two girls should undergo DNA tests despite the refusal of their mother, who has been married since 1975 to another man.

Judge Elystan Morgan refused the request at Caernarfon county court, ruling that if the academic proved to be the father, it would break up a "happy marriage".

Lord Justice Thorpe, one of three judges who heard the appeal last month, said yesterday in a reserved judgment that there should be a balance between establishing scientific fact against the risk of "perpetuating a state of uncertainty that breeds gossip and rumour".

He allowed the academic's, appeal and sent the case to the high court for re-trial.

Lord Justice Thorpe said: "My profoundest misgiving stems from the judge's confident conclusion that to grant the application would be to destroy the twins' family.

"However, I do not consider that the evidence available to this court permits that very serious consequence to be dismissed as fanciful or even sufficiently unlikely as to be excluded as a factor to be brought into the balance."

The academic, Mr. B, who has five children by other relationships, claimed he had a close sexual relationship with the mother between 1995 and 1999 when it broke down.

The mother, Mrs. R, who is in her forties and from north Wales, admits she had sex with him, but only while using contraceptives. She claims the real father is her husband.

Lord Justice Thorpe said Mr. and Mrs. R were married in 1975 and a son was born that year.

It was not until 22 years later that the twins were born and Judge Morgan had established that her four-year sexual relationship with the academic had begun in early 1995, said Lord Justice Thorpe.

The trial judge had also accepted that at first Mrs. R had told Mr. B he was the father of the twins, had sent Christmas cards from the twins to him in 1997 and 1998, and had allowed visits to the babies.

The judge found that Mrs. R's husband, in ignorance of his wife's adultery, had accepted the twins were his and had become their primary carer after Mrs. R went back to work.

After the quarrel in 1999, Mr. B issued an application in the county court for contact and parental responsibility.

An order was made by the court for DNA testing, but Mrs. R refused to comply.

Lord Justice Thorpe said: "One of the extraordinary features of the case is that throughout this year of litigation Mrs. R had concealed its existence from her husband.

"Her deceit was uncovered when her husband accidentally came across court papers in her bag in early 2000."

(From <http://www.theguardian.com/uk/2002/mar/22/2>)

### **Answer the following questions:**

1. What kind of case is send to re-trial according to the text?
2. Why did judge Elystan Morgan refuse the request at Caernarfon county court?
3. Why did Lord Justice Thorpe allow the academic's appeal and sent the case to the high court for re-trial?
4. Did Mrs. R's husband know about his wife's adultery?
5. When did Mr. B issue an application in the county court for contact and parental responsibility?
6. Have Mr. and Mrs. R got other children?

### **VOCABULARY WORK**

**Ex. 1. Complete the table with the appropriate forms of the words given. Use a dictionary if necessary:**

Verb	Noun
establish	
	order
permit	
	refusal
exclude	
	appeal
accept	
	quarrel
admit	
	application

**Ex. 2. Match the words with their definitions:**

1.gossip	a. use of the legal system to settle a disagreement
2.perpetuate	b. unusual and complicated rather than plain and practical
3.litigation	c. very great
4.deceit	d. to make something such as a situation or process continue, especially one that is wrong, unfair, or dangerous
5.fanciful	e. a feeling of fear or doubt about whether something is right or will have a good result
6.profound	f.conversation about unimportant subjects, especially people's private lives

7.misgiving	g. to obey a rule or law, or to do what someone asks you to do
8.comply	h. dishonest behaviour that is intended to trick someone

**Ex. 3. Give Russian equivalents to these expressions:**

To breed gossip and rumour

reserved judgment

primary carer

to issue an application

parental responsibility

to come across

**Ex. 4. Give English equivalents to these expressions:**

Быть объявленным отцом близнецов

Пройти ДНК тест

Уверенное заключение

Отказаться исполнять

Экстраординарная особенность

Раскрыть обман

**Ex. 5. Find the synonyms to the following words:**

Destroy, permit, profound, fanciful, conceal, deceit, comply, misgiving.

**Ex. 6. Translate from Russian into English:**

1. Пересмотр судебного дела иногда становится необходимым для установления справедливости. (retrial, establish)
2. Прохождение ДНК теста является необходимым для установления отцовства. (undergo DNA test, fatherhood)
3. Супружеская неверность дает повод многочисленным сплетням и разрушает семьи. (adultery, gossip, destroy)
4. Долгих судебных разбирательств, глубоких неприятных впечатлений от них можно избежать, если не скрывать правду. (litigation, profound, conceal)
5. Наибольшее опасение в этой ситуации вызывает состояние ребенка, который не по своей воле оказывается в центре большого спора. (misgiving, quarrel)
6. Прежде чем подавать заявление в суд, необходимо попытаться все решить самим, признать свою долю вины, договориться с партнером. (apply, admit)

## **Speaking**

### **Discuss the following questions as a group:**

16. Do you think that sometimes it is preferable to conceal the truth?
17. Whose view on the situation in the text is more sensible, from your point of view: Elystan Morgan's or Lord Justice Thorpe's?

### **Use the phrases below:**

In my opinion...

To my mind...

I have no doubt that...

My own feeling on the subject is that...

I am of the opinion that...

## ***ADOPTION***

### ***PRE-READING***

#### **Answer the following questions:**

1. When do children need to be adopted?
2. Do you think children should be adopted even if they have parents? In what case?

#### **Guess the meaning of the following words:**

priority [ prai'prəti ]

stability [ stə'bɪl.ɪ.ti ]

signal [ 'sɪgnəl ]

traumatic [ trə:'mæt.ɪk ]

minimize [ 'mɪn.ɪ.maɪz ]

#### **Study the following words and expressions:**

requirement, n [ rɪ'kwaɪəmənt ] - требование

adoption, n - [ ə'dɒp.ʃən ] – усыновление

urgent, adj. [ 'ɜ:dʒənt ] – срочный, неотложный

vulnerable, adj. [ 'vʌl.nər.ə.bl ] – уязвимый, беззащитный

clarify, v [ 'klær.ɪ.fai ] – уточнять, прояснять

wellbeing, n [ ,wel'bɪ:.ɪŋ ] - благополучие

clarity, n [ 'klær.ɪ.ti ] – ясность, чистота, доходчивость

abuse, v [ ə'bju:s ] – злоупотребление, нарушение

neglect, v [ nɪ'glekt ] – пренебрегать, упускать

adolescence, n [ ,æd.ə'les.əns ] – подростковый возраст, юность

robust, adj. [ rəʊ'bʌst ] – прочный, надежный, мощный, крепкий, здравый

overstretch, v [ ,əʊ.və'streʃ ] - перегружать, растягивать

therapeutic, adj. [ ,θer.ə'pjui.tik ] - терапевтический

emotive, adj. [ ɪ'məʊ.tiv ] - эмоциональный

simplify, v [ 'sim.pli.fai ] - упрощать

foster, n [ 'fɔs.tər ] – поощрять

cast, v [ ka:st ] – кидать, бросать

contest, v [ 'kɔn.test ] - оспаривать

embroil, v [ ɪm'briəl ] – втягивать, впутывать

disruption, n [ dis'rʌpt ] – нарушение, разрушение

chief executive [ tʃi:f ɪg'zekjətiv ] – исполнительный директор

kinship carers [ 'kɪn.ʃɪp 'keə.rər ] – лица, на чьем попечении находятся

близкие родственники

howls of protest – вопли протеста

## READING AND COMPREHENSION

**Read and translate the article using a dictionary if necessary:**

### **More children to be removed from biological parents and placed for adoption under 'urgent' new rules**

It will be a legal requirement that family courts and councils prioritise the 'long-term stability and happiness' of children

*Charlie Cooper Whitehall Correspondent Thursday 14 January 2016*

More children will be removed from their biological parents and placed for

adoption, under “urgent” new rules to be announced by ministers.

For the first time it will be a legal requirement that family courts and councils prioritise the “long-term stability and happiness” of children, Education Secretary Nicky Morgan said. The emphasis on placing vulnerable children in the care of families who can look after them right up until their 18th birthday is likely to see more adoptions – in attempt to reduce the number of young people bouncing in and out of the care system.

The change in the law comes after a 50 per cent drop in the number of decisions for adoption made by courts and councils. David Cameron signalled a drive to increase adoption rates in November, and the new legislation aims to clarify the Government’s view that finding a long-term, adoptive family, should be a priority – rather than courts or councils placing children in in short-term care placements.

A new £200m fund to help speed up adoption decisions will also be made available, the Department for Education said.

Hugh Thornberry, chief executive of Adoption UK charity, said the change in the law was “extremely good news”. Barnardo’s said any law change should put children’s long-term wellbeing first, but indicated that it wanted “greater clarity” on how the legislation would work in practice.

The move follows concern among ministers that courts and councils too often focus on short-term options for children taken into care. Ms Morgan said children should be placed with a new family “as quickly as possible”.

“Every single day a child spends waiting in care is a further delay to a life full of love and stability and this simply isn’t good enough,” she said.

“We have a responsibility to transform the lives of our most vulnerable children, making sure they get the opportunities they deserve.”

Under the new law, courts and councils will be required to recognise the importance of reparative care a child may need to recover from abuse or neglect in their early years, and will have to consider whether a placement with a family lasts until adolescence.

Mr Thornberry said the Government should also provide for robust assessments of children's individual needs and warned over funding for "overstretched" Children's Services Departments.

"It's vital, when planning for permanence, that all the child's needs are considered as we know from the experience of our members that many children require highly specialised and therapeutic parenting to overcome early traumatic experiences," he said. (From <http://www.independent.co.uk/life-style/health-and-families/more-children-to-be-removed-from-biological-parents-and-placed-for-adoption-under-urgent-new-rulesa6810911.html>)

### ***The real story behind 'forced adoptions'***

A story this week about a girl put up for adoption because her grandparents were 'too old' is just one more in a long line of emotive but simplified media tales

*Caroline Selkirk Wednesday 22 July 2015*

The British media abounds with highly emotive adoption stories, and this week was no exception. Howls of protest sounded in some areas of the press at the news that a three year old girl was forcibly put up for adoption this week, against the will of her loving grandparents, allegedly because they were judged 'too old' to care for her. It was reported that the mother of the child had lost custody of her due to severe mental health problems, but that her parents were willing to take on special guardianship, against the recommendation of social workers.

