

CIVIC AND LEGAL PROTECTION AND BEST INTEREST OF THE CHILD IN MONTENEGRO

Ivana Becić,
Judge of the Principal Court in Podgorica
Montenegro



Civic and legal protection of children regarding the family relations achieved through civil proceedings as follows:

- **LITIGATION** (divorce litigation, entrusting a child, regulation of personal contact between a child and the parent with whom the child is not living, child support, etc.)
- **EXTRAJUDICIAL** (removal or limitation of parenting rights, etc.)
- **ENFORCEMENT AND SECURITY PROCEDURE** (forced enforcement of court decisions which decided on entrusting a child and regulating personal contact between a child and the parent with whom a child is not living...)



Civic and legal protection and the best interest of the child in Montenegro aside from international conventions is mainly incorporated in:

- *Law on Family of Montenegro*, which was amended in 2016.
- *Law on Enforcement and Security of Montenegro*, which was amended in 2019.



Law on Family in Montenegro, in addition to numerous amendments from 2016

- Introduces a significant novelty, which is fundamentally dealing with the protection of the best interest of the child to express their opinion on all matters in procedures related to family relations, and those are:
- **A SUPPORT PERSON FOR A CHILD:**
- When can a support person for a child be set?
- Who can be a support person?
- What are the duties and what are the powers of support persons?



In 2019 the Law on Enforcement and Security provided for the following:

- Amendments in the chapter "Handing over and taking of a child and maintenance of personal relations with a child" provide detailed regulation of issues of forced enforcement of court decisions in this field through introduction of not only a possibility for a hearing, but also a new instrument for enforcement, i.e. forced taking of a child and a fine, but also a **prison sentence of a up to three months**.



THANK
YOU!

