

/Coat-of-arms of Ukraine/

**DECISION
IN THE NAME OF UKRAINE**

02 January 2015

consisting of:

the Presiding Judge

in the presence of the Clerk of Court

with the participation of

Pisochyn Town District Court of Kharkiv area

N.I. Berdzyn

K.F. Ladyna

R.S. Petryn

having considered a case in the open court hearing in the town of Pisochne on the **claim of the Custody and Guardianship Agency of the Pisochne Town Council against Ivan Petrovych Menshykov on termination of the parental rights,**

has established:

the claimant had filed the claim to the court on termination of parental rights of I.P. Menshykov with regard to his minor children: Danylo Ivanovych Menshykov, date of birth: 01 September 2002, Hanna Ivanivna Menshykova, date of birth: 03 August 2004, and Kateryna Ivanivna Menshykova, date of birth: 03 August 2004. On the grounds of her claims she had referred to that the defendant is the father of the children mentioned above, though he evades his parental responsibilities relating to their upbringing. The children remain on the total support by the mother – A.B. Menshykova. On 06 December 2011 the marriage between A.B. Menshykova and I.P. Menshykov was dissolved under the Decision of the Pisochne Town District Court, the children were left to live with their mother and the recovery of alimony was set on I.P. Menshykov for the children support in the amount of 1/2 share of all the monthly income but not less than 30% of the subsistence minimum for the child of the relevant age.

Pursuant to the Statement of the mother – A.B. Menshykova – and the witnesses: K.B. Sorina, B.P. Lukishyn the defendant has never paid any alimony, and has never provided any money for the children support. Pursuant to the information of Outpatient Clinic No. 3 of the Centre for First Medical and Sanitary Aid (of the Pisochne Children’s Hospital) while carrying out preventive examinations, examinations during the illnesses at home and at Outpatient Clinic No. 3, the Primary Care Physician and the District Nurse have never seen the father.

During the last 5 years, the defendant did not meet his children, did not call their mother – his former wife, – did not transfer any money for their support, and was not interested in their lives. This fact had been proven by the mother – A.B. Menshykova – in her statement and during the examination act of living conditions performed by the employees of the Children’s Affairs Office and the aforesaid witnesses.

Pursuant to the information of the Training and Educational Complex “General Education Establishment-Preschool Educational Establishment” of the town of Pisochne and General Secondary School No. 1 of the town of Pisochne, the father has never been to these complex and school, was never interested in the study of his son and daughters, has never attended the parent-teaching meetings, and has never communicated with the teachers of his children.

I.P. Menshykov willfully evades his parental responsibilities relating to upbringing his minor children that shall be grounds to terminate his parental rights.

At the court hearing, the representative of the claimant has supported the claimant’s demand on the similar grounds.

The defendant, being properly informed on the day and time of the case hearing at his registered address: 1 Tarasa Shevchenka Street, Bilyi Hai village of Zakaty district of Kharkiv area and via mass media means, has not appeared at the court hearing, has not informed on the reasons of his default to appear, and has not submitted objections against the claim.

Having heard explanations of the claimant's representative, evidences of the witnesses, and having studied the case materials, the court has come to the following.

Pursuant to clause 2 part 1 article 164 of the Family Code, the parental rights of the father February be terminated by a court if he evades his parental rights relating to upbringing of his child.

The court has defined that the defendant is the father of his minor children: Danylo Ivanovych Menshykov, date of birth: 01 September 2002, Hanna Ivanivna Menshykova, date of birth: 03 August 2004, and Kateryna Ivanivna Menshykova, date of birth: 03 August 2000 (case sheet 8-9), though he evades his parental rights relating to their upbringing. The children remain under the complete support by their mother – A.B. Menshykova, – and on 06 December 2011 the marriage between A.B. Menshykova and I.P. Menshykov was dissolved under the Decision of the PISOCHNE Town District Court, the children were left to live with their mother and the recovery of alimony was set on I.P. Menshykov for the children support in the amount of 1/2 share of all the monthly income but not less than 30% of the subsistence minimum for the child of the relevant age (case sheet 10-11.)