The UK is the only country in Europe, and one of a tiny minority of countries in the world, that participates in so-called 'forced adoption'. This fairly self-explanatory procedure means taking a child away from its family without – and sometimes against - the agreement of all family members. This is very much a last resort in a desperate situation, undergone when there is no safe way for children to stay with their immediate family. However, there's no denying that it

can feel extremely brutal for those involved.

In the last few years, the number of children with an Adoption Order has dramatically fallen. What this means in practice is that there are just as many children in the care system – for instance, being fostered – but fewer who have been recommended by local authorities to be placed for adoption with a new family. This year alone, the number of children in care with an Adoption Plan fell again, by 37 per cent. For many of these children, cast adrift in a sea of uncertainty, this is a depressing state of affairs.

The key reason for this results from judgments made by the Supreme Court and the Court of Appeal which reminded local authorities and courts of the huge significance of adoption. Adoption legally and permanently severs the child's legal relationship with their birth family. Again, the UK is the only country in Europe to do this, however often contact does continue with both siblings, grandparents and sometimes birth parents. 'Forced adoption' is more accurately referred to in the care sector as 'contested adoption'.

Make no mistake about it: most children who are embroiled in the care system are there because of serious abuse or neglect. One of the reasons that contested adoption is legal here and illegal elsewhere is because UK law puts the welfare and rights of the child first, above those of parents and any associated relatives. It's not always in the child's best interests to stay with their birth family.

'Kinship carers' – defined as relatives and close friends of the birth family - often become special guardians of a child. This allows children to leave the care system and remain within their immediate family, minimising disruption to that child's upbringing, and can often provide a knowledgeable and loving new home. By law, kinship carers must be the first port of call for social workers. However, there are some difficulties with these arrangements.

For instance, kinship carers do not receive access to legal aid, which means it can be difficult for them to contest a child's adoption through the courts. Neither do they enjoy the same benefits as adopters do if they look after a child,

such as the legal right to adoption leave from work. Some have fallen foul of the Bedroom Tax.

Sadly, finding a loving home for a child can often be harder than anyone imagined. What is needed is a more holistic approach to adoption and fostering by the government. The £19.2 million for the Adoption Support Fund providing therapeutic support for adoptive children was recently pledged, but this fund doesn't extend to children placed with kinship carers. Meanwhile, too many children remain in the care system without any promise of a permanent and stable home. (From <http://www.independent.co.uk/voices/comment/the-real-story-behind-forced-adoptions-10408306.html>)

**Answer the following questions:**

1. What is “forced adoption”?
2. Is the legislation in the sphere of adoption in UK close to the European legislation in this sphere?
3. Who can become special guardians of a child?
4. What numbers can you see in the article? What do they refer to?
5. Why are there many children who need to be adopted?
6. Do adopters have the same rights as kinship carers? If there is any difference – name it.

**Are these statements true, false or not stated?**

1. In the last few years, the number of children with an Adoption Order has dramatically fallen.
2. Children whose biological parents are alive can't be adopted
3. Placing children in short-term care placements is the priority in UK
4. 70% of adopted children in UK are happy with their new parents

5. There is very little amount of children, who are waiting to be adopted in UK

## VOCABULARY WORK

**Ex. 1 Complete the table with the appropriate forms of the words given. Use a dictionary if necessary:**

<b>noun</b>	<b>verb</b>
adoption	
	To abuse
neglect	
disruption	
	To minimize
requirement	
	To pledge
	To cast

**Ex. 2 Match the words with their definitions:**

1. requirement	a. the satisfactory state that someone or something should be in, that involves such things as being happy, healthy, and safe, and having enough money
2. abound	b. a situation in which something cannot continue because of a problem
3. disruption	c. thinking about the whole of

	something, and not just dealing with particular aspects
4. embroil	d. the period of your life when you change from being a child to being a young adult
5. holistic	e. to promise a certain amount of money for a particular purpose
6. pledge	f. weak or easy to hurt physically or mentally
7. wellbeing	g. something that a rule, law, contract etc. states that you must do
8. urgent	h. to be present in large numbers or amounts
9. adolescence	i. To involve in a difficult situation
10. vulnerable	j. used about things that are being done quickly, or need to deal with immediately in order to deal with a serious problem

**Ex. 3 Put the expressions into correct place:**

**bouncing in and out, howls of protest, to fall foul of, first port of call**

1. The move was met with \_\_\_\_\_ from those who argue that the entry of large hypermarket chains like Carrefour and Walmart will devastate the small shops that currently dominate India's retail sector.
2. National human rights institutions that are in compliance with the Paris Principles can be a \_\_\_\_\_ for victims of human rights violations.

3. I hope I don't \_\_\_\_\_ your sister. She doesn't like me.
4. We have to reduce the number of young people \_\_\_\_\_ of the care system.

**Ex. 4 Translate from English into Russian:**

1. Every single day a child spends waiting in care is a further delay to a life full of love and stability and this simply isn't good enough.
2. Kinship carers do not receive access to legal aid, which means it can be difficult for them to contest a child's adoption through the courts.
3. Under the new law, courts and councils will be required to recognise the importance of reparative care a child may need to recover from abuse or neglect in their early years.
4. The change in the law comes after a 50 per cent drop in the number of decisions for adoption made by courts and councils.
5. Howls of protest sounded in some areas of the press at the news that a three year old girl was forcibly put up for adoption this week, against the will of her loving grandparents.

**Ex. 5 Translate from Russian into English:**

1. За последние несколько лет число усыновленных детей резко снизилось.
2. Проживание с биологическими родителями не всегда в интересах ребенка.
3. Вопли протesta звучали в печати в связи с тем, что трехлетняя девочка была насильственно удочерена.
4. Родители ребенка были лишены опеки над детьми из-за серьезных проблем с психическим здоровьем.

5. Дети, у которых отсутствуют родственники нередко бывают брошены на произвол судьбы.

## **SPEAKING**

### **Discussion:**

1. Do you think that there are situations, when child can be adopted even if his or her biological parents are alive?

2. Do you agree with the UK legislation in the sphere of adoption?

3. Find the norms, which regulate adoption in the Family code of the Russian Federation. Name the conditions and the procedure of the adoption in the Russian Federation

**THE FAMILY CODE  
OF THE RUSSIAN FEDERATION  
NO. 223-FZ OF DECEMBER 29, 1995**

**(with the Amendments and Additions of November 15, 1997, June 27, 1998,  
January 2, 2000, August 22, December 28, 2004, June 3, December 18, 29,  
2006, July 21, 2007, June 30, 2008)**

**(ABSTRACT)**

**Section II. Entering into a Marriage and Termination of a Marriage**

**Chapter 3. The Terms and Procedure for Entering into a Marriage**

**Article 10. Entering into a Marriage**

- 1.** A marriage shall be entered into at registry offices.
- 2.** The rights and duties of spouses shall arise as from the date of official registration of their entering into a marriage at registry offices.

**Article 11. Procedure for Entering into a Marriage**

- 1.** A marriage shall be concluded in the presence of the persons entering into the marriage, after the expiry of one month from the date of their filing an application with the registry offices. If there are valid reasons for doing this, the registry office may permit the conclusion of a marriage before the expiry of one month, and may also extend this term, but not by more than one month.

In case of the existence of some specific circumstances (such as pregnancy, the birth of a child, a direct threat to the life of one of the parties, or other circumstances), a marriage may be entered into on the date of filing the application.

- 2.** The state registration of entering into a marriage shall be effected in conformity with the procedure, laid down for the state registration of civil status acts.

- 3.** The refusal of the registry office to register a marriage may be appealed against in court by the persons who wish to enter into a marriage (by one of them).

**Article 12. The Terms for Entering into a Marriage**

**1.** To enter into a marriage, the voluntary consent of the man and of the woman entering into it, and their reaching the marriageable age, shall be necessary.

**2.** The marriage shall not be entered into in the face of the circumstances pointed out in Article 14 of the present Code.

**Article 13.** The Marriageable Age

**2.** In the presence of valid reasons, the bodies of local self-government at the residence of persons wishing to enter into a marriage may, at the request of such persons, permit entering into a marriage to persons who have reached the age of sixteen years.

The procedure and the terms because of whose existence a marriage may be entered into by way of an exception, with account for specific circumstances, before reaching the age of sixteen years, may be laid down by the laws of the subjects of the Russian Federation.

**Article 14.** Circumstances Preventing Entering into a Marriage Not to be admitted shall be entering into a marriage by:

- persons one of whom at least already consists in another registered marriage;

- close relations (relations by the direct ascending and descending lines - by the parents and children, by the grandfather, the grandmother and the grandchildren), by full and by not full (having a common father or a mother) brothers and sisters;

- adopters and the adoptees;

- persons at least one of whom is recognized by court as legally incapable because of mental derangement.

**Article 15.** Medical Examination of the Persons Entering into a Marriage

**1.** The medical examination of the persons entering into a marriage, and consulting them on the medical-genetic issues and on those of family planning shall be effected by the institutions of the state and of the municipal public health system per the place of their residence, free of charge and only with the consent of the persons entering into a marriage.

**2.** The results of the examination of a person entering into a marriage shall be a medical secret, and may be reported to the persons, with whom he intends to enter into a marriage only with the consent of the person who has passed the examination.

**3.** If one of the persons entering into a marriage, has concealed from the other person the existence of a venereal disease or of an HIV-infection, the latter shall have the right to turn to a court with a claim for recognizing the marriage as annulled (Articles 27-30 of the present Code).

#### **Chapter 4. Termination of the Marriage**

##### **Article 16. Grounds for Terminating a Marriage**

**1.** A marriage shall be terminated as a consequence of the death of one of the spouses, or as a consequence of the court declaring one of the spouses dead.

**2.** A marriage may be terminated by its dissolution upon the application of one or both spouses, and also upon the application of the guardian of the spouse recognized by the court as legally incapable.

##### **Article 17. Restriction of the Husband's Right to File a Claim for Dissolution of the Marriage**

The husband shall not have the right to institute court proceedings on dissolution of the marriage during the wife's pregnancy and in the course of one year after the birth of the child.

