
我国离婚后子女抚养权制度研究

摘 要

随着我国离婚率的不断攀升，破碎的婚姻关系使得更多的未成年人成为了离异家庭的“受害者”，他们失去了完整的家庭成长环境，还要学会如何在父爱或母爱缺失的情况下身心健康地成长。当下，伴随着世界范围内的未成年人犯罪率不断上升，“预防未成年人犯罪”成为了一个热点问题。未成年人的健康成长与国家未来息息相关。此外，我国作为《儿童权利公约》的成员国，公约要求关注未成年人的利益，因此这也是履行公约义务的体现。《婚姻法》是我国家事法的一部重要法律，应体现这一原则。因此，妥善解决离婚案件中的未成年子女抚养的一系列问题显得尤为重要，很遗憾的是，我国目前在此方面的立法十分有限，实务中显现出的许多问题亟待解决。

关键词：离婚；抚养权归属；抚养费；探望权；抚养权变

ABSTRACT

As China's divorce rate continues to rise, as the marriage collapses, more minors become "victims" of divorced families. They have lost the complete family growth environment, and they need to learn how to grow up healthily in the absence of father love or mother love. Today, as youth crime rates across the world increase, "youth crime prevention" has become a hot issue. The healthy growth of minors is closely linked to the future of the country. In addition, as a member of the Convention on the Rights of the Child, China must also have regard to the interests of minors, who are also to fulfill the obligations of the Convention. Marriage law is an important law of family law, which should embody this principle. Therefore, it is particularly important to properly solve a series of problems in the custody of minor children in divorce cases. It is regrettable that China's current legislation in this area is very limited, and many problems that have emerged in practice need to be resolved.

Key words: Divorce, dependency ownership , alimony , visitation right , change of dependency right

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