

DECISION
IN THE NAME OF THE REPUBLIC OF BELARUS

December 27, 2018

Minsk

Natalia Andreyevna Shutko, Judge of the Oktyabrsky District Court of the City of Minsk, with the court clerk Viktoria Aleksnadrovna Shiyonok, with the participation of the plaintiff Liudmila Arkadeyevna Trafimovich,

a representative of the third party - the Department of Education, Sports and Tourism of the Administration of Oktyabrsky District of the City of Minsk – Svetlana Mikhailovna Maklakova,

having heard in an open court hearing in a court room a civil case brought by Liudmila Arkadeyevna Trafimovich against Nikolas Cheropoulos for the determination of the place of residence of the minor children, recovery of alimony, and the establishment of the procedure for the children's travel outside the Republic of Belarus,

FOUND:

In her court statement, the plaintiff indicated that Nikolas Cheropoulos is the father of the minor children: Anthoula Anthie Cheropoulou, born on June 08, 2012, and Alexandra Cheropoulou, born on April 01, 2015. The parties lived together from March 2008 to April 2017 in Stockholm. Since 2008, the plaintiff worked as a nurse in a private clinic and was on maternity leave twice. In February 2016, the parties had a serious conflict. On April 18, 2017, as agreed with the spouse, the plaintiff came with the children to the city of Minsk to solve the issue of registering the youngest daughter in the Republic of Belarus. The plaintiff and the children are citizens of the Republic of Belarus, the plaintiff intends to stay and reside here permanently. Currently, the plaintiff and the children permanently reside in an apartment at the address: 64 Kizhevatova Str., apt. 24, Minsk. The apartment belongs to the plaintiff by right of ownership, consists of three living rooms, there are all conditions for the normal development of the children. The plaintiff believed that the moral character of the plaintiff, the affection of the daughters, their age, the father's lack of the necessary knowledge and skills for caring for children make it necessary to determine in court the place of residence of the children as with the plaintiff. The children are currently fully dependent on the plaintiff due to the fact that the defendant refuses to voluntarily provide financial assistance for the maintenance of the children. There is no agreement on the payment of alimony between the parties. The father has no other children; there are no deductions made from his income based on writs of execution. The defendant has Swedish citizenship. During the quarrels, the defendant repeatedly threatened that he would take the daughters from the plaintiff. These circumstances cause the plaintiff to fear that the defendant will be able to take the children without the consent of the plaintiff outside the Republic of Belarus, depriving the plaintiff of the opportunity to raise them.

She asked to establish the place of residence of her minor daughter, Anthoula Anthie Cheropoulou, born on June 08, 2012, at the place of residence of the mother Liudmila Arkadeyevna Trafimovich, determining that all issues related to the custody, upbringing, health and education of the daughter shall be resolved solely by the mother; establish the place of residence of the minor daughter, Alexandra Cheropoulou, born on April 01, 2015, at the place of residence of the mother Liudmila Arkadeyevna Trafimovich, determining that all issues related to the custody, upbringing, health and education of the daughter shall be resolved solely by the mother; collect from the defendant in favor of the plaintiff the alimony for the maintenance of the minor daughters: Anthoula Anthie Cheropoulou, born on June 08, 2012, Alexandra Cheropoulou, born on April 01, 2015, in the amount of 33% of all types of earnings and other income every

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month until the children reach (each of them) the age of majority; to establish a different procedure for the travel of the minor Anthoula Anthie Cheropoulou, born on June 08, 2012, outside the Republic of Belarus, namely only with the consent of the mother Liudmila Arkadeyevna Trafimovich; to establish a different procedure for the travel of the minor Alexandra Cheropoulou, born on April 01, 2015, outside the Republic of Belarus, namely only with the consent of the mother Liudmila Arkadeyevna Trafimovich; to allow the immediate execution of the decision regarding the determination of a different procedure for the travel of the minor children outside the Republic of Belarus.

The plaintiff L.A. Trafimovich, affirmed her claims at the hearing.

The defendant Nikolas Cheropoulos did not appear at the hearing, he was duly notified of the date, place and time of the hearing, the court was not informed about the reasons for the failure to appear.

During the hearing the representative of the third party - the Department of Education, Sports and Tourism of the Administration of Oktyabrsky District of the City of Minsk - S.M. Maklakova supported the conclusion, she considered the claims to be substantiated.

Having heard the plaintiff, the representative of a third party, having studied the written materials of the case, the court finds the claims substantiated and subject to satisfaction on the basis of the Convention of November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, articles 74, 88, 91, 92 of the Code of the Republic of Belarus on Marriage and Family, article 12 of the Law of the Republic of Belarus No. 49-3 of September 20, 2009 (as amended on October 24, 2016) "On Procedure of Departures outside and Entries into the Republic of Belarus for Belarusian Citizens".

Based on the foregoing, guided by articles 302-304, 306 of the Civil Procedure Code of the Republic of Belarus, the court –

DECIDED:

To determine the place of residence of the minor Anthoula Anthie Cheropoulou, born on June 08, 2012, at the place of residence of the mother Liudmila Arkadeyevna Trafimovich, born on May 30, 1975.

To determine the place of residence of the minor Alexandra Cheropoulou, born on April 01, 2015, at the place of residence of the mother Liudmila Arkadeyevna Trafimovich, born on May 30, 1975.

To collect from Nikolas Cheropoulos, born on July 29, 1958, in favor of Liudmila Arkadeyevna Trafimovich, living at the address: 64 Kizhevatova Street, apartment 24, the alimony for the maintenance of: Anthoula Anthie Cheropoulou, born on June 08, 2012, Alexandra Cheropoulou, born on April 01, 2015, in the amount of 33% of all types of earnings and (or) other income on a monthly basis, but not less than 75% of the average subsistence income per capita, starting collection from April 27, 2017 and until the termination of the grounds for collection.

To establish a different procedure for the travel of the minor Anthoula Anthie Cheropoulou, born on June 08, 2012 (passport: MP3266255, issued by the Oktyabrsky Directorate of Internal Affairs of the City of Minsk on April 18, 2013, identification number 7898467A001PB0), outside the Republic of Belarus, namely only with the consent of the mother Liudmila Arkadeyevna Trafimovich.

To establish a different procedure for the travel of the minor Alexandra Cheropoulou, born on April 01, 2015 (passport: MP3990742, issued by the Oktyabrsky Directorate of Internal Affairs of the City of Minsk on May 12, 2017, identification number 7299886A002PB9), outside the

Republic of Belarus, namely only with the consent of the mother Liudmila Arkadeyevna Trafimovich.

Collect from Nikolas Cheropoulos the state duty in the amount of 271 rubles 44 kopecks to state revenue.

The decision can be appealed (protested) to the Minsk City Court through the Oktyabrsky District Court of the City of Minsk within fifteen days from the date of the decision or its delivery to the person entitled to appeal (at the request of such person) with a statement of reasons.

Judge	signature	N.A. Shutko
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Judge of the Oktyabrsky	/signed/	N.A. Shutko
District Court of the City of Minsk		
December 27, 2018		

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REFERENCE

The decision of the Oktyabrsky District Court of the City of Minsk of December 27, 2018 has not entered into force.

Judge of the Oktyabrsky	/signed/	N.A. Shutko
District Court of the City of Minsk		
December 27, 2018		

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