**Article 18. Procedure for Dissolution of the Marriage**  
Dissolution of the marriage shall be effected at registry offices, and in the cases, stipulated by Articles 21-23 of the present Code - in court.

##### **Article 19. Dissolution of the Marriage at Registry Offices**

**1.** In case there is mutual consent to the dissolution of the marriage on the part of both spouses who have no underaged children, the marriage shall be dissolved at registry offices.

**2.** Dissolution of the marriage upon an application of one of the spouses, regardless of whether the spouses have or have not common underaged children, shall be effected at registry offices, if the other spouse:

- is recognized by a court as missing;
- is recognized by a court as legally incapable;
- is sentenced to imprisonment for committing a crime for a term of over three years.

**3.** Dissolution of the marriage and the issue of the certificate on the dissolution of the marriage shall be effected by the registry office upon the expiry of one month from the date of filing an application on the dissolution of the marriage.

**4.** The state registration of the dissolution of the marriage shall be effected by the registry offices in conformity with the procedure established for the state registration of civil status acts.

#### **Article 20.** Consideration of Disputes Arising Between Spouses When Their Marriage Is Being Dissolved at Registry Offices

Disputes about dividing the spouses' common property, about the payment of the means for the maintenance of a disabled needy spouse, and also disputes about children arising between the spouses, one of whom is recognized by the court as legally incapable or is sentenced for committing a crime to imprisonment for a term of over three years (Item 2, Article 19 of the present Code), shall be considered in court, apart from dissolution of the marriage at registry offices.

#### **Article 21.** Dissolution of the Marriage in Court

**1.** A marriage shall be dissolved in court if the spouses have common underaged children, with the exception of the cases stipulated by Item 2, Article 19 of the present Code, or if one of the spouses does not consent to dissolution of the marriage.

**2.** A marriage shall also be dissolved in court if one of the spouses, while raising no objections to it, avoids the dissolution of the marriage at the registry office (refuses to file an application, does not wish to attend the registering of the dissolution of the marriage, etc.).

#### **Article 22.** Dissolution of the Marriage in Court if One of the Spouses Does Not Consent to Dissolution of the Marriage

**1.** The marriage shall be dissolved in court if it has been established that the further life of the spouses together and the preservation of the family is impossible.

**2.** When considering a case on dissolution of the marriage in the absence of one of the spouses' consent to the dissolution of the marriage, the court shall have the right to take measures for reconciling the spouses and shall also have the right to put off the proceedings having fixed for the spouses a three-month reconciliation term.

The marriage shall be dissolved if the measures taken to reconcile the spouses have failed and the spouses (one of the spouses) insist (insists) on dissolution of the marriage.

**Article 23.** Dissolution of the Marriage in Court If Both Spouses Consent to the Dissolution of the Marriage

**1.** If there is a mutual consent to the dissolution of the marriage on the part of both spouses having common underaged children, or on the part of the spouses indicated in Item 2, Article 21 of the present Code, the court shall dissolve the marriage without finding out the motives behind the divorce. The spouses shall have the right to present to the court an agreement on the children, envisaged in Item 1, Article 24 of the present Code. In the absence of such an agreement, or if the given agreement infringes upon the interests of the children, the court shall take measures to protect their interests in the procedure, stipulated by Item 2, Article 24 of the present Code.

**2.** Dissolution of the marriage shall not be effected by the court before the expiry of one month from the date of the spouses' filing an application on the dissolution of the marriage.

**Article 24.** The Issues Resolved by the Court When Taking a Decision on the Dissolution of the Marriage

**1.** When dissolving the marriage in court, the spouses may present for the consideration of the court an agreement on the issue of with whom of them the underaged children shall live, on the procedure for paying the means for the

maintenance of the children and (or) of a disabled needy spouse, on the amount of these means or on dividing the common property of the spouses.

**2.** In the absence of an agreement between the spouses on the issues, pointed out in Item 1 of the present Article, and also if it is established that the given agreement infringes upon the rights of the children or of one of the spouses, the court shall be obliged:

- to decree with whom of the spouses shall the underaged children live after the divorce;

- to determine from which of the parents and in what amounts shall the alimony be exacted for their children;

- upon the demand of the parents (of one of them), to divide the property in their joint ownership;

- upon the demand of the spouse having the right to claim for maintenance from the other spouse, to define the size of this maintenance.

**3.** If the division of the property infringes upon the interests of the third persons, the

court shall have the right to consider the claim for dividing the property by separate proceedings.

#### **Article 25. The Moment of Termination of the Marriage, When It Is Being Dissolved**

**1.** The marriage dissolved at the registry offices shall be terminated as from the date of the state registration of the dissolution of the marriage in the Register of Civil Status Acts, and if the marriage is dissolved in court - as from the date of the court decision coming into legal force.

**2.** The dissolution of the marriage in court shall be subject to state registration in conformity with the procedure, established for the state registration of civil status acts.

The court shall be obliged, within three days from the date of the court decision on the dissolution of the marriage coming into legal force, to forward an

excerpt from this court decision to the registry office at the place of the state registration of entering into the marriage.

The spouses shall have no right to enter into a new marriage until obtaining a certificate on the dissolution of the marriage from the registry office at the place of residence of any one of them.

**Article 26.** Restoration of the Marriage in Case of the Appearance of the Spouse Declared Dead or Recognized as Missing

**1.** In case of the appearance of the spouse who was declared by a court as dead or recognized by the court as missing for an unknown reason, and of the cancellation of the corresponding court decisions, the marriage may be restored by the registry office upon the joint application of the spouses.

**2.** The marriage may not be restored if the other spouse has entered into a new marriage.

**Chapter 5. Annulment of the Marriage**

**Article 27.** Recognizing the Marriage as Annulled

**1.** The marriage shall be recognized as annulled if the terms established by Articles 12-14 and by Item 3 of Article 15 of the present Code are violated, and also in the case of entering into a fictitious marriage, i.e., if the spouses, or one of the spouses registered the marriage without the intention to start a family.

**2.** A marriage shall be recognized as annulled by the court.

**3.** The court shall be obliged, within three days from the date of the court decision on recognizing the marriage as annulled coming into legal force, to forward an except from this court decision to the registry office at the place of the state registration of the marriage.

**4.** A marriage shall be recognized as annulled as from the date of its registration (Article 10 of the present Code).

**Article 28.** The Persons Having the Right to Demand that a Marriage Be Recognized as Annulled

**1.** The right to demand that a marriage be recognized as annulled shall be possessed by:

- an underaged spouse, his parents (or the persons substituting for them), a guardianship and trusteeship body or the Prosecutor, if the marriage was entered into with a person who has not reached the marriageable age, in the absence of a permit for entering into a marriage before this person's reaching the marriageable age (Article 13 of the present Code). After the underaged spouse reaches the age of 18 years, the right to demand that the marriage be recognized as annulled shall belong only to this spouse;

- the spouse whose rights have been violated by registering the marriage, and also the Prosecutor, if the marriage was registered in the absence of the voluntary consent of one of the spouses entering into it: as a result of coercion, deceit, delusion or impossibility, because of his condition at the moment of registration of the marriage, to realize the meaning of his actions and to direct them;

- the spouse, who was not aware of the existence of the circumstances preventing the entering into a marriage, the guardian of the spouse, recognized as legally incapable, the spouse by a previous undissolved marriage, and other persons whose rights are violated by the formalization of the marriage, performed with a violation of the requirements of Article 14 of the present Code, and also the guardianship and trusteeship body and the Prosecutor;

- the Prosecutor, and also the spouse, who was not aware of the fact that the marriage was fictitious, in the case of entering into a fictitious marriage;

- the spouse whose rights are violated, in the face of the circumstances pointed out in Item 3, Article 15 of the present Code.

**2.** When considering a case on recognizing as annulled the marriage entered into with a person who has not reached the marriageable age, and also with a person recognized as incapable by the court, the guardianship and trusteeship body shall participate in the proceedings.

#### **Article 29. The Circumstances Disallowing the Annulment of a Marriage**

**1.** The court may recognize the marriage as valid, if by the moment of starting the hearings on the case on recognizing the marriage as annulled, the circumstances, which by force of law prevented its formalization, have disappeared.

**2.** The court may reject a claim for recognizing as annulled the marriage entered into with a person who has not reached the marriageable age, if this is required by the interests of the underaged spouse, and also if he does not give his consent to recognizing the marriage as annulled.

**3.** The court may not recognize the marriage as fictitious if the persons who registered such a marriage, have in fact started a family before the case was dealt with in court.

**4.** The marriage may not be recognized as annulled after its dissolution, with the exception of the existence of the law-prohibited degree of kinship between the spouses, or if one of the spouses consists, at the moment of registering the marriage, in another undissolved marriage (Article 14 of the present Code).

**Article 30.** The Consequences of Recognizing a Marriage as Annulled **1.** A marriage recognized by the court as annulled shall not give rise to the rights or to the duties of the spouses, stipulated by the present Code, with the exception of the cases, pointed out in Item 4 and in Item 5 of the present Article.

**2.** Towards the property jointly acquired by the persons whose marriage is recognized

as annulled, shall be applied the provisions of the Civil Code of the Russian Federation on

shared property. The marriage contract, signed by the spouses (Articles 40-42 of the present Code), shall be recognized as invalid.

**3.** The recognition of a marriage as annulled shall not have any impact on the interests of the children, born in such a marriage or in the course of 300 days after the date, when the marriage was recognized as annulled (Item 2, Article 48 of the present Code).

**4.** When taking the decision on recognizing the marriage as annulled, the court may recognize the right of the spouse, whose rights were violated by the formalization of such a marriage (a bona fide spouse), to receive maintenance from the other spouse, in conformity with Article 90 and Article 91 of the present Code, and as concerns dividing the property jointly acquired before the moment when the

marriage was recognized as annulled, it shall have the right to apply the provisions, laid down by Articles 34, 38 and 39 of the present Code, and also to recognize as valid, fully or in part, the marriage contract.

The bona fide spouse shall have the right to claim the compensation of material and moral damages, caused to him, according to the rules, stipulated by the civil legislation.

**5.** The bona fide spouse shall have the right, when the marriage is recognized as annulled, to preserve the surname, which he/she has chosen to assume in the state registration of entering into the marriage.

