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ABOUT THE LEGAL FOUNDING OF GRANT OF SOCIAL SECURITY TO FAMILIES WITH CHILDREN

This article deals with peculiarities of the legal founding of grant of social security to families with children, argued its social consequences – inability of employment of such a family member and / or the necessity of the increasing of the social charges, and also characterized the legal power subject – families with children.

This article analyses temporary disability as a potential social risk for families with children which leads to sudden appearance of the right to social security. Having summarized the provision of normatively legal acts, the author proves that a temporal disability is an independent, individual type of social risk and unconnected with emergence in a families with the children of right on social security.

The use of concepts “maternity” and “presence of child” and its scientific approaches are researched for denotation of the legal founding of receipt of public welfare families with children. Argued, that the concept maternity is more narrow than the content of the concept that

does not embrace the cases of receipt social security: 1) woman, that does not have blood consanguinity with a child and purchased legal status of adopter, guardian and others like that; 2) father of child or other persons in case of actual realization by them to the care of child. Substantiated the imperfection of the legislative term “presence of child” for denotation of the legal founding of social security. It is paid an attention to the absence of instructions on the additional conditions of staying of the child in a family: the child’s age, the presence of full valuable family, the actual supervision etc.

The author brings argues, that the legal founding of social security of families with children is a duty of education of the child. These are: the need for child care and / or maintenance of the desired benefits for the life that leads to the impossibility of a family member employment and / or is associated with increased social spending from the budget of the family or lack of family funds.