

Zuzana Budayová<sup>1</sup>

Katolícka Univerzita v Ružomberku  
<https://orcid.org/0000-0002-6171-3384>

## *The place of the family in the legislative social policy of the Slovak Republic*

## *Miejsce rodziny w legislacyjnej polityce społecznej Republiki Słowackiej*

### **Abstrakt**

Rodzina stanowi kluczową jednostkę społeczną, która wywiera fundamentalny wpływ na dobrostan jednostki i ogólną spójność społeczną. W tym tekście analizowane jest złożone miejsce rodziny w legislacyjnej polityce społecznej Repu-

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<sup>1</sup> Doc. PhDr. Mgr. Zuzana Budayová, PhD. has been working at the Catholic University in Ružomberok, at the Faculty of Theology, at the Theological Institute in Spišské Podhradí since 2006. She is a co-guarantor of the Social Rights study program at the bachelor's and master's levels, lectures in the areas of Romology, methods and approaches of social work with the family, addictions, charity work, biology, field social work and many others. She also leads the professional practice of students and is actively involved in the issues of the Roma population.

bliki Słowackiej. W publikacji przeanalizowano ramy konstytucyjne dotyczące ochrony rodziny, kluczowe obszary działań legislacyjnych mających na celu wsparcie rodziny, wskazano dominujące trendy i obecne wyzwania. Praca wskazuje również na potrzebę dalszego rozwoju polityki, aby skuteczniej reagować na zmieniające się warunki demograficzne i społeczne oraz zapewnić optymalne środowisko dla rozwoju rodziny na Słowacji.

**Słowa kluczowe:** rodzina, polityka społeczna, ustawodawstwo, Republika Słowacka, wsparcie rodziny, polityka rodzinna, usługi socjalne

### Abstract

The family constitutes a fundamental social unit exerting a profound influence on individual well-being and broader social cohesion. This study examines the intricate position of the family within the legislative framework of social policy in the Slovak Republic. It analyzes the constitutional basis for family protection, key legislative measures designed to support families, prevailing trends, and contemporary challenges. The analysis also underscores the necessity for further policy development to address evolving demographic and social conditions more effectively, thereby fostering an optimal environment for family development in Slovakia.

**Keywords:** family, social policy, legislation, Slovak Republic, family support, family policy, social services

## Introduction

The family, as the basic building block of society, is the bearer of important social, economic and cultural functions. Its stability and prosperity directly affect demographic development, social inclusion and the overall quality of life of citizens. In the Slovak Republic, the protection and support of the family is explicitly enshrined in the highest legal regulation – the Constitution of the Slovak Republic (Article 41).<sup>2</sup> This constitutional mandate is subsequently reflected in a wide range of legislative measures within the framework of social policy, which aim to create favorable conditions for the functioning of families and address their specific needs. The aim of this professional text is to analyze the

<sup>2</sup> Act No. 460/1992 Coll., Constitution of the Slovak Republic.

place of the family in the legislative social policy of the Slovak Republic, identify key areas of intervention, point out existing trends and challenges, and outline potential directions for future development.

## Family as a *basic unit of society*

We tend to talk a lot about the family, we have a lot of information, because everyone comes from one. The more facts we know, the more we feel that it is insufficient. Every family is exceptional, even if they all look the same on the outside. We can consider the family as an unmistakable institution, because several opposites alternate in it, e.g. pride and shame, care and neglect, etc.<sup>3</sup>

The family is a tool through which individual generations connect with the past, the present, but also with the future. It provides the opportunity to pass on the wealth of culture and social feeling and if there are positive relationships within it, it is unique for each generation, but preferably for children. They come into the world innocent and helpless, attached to adults who protect them and support them. The family is the primary point of contact, a role model for children, it shows them what mutual coexistence should be like, teaches them values, guides them on their journey through life, influences their life direction and teaches them to be aware of the uniqueness and difference of everyone. A well-functioning family is a sign that it is a place of security and contact for people with good emotional ties.<sup>4</sup>

The legal definition of the family is found in Act No. 36/2005 Coll. on the Family, according to which “the family established by marriage is the basic unit of society. Society shall comprehensively protect all forms of the family”.<sup>5</sup>

<sup>3</sup> I.K. Berg, *Posílení rodiny. Základy krátké terapie zaměřené na řešení*, Praha 2013.

<sup>4</sup> J. Gabura, *Teória rodiny a proces práce s rodinou*, Bratislava 2012.

<sup>5</sup> Act No. 36/2005 Coll. on the Family and on Amendments to Certain Acts, Art. I, Art. 2.

