SUMMARY

Key Words: guardianship, guardianship, minor citizens, interests of the child

Subject matter: Legal regulation of guardianship and guardianship under the Russian legislation

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The relevance of the research topic: Guardianship (guardianship) was and remains the most widespread legal form of the device of minor citizens. In this form, there is a huge positive potential, allowing to arrange the fate of a citizen in need of social care in the best way, on the one hand, the closest to living in a family, and on the other hand-ensuring control over the observance of the rights and interests of the citizen.

In recent years, much attention from the legislative and Executive authorities of the Russian Federation is paid to the family structure of orphans. Decree Of the government of the Russian Federation of 17.11.08 No. 1662-R "on the concept of long-term socio-economic development of the Russian Federation for the period up to 2020" approved targets and indicators of socio – economic development of Russia for the period up to 2020, which assume by 2020 the predominance of family forms of arrangement of children left without parental care and include the following indicator-the proportion of orphans and children left without parental care, transferred to the upbringing of families, in their total number. The expected value of this indicator in Russia as a whole by 2020 is 76%. In this form, there is a huge positive potential, allowing to arrange the fate of a citizen in need of social care in the best way, on the one hand, the closest to living in a family, and on the other hand-ensuring control over the observance of the rights and interests of the citizen.

The purpose of the work: research of the Institute of guardianship and guardianship, analysis of the norms of the current civil and family legislation governing the establishment and termination of guardianship and guardianship.

Objective: - to consider the concept and meaning of guardianship and guardianship of minor children;
- disclose the grounds for the establishment and termination of guardianship and guardianship of minor children;
- to reveal the features of the legal status of individual subjects of the Institute of guardianship and guardianship;
- to consider the current state of legal regulation of guardianship and guardianship;
- to define prospects of improvement of the legislation on guardianship and guardianship.

The theoretical and practical significance of the research: The results of the study can be used in the study of family and civil law, as well as aimed at improving family legislation.

Results of the study: 1. The essence of guardianship and guardianship consists in the device of the person and his destiny, destiny of his property. At the same time, the institution of guardianship (guardianship) is a method of social care and a form of arrangement of a person, which involves only individual assistance, care and care from a certain individual (certain persons).
2. The adoption and application in practice of the civil-law concept of the basis of guardianship (guardianship), as well as the application of the provisions of contract law to the regulation of these legal relations will achieve the following positive results:
   1) it is Possible in each case to determine the relationship of the parties by means of fixing the relevant individual conditions in the contract. This may affect the duration of the agreement, the grounds and consequences of its termination, as well as the procedure and conditions for receiving remuneration in one form or another.
   2) look at the guardianship as to the contract will make the relationship most relevant to the interests of the ward because the discharge of the guardian or Trustee from execution of duties is
performed not only in violation of the requirements established by law, but in other cases expressly stipulated in the contract and tailored to the personality of the ward.

3. Responsibility of the guardian (Trustee) in the relations of guardianship (guardianship) acts only in the property form. Restriction of legal capacity of this person at its removal from guardianship does not influence development and change of the analyzed legal relations and acts as a legal consequence of public character

**Recommendations:**

1. Guardianship and guardianship are more based on family-legal ties, which determine the care of an incapacitated or minor family member. However, as a result of the reform, priority was given to the civil-legal features of this institution. Let us turn, for example, to the content of article 3 of The law "on guardianship and guardianship": "1. The relations arising in connection with establishment, implementation and the termination of guardianship and guardianship, are regulated by the Civil code of the Russian Federation... 2. Features of establishment, implementation and the termination of guardianship and guardianship over minor citizens are defined by the Family code of the Russian Federation...". Thus, the General provisions are determined by civil legislation, and especially – family.

2. The current legislation is based on the principle of voluntariness of implementation of duties on guardianship (guardianship) that is established by part 2 of Art. 11 of the Federal law "on guardianship and guardianship". At the same time at appointment of the Trustee (Trustee) at the request of parents or minor citizens the act on refusal in appointment can be accepted only in case such appointment contradicts the civil or family legislation or interests of the child (part 5 of Art. 13). This means that in this situation, the consent of the guardian (Trustee) does not matter.

This approach can not be considered correct, since the compulsory appointment of a guardian (Trustee) will clearly contradict the interests of the ward of the child. In this regard in Art. 11 it is necessary to provide that in the statement of parents or the minor about guardianship appointment (guardianship) it should be specified not only the concrete person of the potential Trustee (Trustee), but also its consent to such appointment is recorded.