

out to everyone who asks for services (part one of paragraph 1 of Article 396 of the Civil Code).

Accordingly, it can be argued that the agreement is qualified as public for the commodity exchange, for which, due to the nature of the activity, there is no legal possibility to refuse to reach the agreement with any applicant.

Also, the service fee, other terms of the agreement are the same for all consumers of such services, but differ depending on the legal status of the entity (customer) - a bidder (a resident of the Republic of Belarus, a non-resident of the Republic of Belarus, as well as a bidder – an individual who does not engage in entrepreneurial activity).

The legal nature of the agreement includes a consensual, bilateral, reimbursable and public nature. The contract refers to the accession contract.

FEATURES OF ENSHRINING THE LIST OF GROUNDS FOR DEPRIVATION OF PARENTAL RIGHTS IN THE REPUBLIC OF BELARUS AND NEIGHBORING COUNTRIES

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The legislation of the Republic of Belarus complies with the world requirements and approaches to the protection of children's rights. The Republic of Belarus joined the Convention on the Rights of the Child in 1990, and on November 19, 1993 adopted the Law “On the Rights of the Child”. The Convention on the Rights of the Child is the basic international legal document that considers the rights of children in details. It enshrines the child’s right to protection, care and respect for his human dignity.

The relevance of the topic of our research is that the effectiveness of the state in this matter remains low. One of the main reasons for this situation is the lack of comprehensive measures established by the state aimed at protecting the rights of the child and strengthening measures of parental responsibility.

The purpose of the study is to highlighting features of fixing the grounds for deprivation of parental rights in the family legislation of the Republic of Belarus and foreign countries.

Material and methods. To write the article, we used the legal norms of the Republic of Belarus, the Russian Federation, the Ukraine and Poland. The methodology is based on the methods of analysis and generalization of data on the research topic.

Findings and their discussion. The protection of the rights and legitimate interests of children is primarily ensured by parents. It is on them that the state assigns the rights and responsibilities for the upbringing, education and

protection of their children. However, often there are situations when the parents themselves need help, or a child needs protection from their own parents.

Unfortunately, there are cases when unscrupulous parents cease to fulfill their duties to the child. The legislation of our country in such situations tries to protect the rights of the child. Due to non-fulfillment of their responsibilities for the life support of their children, parents may be deprived of parental rights or restricted in them. However, the deprivation of parental rights is the last resort when the preventive work of the trusteeship and guardianship authorities, the internal affairs division, and commission on Minors could not give a positive result.

In accordance with article 80 of the Code of the Republic of Belarus on Marriage and Family, the grounds are provided under which the parents or one of them may be deprived of parental rights in relation to a minor child. These include: they shy away from the upbringing and (or) maintenance of the child; they abuse parental rights and / or abuse the child; they lead an immoral lifestyle that has a harmful effect on the child; they abandoned the child and submitted a written statement of consent to adoption if they would be separated from the child.

The content of each of the paragraphs is disclosed in other regulatory legal acts. Thus, in accordance with clause 8 of the Decree of the Plenum of the Supreme Court of the Republic of Belarus "On judicial practice in cases of deprivation of parental rights" of 2002, parents avoidance of fulfilling their responsibilities for raising children may be expressed in a lack of concern for child's moral and physical development, health, education, maintenance, as well as refusal to take a child from a healthcare organization after birth, without good reason, or leaving a child in a healthcare organization after birth.

Abuse of parental rights should be understood as the usage of these rights to the detriment of the interests of children, for example, creating obstacles for a child to receive education and medical care, inducement to begging, theft, the consumption of alcohol or drugs, etc. To strengthen this guilty behavior of legal representatives in relation to children, Article 173 of the Criminal Codex of the Republic of Belarus provides for the condemnation of a parent for involving a minor in antisocial behavior.

By parental abuse of a child, the legislation in the Child Rights Act means:

- ✓ physical violence (beatings; infliction of wounds, bruises, burns; torture; attempts to strangle and drown).
- ✓ sexual violence (sexual harassment; rape; lecherous acts; all types of sexual contacts; involvement of children in the shooting of pornographic films).
- ✓ mental abuse (threats; insults; lack of respect, attention, love for the child; intimidation; rejection of the child; deprivation of the child from social contacts).
- ✓ neglect of needs (lack of food, clothing, shelter; lack of attention and care).

Refusal of a child is an independent basis for deprivation of parental rights in the presence of a written application from the parents or one of them about

the refusal and the absence of valid reasons to take the child from the health care organization.

Each of the above grounds is independent for filing a claim for deprivation of parents or one of them of parental rights; however, this does not exclude the possibility of filing a claim against one or both parents on several grounds.

The legislation and practice of neighboring foreign countries show that the grounds for deprivation of parental rights differ from the Belarusian. In the Russian Federation, at the legislative level (Article 69 of the Family Codex), and not in the explanatory acts, it is specified that evasion of maintenance is also malicious evasion of payment of alimony, and evasion of parental duties is the refusal to take the child from a maternity hospital, without good reasons, medical, educational or social organization. One of the main conditions is established diseases – chronic alcoholism or drug addiction, as well as the commission of the intentional crime against the life or health of their children, another parent of children, spouse, or other family member. Thus, the list of grounds in Russian legislation is wider than the Belarusian one. The grounds are expanded by listing the culpable illegal actions of legal representatives.

Ukrainian legislation (Article 164 of the Family Code) specifies the period after which parents may be deprived of parental rights if the child was left in the maternity hospital or there was no care for him. It is interesting to clarify what is a deliberate failure to fulfill the responsibilities of education - the lack of conditions for physical health and mental development. This occurs when parents do not care about the education and preparation of the child for life, do not communicate enough with him, and do not provide right nutrition and medical care. A separate independent basis is any exploitation of a child, which can be expressed in compulsion to hard work, inducement to begging, prostitution or committing a crime.

The list of the Family Codex of Poland contains only three grounds: long-term non-fulfillment of parental rights, abusing of parental rights (compulsion to physical work or beating a child), neglect of parental rights (non-payment of alimony).

Conclusion. Thus, considering the examples of other states on the issue of consolidating the grounds for deprivation of parental rights, we conclude that in the Republic of Belarus, when making a decision on deprivation of parental rights, it is necessary to use not only the Marriage and Family Codex, as is the case in neighboring countries, but a set of normative acts, which complements, more widely discloses the content of the grounds, clarifies the concepts. The narrowest list is enshrined in Polish family law; the most widely represented are grounds in the Ukrainian one. We believe that it is necessary to move away from the practice of expanding the number of normative acts in the regulation of one type of relationship for the accurate and uniform application of legislative norms.