The family is an unmistakable phenomenon in society. Its composition and smooth existence are the result of how the management system in society is set up and how it progresses. It is typical for today's modern era that the development of individualism with a preference for career growth is expanding. For this reason, the current family has a smaller number of members, in which both women and men try to find harmony between caring for loved ones and work.<sup>6</sup>

We observe that the family as a whole is affected by various turning points that cause unexpected problems, which is due to the fact that the family becomes unstable and dependent on institutional social assistance. Experts working in the social field help families to gain social and material security, they try to involve family members in solving the unfavorable situation so that they can integrate into society, which of course also implies an improvement in the overall atmosphere in the family.<sup>7</sup>

A family is an institutionalized biosocial group, formed by two members of opposite sexes and their children, between whom there are blood ties. The family is the primary context of human experience from the cradle to the grave.<sup>8</sup>

Potočárová defines that:

[...] the family is the primary institution in which the process of socialization and upbringing of a child takes place. It is the basic unit of society. It can be defined as an informal social group of a particular nation, which ensures the continuity of the human race and the upbringing of the growing generation (it also incorporates the traditions and culture of the nation). Marriage is a monogamous cohabitation of a man and a woman who have children, take care of them and, above all, raise them.<sup>9</sup>

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<sup>6</sup> O. Matoušek, *Východiska podpory rodiny*, In Matoušek O., Pazlarová H. et al. (eds), *Podpora rodiny. Manuál pro pomáhající profese*, Praha 2014.

<sup>7</sup> A. Hudecová, et al., *Profesijné kompetencie sociálnych pracovníkov v kontexte intencionálnych a inštitucionálnych reflexií*, Banská Bystrica 2010.

<sup>8</sup> M. Potočárová, *Pedagogika rodiny. Teoretické východiská rodinnej výchovy*, Bratislava 2008.

<sup>9</sup> Ibidem.

The family is a social institution that, through its educational influence, transmits its own values and value orientation to the child and, with its characteristics, shapes the child's personality in all its dimensions. The basic needs of family members are met in the family, the child becomes acquainted with his social roles for the first time, learns to fulfill the requirements and demands set by society. From this point of view, we consider the family not only the most intimate social group in a person's life, but also the most controlled by the state and society.<sup>10</sup>

### Constitutional and legislative framework for family protection

The Constitution of the Slovak Republic, in Article 41, guarantees special protection of marriage, parenthood and the family. This constitutional guarantee represents a fundamental starting point for the creation and implementation of all legislative measures aimed at the family within the framework of social policy. The constitutional level is followed by an extensive network of laws and sub-legal regulations that specify the rights and obligations of the state in relation to the family and its members. Key legislative acts include the Labour Code (Act No. 311/2001 Coll.), which regulates the protection of maternity and parenthood, the Social Insurance Act (Act No. 461/2003 Coll.), which defines maternity and parenthood benefits, the Child Allowance Act (Act No. 600/2003 Coll.), the Income Tax Act (Act No. 595/2003 Coll.) with provisions on the child tax bonus, the Social Services Act (Act No. 448/2008 Coll.) and the Family Act (Act No. 36/2005 Coll.), which regulates legal relations in the family and the protection of minor children. Together, these legal regulations create a comprehensive legislative framework that defines the scope and forms of state support for the family in various areas of life.

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<sup>10</sup> E. Mendelova, *Vybrané kapitoly o rodine a rodičovstve*. Nitra 2015.

## Key areas of family-oriented legislative social policy

The family, as the basic unit of society, plays a key role in the social policy of the Slovak Republic. Legislative and policy measures focus on supporting families in various areas, such as demography, social protection, education and housing. The aim is to create conditions for the stability and development of families, which has a positive impact on the overall social and economic development of the country. The legislative social policy of the Slovak Republic focused on the family touches on a wide range of areas that have a direct impact on the quality of life of families and their members. The most important include:

- Support for motherhood and parenthood: This area includes measures aimed at protecting women during pregnancy and after childbirth (maternity leave, maternity benefits), as well as supporting parents in caring for young children (parental leave, parental allowance). The aim of these measures is to enable parents to take care of their child in the first years of his or her life and at the same time ensure their economic stability.
- Financial support for families with children: The state provides direct financial assistance to families through various benefits and allowances, such as child allowance, child tax bonus and one-off birth allowances. These instruments aim to alleviate the financial burden associated with raising children and contribute to reducing the risk of poverty in families with dependent children.

Measures to reconcile family and work life: Legislation regulates the possibilities of flexible forms of work (e.g. part-time work, working from home), provides the right to breastfeeding breaks and regulates the conditions for returning to work after parental leave. The aim is to make it easier for parents to combine work responsibilities with childcare and family care and to promote the equal position of women and men on the labour market and in the family.

## Social services for families

The Act on Social Services defines a wide range of services aimed at supporting families in various life situations. These include, for example, family counseling, crisis centers for victims of domestic violence, childcare services (crèches, kindergartens), care services, and other forms of assistance aimed at strengthening the functionality of families and preventing social exclusion.

Protection of children's rights and support for alternative family care: Legislation in the field of family law and social and legal protection of children focuses on ensuring the best interests of the child, protection from violence and neglect, and on supporting various forms of alternative family care (e.g. foster care, adoption) for children who cannot grow up in their biological family.

