

Divorce – with whom children will remain?

Question:

I heard that the Parliament of Cyprus discusses a bill regarding the "separation" of children after parents' divorce. The child will spend 50% of the time with father and other 50% - with mother. Is this true? In Cyprus, there are cases when the father and his Cypriot relatives win the court case against Russian mothers, later they do not allow them to see the children, put them in "stop-list", etc. Please, clarify the situation! 28/11/2014

Response:

Including children in the so-called "stop-list" can be done in case the child of divorced parents cannot travel outside of Cyprus with one of them without the consent of the other. It should be a written and notarized permission. This is due to the fact that for certain reasons a parent may leave the territory of the Republic of Cyprus and take any of the children under the age of 18 without the consent of the other parent. This is a violation of his rights and the rights of the child. There is another case. If one of the two parents has sole parental responsibility and / or custody of the child the other parent's consent is not necessary. And the placements of children in the "stop-list" in this situation, as well as the restriction of parental rights, are not related to discrimination. The court's decision can be based only on the evidence presented and on the statement of the parent, in which he requests to put the child in a "stop-list" because of the fear that the child may have been abducted by the other parent. In any case, if you think you have been illegally restricted in terms of your rights concerning the responsibility (custody) of your child without a court order, or think that you are unlawfully deprived of your parental rights, you should consult a lawyer.

Currently, no formal amendments have been made to the existing legislation. According to the existing laws of Cyprus, the parents exercise:

- Baby care. It's the rights and responsibilities of both parents, which are carried out jointly. Parental responsibility includes determining the name of the child, custody of him, the definition of his or her location and place of residence, the protection of the child's interests and rights in each case and the legal act.

Any court order must always be taken into account according to the child's interests and the court makes a decision on parental responsibility and whether the in which way it is carried out. The time that each divorced parent spends with children and communicate with them, is at the discretion of the court. The law itself clearly and unequivocally stipulates the court's decision must respect the equality between parents and does not make a difference with respect to sex, language, religion, faith, nationality, the difference in ethnic or social origin, or the size of the property. Depending on the age of the child his / her opinion should be taken into consideration before making any decision relating to parental responsibility for the child.

With regard to the execution of parental responsibility over the children when the parents are divorced, each case is considered individually, and the decision is based on the facts and merits of the parents to the child.