#### **Section IV. The Rights and Duties of Parents and Children**

##### **Chapter 10. Establishment of Children's Descent**

**Article 47.** The Ground for the Arising of the Rights and Duties of Parents and Children

The rights and duties of parents and of children shall be based on the children's descent, certified in the law-established order.

##### **Article 48. Establishment of the Child's Descent**

**1.** The descent of the child by his mother (the motherhood) shall be established on the ground of the documents, confirming the mother's giving birth to the child in a maternity hospital, and in the case of the child's being born not in a medical centre - on the ground of medical documents, or of the witness testimony, or of other proofs.

**2.** If the child was born of the married persons, and also in the course of 300 days from the moment of the dissolution of the marriage or of its being recognized as annulled, or from the moment of the death of the spouse of the child's mother, the mother's spouse (ex-spouse) shall be recognized as the child's father, unless otherwise is proved (Article 52 of the present Code). The fatherhood of the spouse of the child's mother shall be certified with an entry on their marriage certificate.

**3.** The fatherhood of the person, who is not married to the child's mother, shall be established by way of filing a joint application by the father and by the mother of the child with the registry office; in case of the mother's death, of

recognizing her as legally incapable or of the impossibility to identify the place of her stay, or in case of her being deprived of the parenthood - by an application of the child's father, with the consent of the guardianship and trusteeship body, and in the absence of such consent - by the decision of the court.

If there exist circumstances, which give grounds to suppose that the filing of a joint application on establishing the fatherhood may prove to be impossible or difficult after the child's birth, the unmarried parents of the future child shall have the right to file such an application with the registry office during the mother's pregnancy. The entry about the child's parents shall be made after the child's birth.

**4.** The establishment of the fatherhood with respect to a person, who has reached the age of 18 years shall be admitted only with his consent, and if he is recognized as legally incapable - with the consent of his guardian or of the guardianship and trusteeship body.

**Article 49.** Establishment of the Fatherhood in Court  
If the child is born of the unmarried parents and if no joint application of the parents or of the child's father is filed (Item 4, Article 48 of the present Code), the child's descent from the specific person (the fatherhood) shall be established in court by an application of one of the parents, of the guardian (the trustee) of the child, or by that of the person, who keeps the child, and also by an application of the child himself upon his reaching 18. The court shall take into account any proof, which authentically confirm the child's descent from the specific person.

**Article 50.** Establishment in Court of the Fact of Recognizing the Fatherhood

In case of the death of the person who recognized himself as the child's father, but who was not married to the child's mother, the fact of his recognizing his fatherhood may be established in court according to the rules, laid down by the civil procedural legislation.

**Article 51.** The Entry of the Child's Parents into the Register of Births

**1.** The married father and mother shall be written down as the child's parents into the Register of Births upon an application of any one of them.

**2.** If the parents are not married, the entry about the mother shall be made upon the mother's application, and that about the father - upon a joint application of the child's father and mother, or by an application of the child's father (Item 4, Article 48 of the present Code), or the father shall be written down in accordance with a court decision.

**3.** If the child is born to an unmarried mother, in the absence of a joint application of the child's parents and in the absence of the court decision on establishing the fatherhood, the surname of the child's father in the Register of Births shall be written down as the mother's surname, and the first name and patronymic of the child's father - according to her statement.

**4.** Married persons who have given their consent in written form to the artificial fertilization or to the implantation of the embryo, shall be written down in the Register of Births if a child is born as a result of the application of these methods, as this child's parents.

The married persons who have given their consent in written form to the implantation of an embryo in another woman for bearing it, may be written down as the child's parents only with the consent of the woman who has given birth to the child (of the surrogate mother).

#### **Article 52.** Disputing the Fatherhood (the Motherhood)

**1.** The entry of the parents into the Register of Births, made in conformity with Item 1 and Item 2, Article 51 of the present Code, may be disputed only in court, upon the claim of the person who has been written down as the father or as the mother of the child, or of the person, who is actually the father or the mother of the said child, and also of the child himself upon his reaching 18, of the guardian (the trustee) of the child, or of the guardian of the parent, who is recognized by the court as legally incapable.

**2.** The claim of the person written down as the child's father on the ground of Item 2, Article 51 of the present Code, on disputing the fatherhood, may not be satisfied, if at the moment of making the entry this person was aware that he is not actually the child's father.

3. The spouse who gave his consent in written form, in conformity with the law- established procedure, to applying the method of artificial fertilization or of the implantation of the embryo, shall not have the right to refer to these circumstances when disputing the fatherhood.

The spouses who have given their consent to the implantation of the embryo to another woman, and also the surrogate mother (the second part of Item 4, Article 51 of the present Code), shall not have the right to refer to these circumstances when disputing the motherhood and the fatherhood after the entry into the Register of Births is made.

#### **Article 53. The Rights and Duties of the Children Born of Unmarried Persons**

In establishing the fatherhood in the procedure, stipulated by Articles 48-50 of the present Code, children shall have the same rights and duties with respect to the parents and to their relatives as the children, born of married persons.

### **Chapter 11. The Rights of Underaged Children**

**Article 54. The Child's Right to Live and to Be Brought Up in a Family** 1. Recognized as a child shall be a person who has not reached the age of 18 years. 2. Every child shall have the right to live and to be brought up in a family insofar as it is possible, the right to know his parents, the right to enjoy their care and the right to live with them, with the exception of cases when this is contrary to his/her interests.

The child shall have the right to be brought up by his parents, and to their providing for his interests, for his all-round development and for the respect of his dignity.

In the case of the absence of the parents, of their being deprived of parenthood and in other cases of the loss of parental care, the right of the child to be brought up in a family shall be ensured by the guardianship and trusteeship body in conformity with the procedure laid down by Chapter 18 of the present Code.

#### **Article 55. The Child's Right to Communicate with His Parents and with Other Relatives**

1. The child shall have the right to communicate with both of his parents, with his grandfather and grandmother, his brothers and sisters, and also with other

relatives. The dissolution of the parents' marriage, its recognition as annulled or the parents' living apart shall have no impact on the child's rights.

If the parents live apart, the child shall have the right to communicate with each of them. The child shall have the right to communicate with his parents also in the case of their living in different states.

**2.** A child who has found himself in an emergency situation (who has been detained, arrested, taken into custody, placed into a medical centre, etc.), shall have the right to communicate with his parents and with his other relatives in the law-established procedure.

#### **Article 56. The Child's Right to Protection**

**1.** The child shall have the right to the protection of his rights and legal interests. The child's rights and legal interests shall be protected by his parents (by the persons substituting them), and in the cases stipulated by the present Code, by the guardianship and trusteeship body, by the Prosecutor and by the court.

The underaged person, recognized in conformity with the law as fully capable before his reaching 18, shall have the right to independently exercise his rights and duties, including the right to protection.

**2.** The child shall have the right to protection from abuses on the part of the parents (the persons, substituting for them).

If the child's rights and legal interests are violated, including if the parents (one of them) fail to discharge or improperly discharge their duties involved in the child's upbringing and education, or if they abuse the parental rights, the child shall have the right to turn on his own for their protection to the guardianship and trusteeship body, and upon reaching the age of 14 years - to the court.

**3.** The official persons of organizations and the other citizens who have learned about the threat to the life or to the health of the child, about the violation of his rights and legal interests, shall be obliged to report this to the guardianship and trusteeship body per the place of the child's actual stay. Upon the receipt of such information, the guardianship and trusteeship body shall be obliged to take the necessary measures to protect the child's rights and legal interests.

### **Article 57. The Child's Right to Express His Opinion**

The child shall have the right to express his opinion in resolving any issue in the family, which infringes upon his interests, and also to be heard out in the course of any court or administrative hearings. It shall be obligatory to take into account the opinion of the child who has reached the age of 10 years, except for in the cases when this is contrary to his interests. In the cases stipulated by the present Code (Articles 59, 72, 132, 134, 136, 143 and 154), the guardianship and trusteeship bodies or the court shall be able to take the decision only with the consent of the child who has reached the age of 10 years.

### **Article 58. The Child's Right to a First Name, Patronymic and Surname**

- 1.** The child shall have the right to a first name, a patronymic and a surname.
- 2.** The name shall be given to the child by an agreement between the parents, and the patronymic shall be awarded by the father's name, unless otherwise is stipulated by the laws of the subjects of the Russian Federation or unless based on the national custom.
- 3.** The child's surname shall be defined by the parents' surname. If the child's parents have different surnames, the child shall be awarded the father's or the mother's surname by an agreement between the parents, unless otherwise stipulated by the laws of the subjects of the Russian Federation.

- 4.** In the absence of an agreement between the parents about the first name and (or) the surname of the child, the dispute shall be resolved by the guardianship and trusteeship body.

- 5.** If the fatherhood is not established, the first name is given to the child by his mother, the patronymic is awarded by the name of the person written down as the child's father (Item 3, Article 51 of the present Code), and the surname - by the surname of his mother.

### **Article 59. Changing the Child's First Name and Surname**

- 1.** Upon the joint request of the parents, the guardianship and trusteeship body, proceeding from the child's interests, shall have the right to permit to change

the child's first name, and also to change the surname awarded to him, for the surname of the other parent, before he reaches the age of 14 years.

**2.** If the parents reside apart and the parent with whom the child lives wishes to give his own surname to him, the guardianship and trusteeship body shall resolve this issue, depending on the child's interests and with account for the opinion of the other parent. It shall not be obligatory to take into account the parent's opinion if it is impossible to identify his place of stay, if he is deprived of the parenthood or if he is recognized as legally incapable, and also in the cases, when the parent avoids, for no valid reasons, the participation in the child's upbringing and maintenance.

**3.** If a child is born of unmarried persons and if the fatherhood is not established in a legal way, the guardianship and trusteeship body, proceeding from the child's interests, shall have the right to change his surname to the surname of the mother, which she bears at the moment of filing such a request.

**4.** The first name and (or) the surname of the child who has reached the age of 10 years may be changed only with his consent.

#### **Article 60. The Property Rights of the Child**

**1.** The child shall have the right to receive maintenance from his parents and from other family members in the way and in the amount established by Section V of the present Code.

**2.** The sums, due to the child as alimonies, pensions and allowances, shall be placed at the disposal of the parents (the persons, substituting for them) and shall be spent by them for the child's maintenance, upbringing and education.

