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Eligibility Criteria For Alimony Benefits: Eligibility Criteria For Alimony Benefits

Summary of the work in English

The following doctoral thesis is entitled: Eligibility Criteria For Alimony Benefits it focuses on the government's responsibilities concerning citizens who are eligible to alimonies but are unable to execute them from the maintenance debtor and, consequently, turn to the government for guardianship and support in realizing these rights using other options. The constitutional, and also emerging from the social teaching of the Church, basis for seeking such assistance is the principle of supporting a family as a basic unit of society. Hence, the government's support in the form of the Maintenance Fund. Due to the legal nature and the scope of the assistance provided by the governments towards citizens eligible to alimonies, it cannot be considered a substitute to the alimony obligations of the oblige. Moreover, the government's aid, when received by those who are who are eligible to alimonies, creates new obligations towards the state on the part of the obligee, at the same time keeping the maintenance obligation in effect. One may claim, the support offered by the government, as well as the basis of gaining rights to this support may result in misappropriation of funds and extortion of financial help from the Maintenance Fund. Thus, the following doctoral thesis and the legal analysis it is based on are mainly preoccupied with the actions of state institutions as well as the addresses of these actions, undertaken at the stage of determining eligibility criteria for alimony benefits from the Maintenance Fund and at the stage of receiving the granted benefits. The conditions for determining the right to benefits from the maintenance fund are included in various normative acts, therefore the topic of the dissertation covers the analysis of administrative and civil law conditions. This issue, which is characterized by doubts, is undoubtedly an area worth discussing, including determining the location of the alimony relationship under the Act on assistance to those who are eligible to alimonies, showing the relationship of this obligation to the obligations arising from the Act on assistance to those who are eligible to alimony, and in particular conducting a legal analysis of the conditions determining the right to benefits from the Maintenance Fund. The presented dissertation, contains a legal analysis of the premises for determining the right to benefits from the alimony fund, it is divided into four chapters, an introduction and a conclusion. The arrangement of the work results from the subject of research and the assumed research goal. The first chapter includes an indication of the concept of family as a basic social unit that fulfills a number of important functions for its members and society, mainly

economic and socializing ones. The essence of the maintenance obligation was discussed, which, apart from achieving an economic goal, serves to shape appropriate patterns. The principle of subsidiarity was analyzed in the light of family obligations and a historical outline of state aid for persons entitled to maintenance was provided. The main assumptions of state aid for persons entitled to alimony, which are applicable in English, German and Norwegian law, were outlined and compared with the legal solutions applicable in Polish law. The second chapter is devoted to obtaining a certificate of ineffective enforcement of alimony by a person entitled to alimony, as the basic condition for state aid to persons entitled to alimony. The third chapter includes a legal analysis of both positive and negative conditions, described by the legislator using a method appropriate to public law, in this case administrative law, on which the acquisition of rights by an entitled person to benefits from the maintenance fund depends. The fourth chapter refers to procedural activities by discussing the activities undertaken by the competent authority of the creditor towards the person entitled to alimony, and also includes a discussion of the activities undertaken by the competent authority of the creditor and the competent authority of the debtor towards the alimony debtor. A number of activities initiating forcing the debtor to meet the alimony obligation and the consequences of their implementation were presented. This work ends with a summary, which is a summary of the main comments and assessments contained therein, providing the basis for answering the question posed at the beginning. The presented dissertation is a response to the lack of research on the entitled person, most of which are topics related to the person of the alimony debtor and persistent evasion of the alimony obligation.