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## **DISPUTES SETTLEMENT BETWEEN PARENTS REGARDING THE PARTICIPATION OF ONE OF THE PARENTS IN THE UPBRINGING OF A CHILD: ISSUES OF JUDICIAL PRACTICE**

Paper presents the results of research on the legal regulation of the rights and responsibilities of parents to raise a child, equal rights of parents in child rearing,

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ensuring unimpeded access to the child of the parent who lives separately from them.

It is well-established that the family upbringing of a child by parents is the key to their well-being and healthy development. Ever since they were born, children learn from their parents and rely on them. The influence of parents is probably most important in the first years of life. The child's world vision is forming by parents and family environment. Understanding of these factors has led to the identifying of the international standards concerning the protection of the rights and interests of children and, respectively, the vector of development of national legislation on parental equality, their responsibility in case of negligent treatment with children, lack of childcare and so on.

The inability of parents to find the common ground on realization of their rights on child rearing and implementation of their parenting responsibilities leads to litigation. There are a lot of issues that cause difficulties in the court practice, guardianship and custody bodies, in the activities of lawyers during court disputes over the participation of one of the parents in the upbringing of the child.

Based on the analysis of international legal acts, norms of national legislation, as well as materials of the practice of national courts and the European Court of Human Rights, the recommendations for resolving disputes between parents regarding the upbringing of children are substantiated.

It is proven that when applying the remedies for the rights and interests of parents, courts should primary pay attention to “the best interests of the child” (Article 3-1 of the UN Convention on the Rights of the Child), “the highest interests of children” (preamble, Articles 1, 4, 6 etc. of the European Convention on the Exercise of Children's Rights), “the interests of the child” (part eight of Article 7 of the Family Code of Ukraine). And although it is impossible clearly to legally define the “best interests of the child”, “the highest interests of the child”, the courts must take into account specific factors, the circumstances of each family living, deciding on the child's access to another parent, who does not live with them. Courts should not ensure parents to have the right to access a child if it does not comply with these principles. And, of course, to instruct parents who prevent communication with the child of the other parent, the need for a fair settlement of the dispute between them, respect for the rights and interests of each participant in the parental relationship.

**Keywords:** the rights of parents to child rearing; determination of the child's place of residence; child interests; the best ensuring of child interests; equality of parents rights.

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