The court shall have the right, upon the claim of the parent obliged to pay alimonies for the underaged children, to pass a decision on the transfer of not more than 50 per cent of the amount of the alimonies, due for the payment, onto the accounts opened in the name of the underaged children in the banks.

**3.** The child shall have the right of ownership to the incomes derived by him/her to the property received by him as a gift or by inheritance, and also to any other property acquired on the child's means.

The child's right to dispose of the property belonging to him by the right of ownership, shall be defined by Article 26 and Article 28 of the Civil Code of the Russian Federation.

In the parents' exercising their legal rights involved in the management of the child's property, spread to them shall be the rules laid down by the civil legislation with respect to the disposal of the property of the ward (Article 37 of the Civil Code of the Russian Federation).

**4.** The child shall not have the right of ownership to the property of his parents, and the parents shall not have the right of ownership to the property of the child. The children and the parents living together may possess and use each other's property by mutual consent.

**5.** If the right of the common property of the parents and of the children arises, their rights to the possession, use and disposal of the common property shall be defined by the civil legislation.

## **Chapter 12. The Parents' Rights and Duties**

### **Article 61. Equality of the Parents' Rights and Duties**

**1.** The parents shall enjoy equal rights and shall discharge equal duties with respect to their children (the parental rights).

**2.** The parental rights stipulated by the present Chapter shall cease when the children reach the age of 18 years, and also when underaged children enter into a marriage and in other law-established cases when the children acquire full capability before they reach 18.

### **Article 62. The Rights of Underaged Parents**

**1.** Underaged parents shall have the right to live with the child and to take part in his/her upbringing.

**2.** The underaged unmarried parents shall have the right, in the case of a child being born to them and their motherhood and (or) fatherhood being established, to exercise their parental rights on their own upon their reaching the age of 16 years. Until the underaged parents reach the age of 16 years, a guardian may be appointed to the child, who shall bring him up jointly with the child's underaged parents.

Differences which may arise between the child's guardian and his underaged parents, shall be resolved by the guardianship and trusteeship body.

**3.** The underaged parents shall have the right to recognize and to dispute their motherhood and fatherhood on general grounds, and shall also have the right, upon their reaching the age of 14 years, to claim that their fatherhood with respect to their children be established in court.

**Article 63.** The Parents' Rights and Duties in the Upbringing and Education of Children

**1.** The parents shall have the right and shall be obliged to bring their children up.

The parents shall be answerable for the education and development of their children. They shall be obliged to take care of the health and of their children's physical, mental, spiritual and moral development.

The parents shall have a priority right in bringing up their children before all other people.

**2.** The parents must ensure the receiving of the basic general education by their children and create conditions for them to receive the secondary (full) general education.

The opinion of children being taken account of, the parents can choose an educational institution and the form of receiving the education by their children.

**Article 64.** The Parents' Rights and Duties in Protecting the Rights and the Interests of Children

**1.** Protection of the rights and of the interests of children shall be imposed upon their parents.

The parents shall be the legal representatives of their children and shall come out in protection of their rights and interests in their relations with any natural and legal persons, including in the courts, without having to obtain special powers.

**2.** The parents shall not have the right to represent their children's interests, if the guardianship and trusteeship body has established that there are contradictions between the interests of the parents and of the children. In the case of the

differences between the parents and the children, the guardianship and trusteeship bodies shall be obliged to appoint a representative to protect the children's rights and interests.

### **Article 65. Exercising the Parental Rights**

**1.** The exercising of the parental rights shall not be in contradiction with the children's interests. Providing for the children's interests shall be an object of their parents' principal care.

In exercising the parental rights, the parents shall not have the right to inflict a damage on the children's physical and mental health, or on their moral development. The methods of the children's upbringing shall exclude contempt, cruelty and rudeness in their treatment, humiliation of their human dignity, the abuse or the exploitation of the children.

The parents exercising parental rights to the detriment of the rights and the interests of the children shall be made answerable in the law-established procedure.

**2.** All the issues, involved in the children's upbringing and education shall be resolved by the parents by mutual consent, proceeding from the children's interests and taking into account the children's opinion. The parents (or one of them) shall have the right, if there exist differences between them, to turn for resolving these differences to the guardianship and trusteeship body, or to a court.

**3.** The place of the children's residence in case the parents live apart, shall be established by an agreement between the parents.

In the absence of an agreement, a dispute between the parents shall be resolved in court, proceeding from the children's interests and taking into account the children's opinion. In doing this, the court shall take into account the child's affection for each of his parents and for his brothers and sisters, the child's age, the moral and other personal features of the parents, the relations existing between each of the parents and the child, and the possibility to create optimal conditions for the child's upbringing and development (the parents' kind of activity and work regime, their material situation and family status, etc.).

**Article 66.** Exercising Parental Rights by the Parent Residing Apart from the Child

**1.** The parent, residing apart from the child, shall have the right to communicate with the child and to take part in his upbringing and in resolving the issue of the child's receiving an education.

The parent, with whom the child lives shall not prevent the child's communication with the other parent, unless such communication damages the child's physical and mental health or his moral development.

**2.** The parents shall have the right to conclude a written agreement on the way the parent, residing apart from the child may exercise his parental duties.

If the parents cannot reach an agreement, the dispute shall be resolved in court with the participation of the guardianship and trusteeship body, upon the claim of the parents (of one of them).

**3.** In the case of non-abidance by the court decision, the measures, stipulated by the civil procedural legislation, shall be applied to the guilty parent. In the case of persistent non-fulfillment of the court decision, the court shall have the right, upon the claim of the parent residing apart from the child, to take a decision on passing the child over to him, proceeding from the child's interests and taking into account the child's opinion.

**4.** The parent residing apart from the child shall have the right to get information on his/her child from educational establishments and medical centres, from institutions for social protection of the population and also from other similar institutions. The information may be refused only if the parent presents a threat to the child's life and health. The refusal to provide information may be disputed in court.

**Article 67.** The Right to Communicate with the Child by His Grandfather, Grandmother, Brothers and Sisters, and of Other Relatives

**1.** The grandfather, grandmother, brothers, sisters and other relatives shall have the right to communicate with the child.

**2.** In the case of the refusal of the parents (of one of them) to provide an opportunity for the child's relatives to communicate with him, the guardianship and trusteeship body may oblige the parents (one of them) not to interfere with this communication.

**3.** If the parents (one of them) do not submit to the decision of the guardianship and trusteeship body, the child's close relations or the guardianship and trusteeship body shall have the right to file with the court a claim for eliminating the obstacles to the communication with the child. The court shall resolve this dispute proceeding from the child's interests and taking into account the child's opinion.

In case the court decision is not executed, to the guilty parent shall be applied the measures, stipulated by the civil procedural legislation.

#### **Article 68.** Protection of the Parental Rights

**1.** The parents shall have the right to claim that the child be returned to them from the custody of any person who keeps him on a different ground than that of the law or of a court decision. In case a dispute arises, the parents shall have the right to turn to a court for the defense of their rights.

When considering these claims, the court shall have the right, taking into account the child's opinion, to reject the parents' claim, if it comes to the conclusion that the child's return to his parents is contrary to his/her interests.

**2.** If the court establishes that neither the parents, nor the person, in whose custody the child is, are capable of ensuring his proper upbringing and development, it shall put the child into the charge of the guardianship and trusteeship body.

#### **Article 69. Deprivation of Parenthood**

The parents (one of them) may be deprived of parenthood, if they:

- shirk the discharge of the parental duties, including by persistently avoiding the payment of the alimony;
- refuse without a valid reason to take the child from the maternity hospital (department), or from another medical centre, an educational establishment or an

institution for the social protection of the population, or from other similar institutions;

- abuse their parental rights;
- treat the children cruelly, including by physical or mental suppression, or infringe upon his sexual inviolability;
- suffer from chronic alcoholism or drug addiction;
- have committed a premeditated crime against the life or the health of their children, or against the life or the health of their spouse.

#### **Article 70. Procedure for Deprivation of the Parenthood**

##### **1. The deprivation of the parenthood shall be effected in court.**

The cases on the deprivation of the parenthood shall be considered upon an application of one of the parents (of the persons substituting for them) and of the Prosecutor, and also upon applications of the organisations or institutions, to which the duties of protecting the rights of the underaged children are entrusted (the guardianship and trusteeship bodies, commissions for the affairs of the underaged, institutions for orphaned children and for children, left without parental care, etc.).

**2. The cases on the deprivation of parenthood shall be considered with the participation of the Prosecutor and of the guardianship and trusteeship body.**

**3. When considering the case on the deprivation of the parenthood, the court shall resolve the issue of exacting an alimony for the child from the parents (from one of them), who are deprived of the parenthood.**

**4. If the court, when considering a case on the deprivation of the parenthood, exposes in the actions of the parents (of one of them) signs of a criminally punishable deed, it shall be obliged to inform the Prosecutor about this.**

**5. The court shall be obliged, within three days from the date of a court decision on the deprivation of parenthood coming into legal force, to forward an excerpt from this decision to the local registry office at the place of the state registration of the child's birth.**

#### **Article 71. Consequences of the Deprivation of the Parenthood**

**1.** The parents deprived of parenthood shall lose all rights based on the fact of their kinship with the child with respect to whom they have been deprived of the parenthood, including the right to receive maintenance for him/her (Article 87 of the present Code), and also the right to privileges and state allowances established for citizens with children.

**2.** The deprivation of parenthood does not relieve the parents of the duty to maintain their child.

**3.** The question of the child's further residing with the parents (one of them) deprived of parenthood, shall be resolved by a court in conformity with the procedure laid down by the housing legislation.

**4.** The child, with respect to whom the parents (one of them) are deprived of the parenthood, shall retain the right of ownership to living premises or the right to use living premises, and also the property rights based on the fact of kinship with his parents and with his other relatives, including the right to receive inheritance.

**5.** If it is impossible to give the child to other parent, or in the case of deprivation of the parenthood of both parents, the child shall be placed in the charge of the guardianship and trusteeship body.

**6.** The child's adoption in the case of the parents (one of them) being deprived of the parenthood, shall be admissible no earlier than after the expiry of six months from the date, when the court passed the decision on the deprivation of the parents (of one of them) of the parenthood.

