

FEATURES OF PROVING FORENSIC GENETIC EXAMINATION FOR KINSHIP, PATERNITY, MATERNITY IN CIVIL PROCEEDINGS

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This article is devoted to the problem of the use of forensic genetic examination in civil proceedings as a means of proof. The urgency of the topic is determined by the fact that forensic examinations and research using DNA analysis are currently the only scientific method of accurately establishing kinship between individuals. DNA profile analysis is individual in nature and is accepted by the court only as an analysis made by public laboratories, which must serve as unbiased evidence. In addition, to date, the country has a situation related to hostilities in the area of the Anti-Terrorism Operation in eastern Ukraine, and there is an urgent question about the identification of human remains.

The article analyzes three stages of forensic examination, namely a limited list of materials for DNA testing, regulations for delivery of samples in accordance with the law, registration of examination results and transmission to the customer in the form of an expert opinion. It is noted that if there is an interest in conducting an additional independent examination, it is possible to contact a foreign laboratory to obtain reliable results of the analysis. In cases of disputed paternity, a forensic examination is conducted exclusively by an employee of the center - a forensic expert who is entrusted with the examination. The selection is carried out subject to the simultaneous appearance of the probable father, mother and child with the presentation of original identity documents: passports for probable parents and birth certificates for the child. According to the Code of Civil Procedure of Ukraine, any evidence regarding the origin of paternity, maternity, kinship may be grounds for establishing this fact. But evidence such as photographs, videos, letters, and witness testimonies cannot properly establish family ties. This increases the importance of forensic genetic examination in the system of evidence. Therefore, the circumstances of the case, which by law must be confirmed by certain means of proof, cannot be confirmed by other means of proof. Based on this, it is emphasized the need to amend the Family Code, which will determine that forensic examination should be the only means of proof in cases of establishing the fact of family ties. Thus, it is necessary to bring the consideration of such cases to a single approach. Another problem - the problem of delaying these categories of cases - should be solved with the help of the Civil Procedure Code of Ukraine, which should specify the provision on the need to conduct a mandatory examination in court at the preparatory stage of civil proceedings. The article also substantiates the proposal to introduce a single register of genetic expertise (genomic information), which will have a wider range of modern possibilities in the theory of evidence.

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