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## THE ROLE OF GUARDIANSHIP AND CUSTODIANSHIP BODIES IN PROOF

According to Art. 45 of the Civil Procedure Code of Ukraine (hereinafter CPC of Ukraine ) guardianship and custodianship bodies can take part in civil proceedings in two forms: 1. application for protection of rights, freedoms and interests of others 2. providing opinions in the case. Participation of data in civil proceedings raises a number of theoretical and practical issues, as detailed regulation no.

These problems include discussion on the role of guardianship in the proof. Many scientists do not include these bodies to the subjects of proof. The most controversial is a provision when it comes to the second form of participation.

All controversies can be resolved if the inherent determine guardianship and custodianship bodies in each of the forms of participation is subject of proof. Signs subject of proof are that 1 ) it is the subject of civil procedural law, which has material or procedural legal interest in result of the case, and 2) it has the duty of proof and has right on proof, and 3 ) uses evidence to confirm or refute their claims, objections, conclusion of the case in general.

Thus, the guardianship and custodianship bodies are subject to civil procedural relationship, namely persons involved in the case – art. 26, 45, 46 CPC of Ukraine. Have a procedural interest in result of the case. Since these bodies belong to the individuals involved in the case, then have a whole range of competitive right – the right to proof when guardianship authority shall submit a claim for the protection of others, they are procedural plaintiffs and have all the rights and responsibilities by proof that both plaintiffs and must prove the circumstances to which they refer to as the basis of their claims and objections. When these agencies submit opinion to the court, they must justify and prove loyalty to the conclusion. Also with this form of participation of guardianship perform assembly, an intermediate assessment of the evidence, have the right to examine evidence, to examine them. That the guardianship and custody have rights and responsibilities proof and uses evidence to confirm or refute their claims, objections, conclusion.

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