## **Article 72. Restoration of Parenthood**

**1.** The parents (one of them) may be restored of their parenthood, if they have changed their behaviour, way of life, and (or) their attitude towards the child's upbringing.

**2.** The restoration of parenthood shall be effected in court upon the application of the parent deprived of the parenthood. Cases about restoration of parenthood shall be considered with the participation of the guardianship and trusteeship body, and of the

Prosecutor.

**3.** Simultaneously with an application from the parents (from one of them) for the restoration of parenthood, the claim for the child's return to the parents (to one of them) may be considered.

**4.** The court shall have the right, taking into account the child's opinion, to reject the claim of the parents (of one of them) for the restoration of parenthood, if this contradicts the child's interests.

The restoration of parenthood with respect to the child who has reached the age of 10 years shall be possible only with his consent.

The restoration of parenthood shall not be admitted if the child is adopted and the adoption is not cancelled (Article 140 of the present Code).

### **Article 73. Restriction of Parental Rights**

**1.** The court, taking into account the child's interests, may pass a decision on taking the child away from the parents (from one of them), while not depriving them of parenthood (the restriction of parental rights).

**2.** The restriction of parental rights shall be admitted if leaving the child with his parents (with one of them) is dangerous for the child because of circumstances which do not depend on the parents (on the parent) (such as a mental derangement or another chronic disease, the incidence of grave circumstances, etc.).

The restriction of his/her parental rights shall also be admitted if leaving the child with his parents (with one of them) is dangerous for the child because of their behaviour, but there are no sufficient grounds for depriving the parents (one of them) of parenthood. If the parents (one of them) do not amend their behaviour, the guardianship and trusteeship body shall be obliged, after the expiry of six months after passing the decision on the restriction of parental rights, to present a claim for the deprivation of the parenthood. In the interests of the child, the guardianship and trusteeship body shall have the right to file a claim for depriving the parents (one of them) of the parenthood before the expiry of this term.

**3.** The claim for restricting the parental rights may be filed by the child's close relations, by the bodies and the institutions, upon which the law has imposed the obligations involved in protecting the rights of the underaged children (Item 1,

Article 70 of the present Code), by pre-school educational establishments, by general educational establishments and by other institutions, as well as by the Prosecutor.

**4.** The cases on the restriction of parental rights shall be considered with the participation of the Prosecutor and of the guardianship and trusteeship body.

**5.** When considering the case on the restriction of the parental rights, the court shall resolve the issue of exacting from the parents (from one of them) alimony for the child.

**6.** The court shall obliged within three days from the day of the entry into legal force of a decision of the court on restricting the parental rights to send an extract from such court decision to the civil registration body at the location of the state registration of the birth of the child.

#### **Article 74. Consequences of the Restriction of Parental Rights**

**1.** The parents whose parental rights are restricted by court, shall lose the right to bring the child up in person, and also the right to the privileges and to the state allowances established for the citizens with children.

**2.** The restriction of the parental rights shall not relieve the parents from the duty to maintain the child.

**3.** The child with respect to whom the parents (one of them) are restricted in parental rights, shall retain the right of ownership on living premises or the right to use the living premises, and shall also retain the property rights, based on the fact of the kinship with his parents and with his other relatives, including the right to receive an inheritance.

**4.** If the parental rights of both parents are restricted, the child shall be put into the charge of the guardianship and trusteeship body.

#### **Article 75. The Child's Contact with Parents Whose Parental Rights Are Restricted by the Court**

Parents whose parental rights are restricted by the court may be allowed to maintain contact with the child, unless this exerts a negative impact on the latter. The parents' contact with the child shall be admitted with the consent of the

guardianship and trusteeship body, or with the consent of the child's guardian (trustee), of his foster parents or of the administration of the institution, where he stays.

**Article 76. Cancelling the Restriction of Parental Rights**

**1.** If the grounds, by force of which the parents (one of them) were (was) restricted in their parental rights, do not exist anymore, the court may, upon the claim of the parents (of one of them) pass a decision on returning the child to the parents (to one of them) and on cancelling the restrictions, stipulated by Article 74 of the present Code.

**2.** The court shall have the right, taking into account the child's interests, to refuse to satisfy the claim, if the child's return to the parents (to one of them) is contrary to his/her interests.

**Article 77. Taking the Child Away if There Is a Direct Threat to His/Her Life or Health**

**1.** If a direct threat exists to the child's life or health, the guardianship and trusteeship body shall have the right to immediately take the child away from his parents (from one of them) or from other persons, in whose charge he/she is.

The immediate taking away of the child shall be affected by the guardianship and trusteeship body on the ground of the corresponding act of the executive power body of a constituent entity of the Russian Federation.

**2.** When taking the child away, the guardianship and trusteeship body shall be obliged to inform without delay the Prosecutor, to provide for the child's temporary accommodation and, within 7 days after the executive power body of a constituent entity of the Russian Federation passes a decision on taking the child away, to file a claim with the court for depriving the parents of the parenthood or for restricting their parental rights.

**Article 78. Participation of the Guardianship and Trusteeship Body in the Court's Considering Disputes Involved in the Upbringing of Children**

**1.** When a court considers disputes, involved in the upbringing of children, the guardianship and trusteeship body shall take part in the proceedings, regardless of who has filed the claim for the child's protection.

**2.** The guardianship and trusteeship body shall be obliged to inspect the life conditions of the child and of the person (the persons), claiming his upbringing, and to present an act on the inspection and the conclusion based on it to the court.

**Article 79.** Execution of the Court Decision on the Cases, Involved in the Upbringing of Children

**1.** The court decisions on cases involved in the upbringing of children, shall be executed by an officer of justice in conformity with the procedure, laid down by the civil procedural legislation.

If the parent (or other person, in whose charge the child is) interferes with the execution of the court decision, to him shall be applied measures, stipulated by the civil procedural legislation.

**2.** A forcible execution of the decisions involved in taking away the child and in placing him into the charge of another person (of other persons), shall be effected with the obligatory participation of the guardianship and trusteeship body, and of the person (persons), into whose charge the child is placed, and, if necessary, with the participation of representative of the internal affairs bodies.

If the court decision on the transfer of the child cannot be executed without infringing upon his interests, the child may be placed for a time, in conformity with a court ruling, into an educational establishment, a medical centre or an institution for the social protection of the population, or into another similar institution.

**Section V. Alimony Obligations of Family Members**

**Chapter 13. Alimony Obligations of Parents and of Children**

**Article 80. The Parents' Obligations in Maintaining Children**

**1.** The parents shall be obliged to maintain their underaged children. The procedure and form of providing for the maintenance of the underaged children shall be defined by the parents on their own. The parents shall have the right to conclude an agreement on the maintenance of

their underaged children (an agreement on the payment of alimony) in conformity with Chapter 16 of the present Code.

**2.** If the parents do not provide maintenance to their underaged children, the means for maintaining the underaged children (the alimony) shall be exacted from the parents through court.

**3.** If, in the absence of the parents' agreement on the payment of alimony, no maintenance is provided for the underaged children and no claim is filed with the court, the guardianship and trusteeship body shall have the right to file a claim for exacting the alimony for the underaged children against their parents (against one of them).

#### **Article 81.** The Amount of Alimony to Be Exacted for Underaged Children Through Court

**1.** In the absence of an agreement on the payment of alimony, the alimony for the underaged children shall be exacted by the court from their parents monthly earnings in the amount of one fourth of the parents' earnings and (or) of another kind of income for one child, one third - for two children, and half of the parents' earnings and (or) other income - for three or more children.

**2.** The amount of these shares may be reduced or increased by the court with account for the material situation or the family status of the parties, and also for other circumstances worthy of attention.

#### **Article 82.** The Kinds of Earnings and (or) of Other Income from Which Alimony for Underaged Children Shall Be Taken

The kinds of the earnings and (or) of other income, received by the parents in roubles and (or) in foreign currency, from which an alimony for underaged children shall be withheld in conformity with Article 81 of the present Code, shall be determined by the Government of the Russian Federation.

#### **Article 83.** Exaction of Alimony for Underaged Children as a Fixed Monetary Amount

**1.** If there is no parents' agreement on the payment of alimony for underaged children, and if the parent obliged to pay the alimony, has irregular or changing

earnings and (or) other income, or if this parent receives these earnings and (or) other income fully or in part in kind or in foreign currency, or if he has no earnings and (or) other income, and also in other cases, if the exaction of the alimony as a share of the parent's earnings and (or) other income is impossible, difficult or essentially infringes upon the interests of one of the parties, the court shall have the right to define the amount of the alimony, to be exacted monthly, as a fixed monetary amount, or as the share (in conformity with Article 81 of the present Code) and as a fixed monetary amount simultaneously.

**2.** The size of the fixed monetary amount shall be defined by the court, proceeding from an attempt to ensure to the maximum possible extent the child's former maintenance level, taking into account the material situation and the family status of the parties and other circumstances worthy of attention.

**3.** If both of the parents has the children staying with him, the size of the alimony, taken from one of the parents in favour of the other parent, worse provided for, shall be defined as a fixed monetary sum, to be exacted monthly and to be defined by the court in conformity with Item 2 of the present Article.

#### **Article 84.** Exaction and Use of Alimony for Children, Left Without Parental Care

**1.** The alimony for the children left without parental care, shall be exacted in conformity with Articles 81-83 of the present Code and shall be paid out to the guardian (the trustee) of the children, or to their foster parents.

**2.** The alimony exacted from the parents for the children left without parental care and staying at educational establishments, medical centres, institutions for the social protection of the population or at other similar institutions, shall be entered onto the accounts of these institutions, where they shall be registered separately by every child.

The said institutions shall have the right to deposit these sums of money into banks. Fifty per cent of the incomes from the circulation of the deposited alimonies shall be used for maintaining the children at the said institutions. When the child leaves such an institution, the sum of alimony received for him, and fifty per cent of

the income derived from its circulation, shall be entered onto the account opened in the child's name at a branch of the Savings Bank of the Russian Federation.

**Article 85. The Right to Alimony of Disabled Adult Children**

**1.** The parents shall be obliged to maintain their disabled adult children in need of assistance.

**2.** In the absence of an agreement on the payment of the alimony, the amount of the alimony for the disabled adult children shall be defined by the court as a fixed monetary sum subject to monthly payment, proceeding from the material situation and the family status, and also from other interests of the parties worthy of attention.

