

Abstract: Legal Proceeding of Establishing and Disputing Parentage

The topic of this thesis is the legal proceedings of establishing or disputing parentage. The aim of the thesis is to provide complex description and analysis of current framework of the proceedings for establishing or disputing parentage in relation to the substantive measures, point out problematic areas and weak spots of the legislation and provide possible solutions *de lege ferenda*.

The text is divided into eight chapters. First chapter deals with the term “parentage” from various perspectives - biological, social, legal and the link between them, mainly with the case law of the Supreme Court, Constitutional Court and the European Court of Human Rights in mind.

Second chapter provides the historical evolution of the legal framework for establishing and disputing parentage, going all the way back to the ancient Rome, Austrian Civil Code, the Family Law Code and the Family Code, to the present, where the civil law underwent re-codification and the whole area of family law has been included within the new Civil Code.

The third chapter is devoted to the analysis of the substantive measures regarding the establishing and disputing of parentage as described in the Civil Code, because the substantive measures and procedural measures are closely connected. This chapter also introduces the topic of surrogates, secret births and baby boxes.

The fourth and fifth chapters are the main pillars of the thesis. Fourth chapter firstly provides a general overview of the legal proceedings of establishing and disputing parentage and later goes into more detail about the paternity establishment by consenting, that is not a traditional proceeding on the substance. Majority of the chapter is aiming to provide a complex overview of the legal proceedings of establishing and disputing paternity from the initiation to the decision delivery, including relevant appeal possibilities.

The fifth and final chapter deals with the procedural aspects of establishing and disputing motherhood and it summarizes and evaluates various outlooks regarding the individual aspects of the proceedings of establishing and disputing motherhood.