Pursuant to the statement of the mother of the children – A.B. Menshykova, – and the witnesses: K.B. Sorina, B.P. Lukishyn, the defendant has never paid any alimony, and has never provided any money for the children support. Pursuant to the information of Outpatient Clinic No. 3 of the Centre for First Medical and Sanitary Aid (of the PISOCHNE Children's Hospital) while carrying out preventive examinations, examinations during the illnesses at their home and at Outpatient Clinic No. 3, the Primary Care Physician and the District Nurse have never seen the father (case sheet 15.)

During the last 5 years, the defendant did not meet his children, did not call their mother – his former wife, – did not transfer any money for their support, and was not interested in their lives. This fact has been proven by the mother – A.B. Menshykova – in her statement and during the examination act of living conditions performed by the employees of the Children's Affairs Office and the aforesaid witnesses (case sheet 14, 18, 28, 31.)

Pursuant to the information of the Training and Educational Complex "General Educational Establishment-Preschool Educational Establishment" of the town of PISOCHNE and General Secondary School No.1 of the town of PISOCHNE, the father has never been to these complex and school, was never interested in the study of his son and daughters, has never attended the parent-teaching meetings, and has never communicated with the teachers of his children (case sheet 16-17.)

Pursuant to the written conclusion, the Custody and Guardianship Agency considers it expedient to terminate the parental rights of I.P. Menshykov with respect to his minor children (case sheet 5-7.)

I.P. Menshykov willfully evades his parental responsibilities relating to upbringing his minor children that shall be grounds to terminate his parental rights. Pursuant to clause 11 of Resolution of the Plenum of the Supreme Court of Ukraine No. 16 as of 13 October 2009 "On practice of implementation of the legislation by the courts while hearing a case on adoption and termination of the parental rights", evading their rights by the parents shall be deemed the fact when they are not concerned about physical and spiritual development of the child, his/her study, preparation for independent life, in particular, do not provide the required meal, medical examination, child's treatment that negatively affects his/her physical development as a component of the upbringing, do not communicate with the child to the extent required for normal self-consciousness; do not provide the child with an access to cultural and spiritual values; do not encourage his/her processing of generally accepted moral norms; do not show the interest in his/her inner world; do not create conditions for obtaining education by the child.

Taking into consideration the case materials, collected evidence, the court considers that the claim be subject to be granted.

Being guarded by Articles 10, 60, 212-213 of the Civil Procedure Code of Ukraine, clause 2 part 1 Article 164 of the Family Code of Ukraine, the court

has resolved:

To sustain the claim: to terminate the parental rights of Ivan Petrovych Menshykov, the year of birth: 1980, registered at the address: 1 Tarasa Shevchenka Street, Bilyi Hai village of Zakaty district of Kharkiv area, with respect to his minor children:

– Danylo Ivanovych Menshykov, date of birth: 01 September 2002, Certificate of Birth Series 1-ГЮ No. 245 issued by the PISOCHNE Civil Registrar's Office of the PISOCHNE District Administration of Justice of Kharkiv area, entry No. 100 as of 20 September 2002;

– Hanna Ivanivna Menshykova, date of birth: 03 August 2000, Certificate of Birth Series 1-ГЮ No. 143 issued by the PISOCHNE Civil Registrar's Office of the PISOCHNE District Administration of Justice of Kharkiv area, entry No.102 as of 10 August 2000;

– Kateryna Ivanivna Menshykova, date of birth: 03 August 2000, Certificate of Birth Series 1-ГЮ No. 145 issued by the PISOCHNE Civil Registrar's Office of the PISOCHNE District Administration of Justice of Kharkiv area, entry No.101 as of 10 August 2000.

The Decision of the Court February be subject to appeal to the Court of Appeal of Kharkiv area within 10 days through the PISOCHNE Town District Court.

Judge **signature** *handwritten signature/*

Correct: Judge