**Article 86. The Parents' Participation in Extra Expenses for Children**

**1.** In the absence of an agreement and in the face of some emergency circumstances (a grave illness, a severe injury of the underaged children or the existence of disabled adult needy children, taking care of whom makes it necessary to pay for outside help, and other circumstances), each of the parents may be obliged by the court to bear extra expenses, called forth by these circumstances. The method of the parents' participation in bearing extra expenses and the amount of these expenses shall be determined by the court, proceeding from the material situation and the family status of the parents and of the children, and also from the other interests of the parties, worthy of attention, as a fixed monetary sum, subject to monthly payment.

**2.** The court shall have the right to oblige the parents to take part both in the actually borne extra expenses and in the extra expenses, which it would be necessary to make in the future.

**Article 87. The Duties of Adult Children in Maintaining Parents**

**1.** The able-bodied adult children shall be obliged to maintain their disabled parents in need of assistance, and to take care of them.

**2.** In the absence of an agreement on the payment of the alimony for disabled parents in need of assistance, the alimony shall be exacted from the able-bodied adult children through the court.

**3.** The amount of alimony exacted from every child, shall be defined by the court, proceeding from the material situation and the family status of the parents and of the children, and from the other interests of the parties worthy of attention, as a fixed monetary sum, subject to the monthly payment.

**4.** When defining the amount of the alimony, the court shall have the right to take into account all the able-bodied adult children of the given parent, regardless of whether the claim was filed against all the children, against one of them, or against a few of them.

**5.** The children may be relieved of the duty to maintain their disabled parents in need of assistance if the court establishes that the parents have shirked the discharge of parental duties.

The children shall be relieved of the payment of the alimony to the parents deprived of the parenthood.

#### **Article 88. Participation of Adult Children in Extra Expenses on Parents**

**1.** In the absence of the adult children's care of their disabled parents, and in the face of emergency circumstances (a serious illness or a grave injury of the parent, the need to pay for outside help, etc.), the adult children may be obliged by the court to take part in bearing extra expenses called forth by these circumstances.

**2.** The way of bearing extra expenses by every adult child and the amount of these expenses shall be determined by the court, with account for the material situation and the family status of the parents and of the children, and of the other interests of the parties worthy of attention, while abiding by the provisions of Items 3, 4 and 5, Article 87 of the present Code).

**3.** The method of bearing extra expenses and the amount of these expenses may also be defined by an agreement between the parties.

#### **Chapter 14. The Alimony Obligations of Spouses and of Ex-Spouses**

##### **Article 89. The Spouses' Duties as per the Mutual Maintenance**

1. The spouses shall be obliged to materially support each other.
2. In case of refusal to render such support and in the absence of an agreement between the spouses on the payment of alimony, the right to claim for alimony

through court from the other spouse who possesses the necessary means for this, shall be enjoyed by:

- a needy disabled spouse;
- the wife in the period of pregnancy and in the course of three years after the birth of the common child;
- a needy spouse looking after the common invalid child, until the child reaches the age of 18 years, or after the common child - the 1st group invalid from childhood.

#### **Article 90. The Ex-Spouse's Right to Alimony after the Dissolution of the Marriage**

**1.** The right to claim alimony through the court from the ex-spouse, who possesses the necessary means for this, shall be enjoyed by:

- the ex-wife in the period of pregnancy and in the course of three years after the birth of the child;
- a needy ex-spouse, looking after the common invalid child, until the child reaches the age of 18 years, or looking after the common child - the 1st group invalid from childhood;
- a disabled needy ex-spouse, who has become disabled before the dissolution of the marriage or in the course of one year from the moment of the dissolution of the marriage;
- a needy ex-spouse who has reached pensionable age no later than five years since the dissolution of the marriage, if the spouses were married for a long time.

**2.** The amount of the alimony and the method of its payment to the ex-spouse after the dissolution of the marriage may be defined by an agreement between the ex-spouses.

#### **Article 91. The Amount of Alimony Exacted from Parents Through the Court**

In the absence of an agreement between the spouses (the ex-spouses) on the payment of an alimony, the amount of the alimony to be exacted from the spouse (the ex-spouse) through the court, shall be defined by the court, proceeding from the material situation and the family status of the spouses (the ex-spouses) and from

other interests of the parties worthy of attention, as a fixed monetary sum subject to the monthly payment.

**Article 92.** Relieving the Spouse of the Duty to Maintain the Other Spouse, or Restricting This Duty by a Term

The court may relieve the spouse of the duty to maintain the other disabled spouse in need of assistance, or restrict this duty by a definite term, both in the period of the marriage and after its dissolution, if:

- the disabledness of the spouse in need of assistance has set in as a result of the abuse of strong drink or drugs, or as a result of his committing a premeditated crime;
- the short term of the spouses' marriage;
- inappropriate behaviour in the family of the spouse claiming alimony.

**Chapter 19. Adoption of Children**

**Article 124.** Children with Respect to Whom Adoption Shall Be Admitted

**1.** Adoption of a boy or a girl (hereinafter, adoption) shall be a priority form of placement of children who have remained without parental care.

**2.** The adoption shall be admitted with respect to underaged children and only in their interest, with the observance of the requirements of paragraph three of Item 1 of Article 123 of this Code, and also with regard to the possibilities of the provision to children of adequate physical, psychic, spiritual and moral development.

**3.** The adoption of brothers and sisters by different persons shall not be admitted, with the exception of the cases when the adoption is effected in the children's interest.

**4.** The adoption of children by foreign citizens or by stateless persons shall be admitted only in cases when it is impossible to give these children for upbringing into the families of citizens of the Russian Federation, who permanently reside on the territory of the Russian Federation, or for adoption to the children's relatives, regardless of the citizenship or the place of residence of these relatives.

The children may be given for adoption to citizens of the Russian Federation who permanently reside outside of the territory of the Russian Federation, or to

foreign citizens or to stateless persons who are not the children's relatives, after the expiry of six months from the date of the receipt of the information about such children by the federal bank of the data about children who have remained without parental care in conformity with Item 3, Article 122 of the present Code.

**Article 125. Procedure for Adopting a Child**

**1.** The adoption shall be effected by the court upon the application of the persons (a person), wishing to adopt the child. The cases on instituting the adoption of the child shall be considered by the court by conducting special proceedings, according to the rules, stipulated by the civil procedural legislation.

The cases on the establishment of the adoption of children shall be considered by a court with the obligatory participation of the adopters themselves, the bodies of trusteeship and guardianship, and also the procurator.

**2.** For the establishment of the adoption of a child a conclusion of the body of trusteeship and guardianship on the soundness of the adoption and on its conformity to the interests of the child shall be necessary being adopted, with an indication of the information about the fact of personal contracts of the adopters (or adopter) with the child being adopted.

The procedure for the transfer of children for adoption, and also of the exercise of control over the conditions of the life and upbringing of children in the families of the adopters on the territory of the Russian Federation shall be determined by the Government of the Russian Federation.

**3.** The rights and duties of the adopter and of the adopted child (Article 137 of the present Code) shall arise as from the date of the court decision on instituting the child's adoption coming into legal force.

The court shall be obliged, within three days from the court decision on instituting the child's adoption coming into legal force, to forward an excerpt from this court decision to the local registry office at the place of passing the decision.

The adoption of a child shall be subject to state registration in conformity with the procedure

## **Article 126. Registration of Children Subject to Adoption, and of Persons Wishing to Adopt a Child**

**1.** Registration of the children subject to adoption shall be affected as established by Item 3, Article 122 of the present Code.

**2.** The registration of the persons wishing to adopt a child shall be effected in the way defined by the executive power bodies of the subjects of the Russian Federation.

The registration of the foreign citizens and of the stateless persons, wishing to adopt children, who are the citizens of the Russian Federation, shall be affected by the executive power bodies of the subjects of the Russian Federation or by the federal executive power bodies (Item 3, Article 122 of the present Code).

### **Article 126.1 Impermissibility of Intermediary Activity in the Adoption of Children**

**1.** Any intermediary activity in the adoption of children, that is, any activity of third parties with the purpose of selecting and transferring children for adoption in the name and in the interest of persons wishing to adopt children shall be impermissible.

**2.** Not deemed to be intermediary activity in the adoption of children shall be activity of the bodies of trusteeship and guardianship and of the bodies of the executive power in the performance of their incumbent duties in the revelation and placement of children who have remained without parental care, and also the activity of specially authorized bodies or organisations or foreign states in the adoption of children which is being carried out on the territory of the Russian Federation by virtue of an international treaty of the Russian Federation or on the basis of the principle of reciprocity. The bodies and organisations indicated in this Item may not pursue commercial purposes in their activity.

The procedure for the activity of the bodies and organizations of foreign states in the adoption of children on the territory of the Russian Federation and the procedure for the control over its conduct shall be established by the Government of

the Russian Federation as per a presentation of the Ministry of Justice of the Russian Federation and the Ministry of Foreign Affairs of the Russian Federation.

**3.** The obligatory personal participation of the persons (or person) wishing to adopt a child in the process of adoption shall not deprive them of the right to have simultaneously their representative, whose rights and duties have been established by the civil and civil- procedural legislation, and also to use the services of an interpreter where necessary.

**4.** The responsibility for the conduct of the intermediary activity in the adoption of children shall be established by the legislation of the Russian Federation.

**Article 127. The Persons Who Have the Right to Be Adopters**

**1.** Adopters may be adult persons of both sexes, with the exception of:

- persons recognized by a court as incapable or as partially capable;
- spouses, one of whom is recognized by a court as incapable or as partially capable;
- persons deprived of parenthood by the court or restricted in the parental rights by the court;
- persons dismissed from the duties of a guardian (a trustee) for improper fulfillment of the obligations, imposed upon him by law;
- the former adopters, if the adoption has been cancelled by the court through their fault;
- persons who cannot perform parental duties because of the state of their health. The list of the diseases, which prevent a person from adopting a child, from acting as his guardian (his trustee) or from accepting him into a foster family, shall be compiled by the Government of the Russian Federation.

