

RESUMÉ

The paper deals with the question of maintenance duties both of parents towards their children and of children towards their parents. The core problem of maintenance determination rests on utilization of relatively vague terms and necessity of consideration for too many factors influencing the result. The author's task lies in clarification of this intricate process and in identification of variables entering into this relation.

The text consists of 13 parts, each referring to particular point of maintenance duties. The opening chapter mentioning the concept of maintenance itself is followed by the section treating sources of law within the framework the Czech legal order while taking into account previous legal development in Czechoslovakia. The subsequent part describes historical development of the maintenance duty, which could be traced back to the ancient Rome empire. The next heading is dedicated to general characteristic of maintenance duty.

The fifth chapter analyses maintenance duty of parents towards their children, where one can identify related important features such as subjects of the relationship, duration, restoring, possibilities to change prescribed alimony, scope of defined alimony etc. Consequently, maintenance duty of children towards their parents is examined reflecting differences between and resemblances with the preceding section.

The following part surveys assessment problems in consideration to interwoven variables which cause sometimes different results within analogous cases. The issue of maintenance duty when a child is brought up in a joint or shared custody is explored in the following passage. The ninth chapter probes peculiarities of substitute care, particularly foster care, adoption or institutional care with respect to the process of maintenance determination.

Determination of maintenance duties within the framework of specific situation comes next and it mentions for example situations when somebody who has to pay alimony is self-employed, in poverty or imprisoned. The next chapter concentrates on an international dimension of maintenance duty. This happens when one person included in the relationship is of different nationality. The subsequent section dwells on claiming to unpaid alimony and resulting criminal act of desertion, which is supposed to have a quite frequent occurrence in the Czech Republic. The final part reflects a contemporary effort to recodify the civil code in view of maintenance duties.