



Custodia compartida y protección jurídica del menor [

Universidad Complutense de Madrid,
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doctoral thesis

Monografía

Any study that price, should order the steps, with the delimitation of the research object, the context of theme and key questions to be addressed and proposed solutions to them. The Royal Academy of the Spanish Language defines as << conclusion thesis or proposition that is maintained with reasoning. >> His concept evokes therefore the enunciation of a scientific proposition, an axiom or a demonstrable fact. In this paper we carry out a study on the regime of shared or alternating custody, conceptualizing the notion of custody in order to determine the rights and duties that the scheme entails for the holder or holders of the same are, so that both parents can take their offspring to the position of guarantors of the child or children when they are in their company. Thus it corresponds to the parents the task of ensuring the maintenance of family functioning as holders of parental authority. Parental authority to exercise dual function as equal on the children born in wedlock. However, when dysfunctional family situation becomes difficult to determine whether the exercise of parental authority must be maintained for both parents or whether there is a unilateral attribution arises. This leads us to believe that custody as dual function in situations of marital crisis suffered a breakdown when the custody of the children is attributed to one parent. While the situations of family crisis, with the inevitable conflicts that lead to marital breakdown must not affect the obligations that parents have for their children , must be taken to avoid , insofar as possible, that minors become an instrument of defense or thrown to resolve personal differences between parents weapon. The Spanish Civil Code after the promulgation of the Law 15 /2005, of 8 July, amending the Civil Code regarding separation and divorce, expressly provides for the possibility of implementing joint custody in cases of family crisis. Joint custody that would aim the equitable and equal distribution right

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