- persons who, as of the moment of establishment of adoption, have no income to ensure the child being adopted with a minimum of subsistence established in the subject of the Russian Federation on whose territory the adopters (or adopter) reside;

- persons having no permanent residence;

- persons having, as at the moment of the establishment of adoption, a record of conviction for an intentional crime against the life or health of citizens.

- persons residing in premises which do not comply with sanitary and technical rules and norms.

**1.1.** When making a decision on the adoption of a child the court has the right to deviate from the provisions which were established by paragraphs 8 and 11 of Item 1 of this Article with due account of the interests of the adopted child and circumstances worthy of attention.

**1.2.** The Provisions established by Paragraphs 8 and 11 of Item 1 of this Article shall not cover the stepfather (stepmother) of the adopted child.

**2.** The unmarried persons shall not jointly adopt one and the same child.

**3.** In the presence of several persons wishing to adopt one and the same child the preferential right shall be granted to the relatives of the child on the condition of the obligatory observance of the requirements of Items 1 and 2 of this Article and the interest of the child being adopted.

**Article 128. An Age Gap Between the Adopter and the Adoptee**

**1.** The age gap between an unmarried adopter and the adopted child shall not be less than 16 years. For reasons recognized by a court as valid, the age gap may be reduced.

**2.** The existence of the age gap laid down by Item 1 of the present Article, shall not be required, if the child is adopted by his stepfather (his stepmother).

**Article 129. The Parents' Consent to the Adoption of a Child**

**1.** To adopt a child, it shall be necessary to obtain the consent of his parents. In the adoption of a child of underaged parents who have not reached the age of 16 years, it shall also be necessary to obtain consent of their parents or guardians (trustees), and in the absence of the parents or guardians (trustees) - the consent of the guardianship and trusteeship body.

The consent of the child's parents to his adoption shall be expressed in an application, certified notarially or by the head of the institution in which the child, left without parental care, is maintained, or by the local guardianship and

trusteeship body at the place of the child's adoption, or by the place of his parents' residence, and may also be expressed directly in court, while instituting the adoption.

**2.** The parents shall have the right to withdraw the consent they have given for the child's adoption before the court decision on the adoption is passed.

**3.** Parents may give their consent to the adoption of a child by a specific person or without the indication of a concrete person. The consent of parents to the adoptions of a child may be given only after his or her birth.

**Article 130.** The Child's Adoption Without the Parents' Consent  
The parents' consent to the child's adoption shall not be required if they:

- are unknown or are recognized by a court as missing;
- are recognized by a court as legally incapable;
- are deprived by a court of the parenthood (with the observance of Item 6, Article 71 of the present Code);
- for reasons recognized by a court as invalid, do not live with the child and shirk the duties involved in his/her upbringing and maintenance, for over six months.

**Article 131.** Consent to the Child's Adoption of His Guardians (Trustees),  
Foster Parents and Heads of Institutions Where the Children Left Without Parental  
Care Stay

**1.** To adopt children put under guardianship (trusteeship), the written consent of their guardians (trustees) shall be required.

To adopt children placed into foster families the written consent of the foster parents shall be required.

To adopt children left without parental care and maintained at educational establishments, medical centres the institutions for the social protection of the population and at other similar institutions, the written consent of the heads of the given institutions shall be required.

**2.** The court shall have the right to adopt a decision on the child's adoption in the interests of the child without the consent of the persons indicated in Item 1 of the present Article.

**Article 132. The Adopted Child's Consent to Adoption**

1. To adopt a child who has reached the age of 10 years, his/her consent shall be required.
2. If, prior to filing an application for his/her adoption, the child lived in the adopter's family and believes him/her to be his parent, the adoption, by way of an exception, may be effected without receiving the consent of the adopted child.

**Article 133. Consent of the Adopter's Spouse to the Adoption of a Child**

1. In the adoption of the child by one of the spouses, the consent of the other spouse shall be required if the child is not adopted by both spouses.
2. The consent of the other spouse to the child's adoption shall not be required if the spouses have ceased their conjugal relations and have not lived together for over a year, and the place of the other spouse's residence is unknown.

**Article 134. The First Name, Patronymic and Surname of the Adopted Child**

1. The adopted child shall retain his first name, patronymic and surname.
2. At the request of the adopter, the child may be given the adopter's surname and the first name he suggests. The patronymic of the adopted child shall be defined by the adopter's name if the adopter is a man, and if the adopter is a woman - by the name of the person, whom she indicates as the father of the adopted child. If the adopter spouses bear different surnames, the adopted child shall be awarded, by agreement between the adopter spouses, the surname of one of them.

3. If the child is adopted by an unmarried person, at his request the surname, first name and patronymic of the mother (father) of the adopted child shall be entered into the Register of Births at the suggestion of this person (of the adopter).

4. The surname, first name and patronymic of the adopted child who has reached the age of 10 years old, may be changed only with his consent, with the exception of the cases, stipulated by Item 2, Article 132 of the present Code).

5. The change of the adopted child's surname, first name and patronymic shall be pointed out in the court decision on his adoption.

**Article 135. Changing the Date and Place of the Adopted Child's Birth**

**1.** To ensure the secret of adoption, the date of the adopted child's birth may be changed, but not by more than three months, as well as the place of his birth.

The change of the adopted child's date of birth shall be admitted only if the child is adopted at the age of less than twelve months. For reasons recognized by a court as valid, the change of the date of birth of the adopted child can be permitted when adopting a child who has reached the age of one year or older.

**2.** The change of the date and (or) of the place of birth of the adopted child shall be indicated in the court decision on his adoption.

**Article 136. The Entry of the Adopters as the Adopted Child's Parents**

**1.** At the request of the adopters, the court may take a decision on the entry of the adopters into the Register of Births as the parents of the child they have adopted.

**2.** Before making such an entry with respect to the adopted child who has reached the age of 10 years old, his consent shall be required, with the exception of the cases stipulated by Item 2, Article 132 of the present Code.

**3.** The need for making such an entry shall be pointed out in the court decision on the child's adoption.

**Article 137. Legal Consequences of the Child's Adoption**

**1.** The adopted children and their progeny with respect to the adopters and their relatives, and the adopters and their relatives with respect to the adopted children and their progeny, shall be equalized in the personal non-property and property rights and duties to the relatives by kinship.

**2.** The adopted children shall lose their personal non-property and property rights and shall be relieved of their duties with respect to their parents (their relatives).

**3.** If the child is adopted by one person, his personal non-property and property rights and duties may be retained at the wish of the mother, if the adopter is a man, or at the wish of the father, if the adopter is a woman.

**4.** If one of the parents of the adopted child dies, at the request of the deceased parent's parents (the child's grandfather or his grandmother), his personal non-property and property rights with respect to the deceased parent's relatives may be retained, if this is required by the child's interests. The right of the deceased parent's

relatives to communicate with the adopted child shall be exercised in conformity with Article 67 of the present Code.

**5.** The adopted child's maintaining relations with one of his parents or with the deceased parent's relatives shall be pointed out in the court decision on the child's adoption.

**6.** The legal consequences of the child's adoption, stipulated by Item 1 and Item 2 of the present Article, shall arise regardless of the writing down of the adopters as the child's parents in the official entry on the birth of this child.

**Article 138.** The Adopted Child's Retaining the Right to a Pension and to Allowances

The child, who by the moment of his adoption has the right to a pension and to the allowances due to him in connection with his parents' death, shall retain this right if he is adopted.

**Article 139.** The Secret of the Child's Adoption **1.** The secret of the child's adoption shall be protected by law.

The judges who have passed a decision on the child's adoption, or the official persons who have affected the state registration of the adoption, as well as the persons who have learned about the adoption in another way, shall be obliged to keep the secret of the child's adoption.

**2.** The persons indicated in Item 1 of the present Article, who have divulged the secret of the child's adoption contrary to the will of his adopters shall be called to answer in the law-established order.

**Article 140.** Cancelling the Child's Adoption **1.** The child's adoption shall be cancelled by the court.

**2.** The case on cancelling the child's adoption shall be considered with the participation of the guardianship and trusteeship body and of the Prosecutor.

**3.** The adoption shall cease from the date, when the court decision on cancelling the child's adoption comes into legal force.

The court shall be obliged, within three days from the court decision on cancelling the child's adoption coming into legal force, to forward an excerpt from

this decision to the registry office at the place of the state registration of the adoption.

**Article 141. The Grounds for Cancelling the Child's Adoption**

- 1.** The child's adoption may be cancelled if the adopters shirk the discharge of parental duties imposed upon them, abuse parental rights, treat the adopted child cruelly or suffer from chronic alcoholism or drug addiction.
- 2.** The court shall cancel the child's adoption also on the other grounds, proceeding from the child's interests and taking into account his opinion.

**Article 142. The Persons Who Have the Right to Claim Cancellation of the Child's Adoption**

The right to claim that the child's adoption be cancelled shall be possessed by his parents, by the child's adopters, by the adopted child who has reached the age of 14 years, by the guardianship and trusteeship body, and by the Prosecutor.

**Article 143. The Consequences of Cancelling the Child's Adoption**

- 1.** If a court cancels the child's adoption, the mutual rights and duties of the adopted child and of the adopters (of the adopter's relatives) shall cease, and the mutual rights and duties of the child and of his parents (of his relatives) shall be reinstated, if this is required by the child's interests.
- 2.** If the adoption is cancelled, the child shall be given back, by the court decision, to his parents. In the absence of parents, and also if the child's return to his parents is contrary to his interests, the child shall be put into the charge of the guardianship and trusteeship body.

**3.** The court shall also resolve the question of whether the child shall retain the first name, patronymic and surname awarded to him in connection with the adoption.

The first name, patronymic and surname of the child who has reached 10 years shall be changed only with his consent.

**4.** The court shall have the right, proceeding from the child's interests, to oblige the ex- adopter to pay out the means for the child's maintenance in the amount fixed by Article 81 and Article 83 of the present Code.

**Article 144.** Inadmissibility of Cancelling the Adoption upon the Child's Reaching 18

The cancellation of the child's adoption shall not be admissible if at the moment of filing a claim for cancelling the adoption the adopted child has reached 18, with the exception of cases, when there is the mutual consent of both the adopter and of adopted child to such cancellation, and also of the adopted child's parents, if they are alive, not deprived of parenthood and not recognized by a court as legally incapable.

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