The Ministry of Labour, Social Affairs and Family of the Slovak Republic (MLSAF SR) has developed the National Strategic Framework for the Support of the Family and Demographic Development until 2030. This document was developed in a participatory manner with the involvement of experts and relevant stakeholders. Its aim is to ensure the stability of families, support demographic growth and improve the quality of life of families in the country.<sup>11</sup> The Government of the Slovak Republic perceives the family as the basic unit of society and the main bearer of fundamental human, cultural, social, civic and spiritual values. Family support is therefore considered a priority tool for addressing the issue of adverse demographic development.<sup>12</sup>

<sup>11</sup> Ministerstvo práce, sociálnych vecí a rodiny. Rada vlády Slovenskej republiky pre rodinu a demografický vývoj., <https://www.mpsvr.sk/sk/ministerstvo/rada-vlady-slovenskej-republiky-rodinu-demograficky-vyvoj> [accessed: 06.04.2025].

<sup>12</sup> Ministerstvo práce, sociálnych vecí a rodiny. Vznikol nový poradný orgán vlády zodpovedný za rodinnú politiku, <https://www.employment.gov.sk/sk/uvodna-stranka/informacie-media/aktuality/vznikol-novy-poradny-organ-vlady-zodpovedny-za-rodinnu-politiku.html> [accessed: 06.04.2025].

## Dominant trends and current challenges

Analysis of the legislative social policy of the Slovak Republic in the area of family reveals several dominant trends. One of them is the gradual increase in financial support for families with children, although its effectiveness and targeting are the subject of debate. Another trend is the effort to strengthen measures to reconcile family and work life, reflecting the changing needs of modern families and the increasing participation of women in the labor market. Emphasis is also placed on the development of preschool childcare services, although their availability and quality still represent a challenge in some regions.<sup>13</sup>

Despite progress, there are also significant challenges facing Slovak family policy. These include the need to more effectively address the needs of diverse types of families, including single parents, large families and families with children with disabilities. The issue of domestic violence also requires increased attention and the need to strengthen prevention and intervention in this area. Demographic changes, such as population ageing and low birth rates, also place new demands on social policy and require comprehensive and long-term solutions. Insufficient coordination between different departments and levels of public administration can also limit the effectiveness of implemented measures.<sup>14</sup>

## Selected legislative changes towards families

In recent years, Slovakia has undergone several legislative changes aimed at supporting families. These changes concern various areas such as social support, education, housing and family law.

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<sup>13</sup> M. Potančoková, *Súčasný trendy vo vývoji rodiny a rodinnej politiky na Slovensku*, „Sociológia“ 2015 nr. 47(5).

<sup>14</sup> M. Vašečka, Kollárová, M. (Eds.), *Rodinná politika na Slovensku: Analýza a odporúčania*, Bratislava 2018.

### 1. Social support for families

In 2023, measures were adopted to increase child allowances and the tax bonus, which led to an increase in the disposable income of families with children by approximately EUR 1,285 per year. Despite later adjustments that reduced this increase by a further EUR 362, the disposable income of families remained EUR 479 higher compared to the previous period.<sup>15</sup>

### 2. Amendments to family law

The amendment to the Family Act introduced changes in the area of determining paternity. A husband who learns that he is not the father of a child may apply for a denial of paternity within three years of the discovery. The legal provisions in the case of a parent with limited legal capacity have also been changed to prevent discrimination.<sup>16</sup>

### 3. Support for children's upbringing and education

In July 2023, an amendment to the Act on Subsidies within the jurisdiction of the Ministry of Labour, Social Affairs and Family was adopted, which introduced a subsidy to support education in eating habits for children attending the first four grades of eight-year grammar schools. This step equalized children from different types of schools.<sup>17</sup>

### 4. Improving housing affordability

The so-called family contract was introduced within the framework of family building savings, which provides preferential conditions for families in building savings. However, this instrument has been criticized

<sup>15</sup> Teraz.Sk. Rrz: Po zmenách legislatívy v rokoch 2023 a 2025 sú rodiny v pluse, <https://www.teraz.sk/ekonomika/rrz-po-zmenach-legislativy-v-rokoch-2/827758-clanok.html> [accessed: 07.04.2025].

<sup>16</sup> Legalis. K aktuálnym zmenám hmotného a procesného rodinného práva od 1. januára 2023, <https://www.legalis.sk/sk/casopis/sukromne-pravo/k-aktualnym-zmenam-hmotneho-a-procesneho-rodinneho-prava-od-1-januara-2023.m-3047.html> [accessed: 07.04.2025]

<sup>17</sup> Krion. A Professional Law Corporation. Legislatívne zmeny a novinky, <https://www.krion.sk/sk/vyber-legislativnych-zmien-a-noviniiek-za-jul-2023.c-441.html> [accessed: 07.04.2025].

for discriminating against single-parent households and households with informal parents.<sup>18</sup>

#### 5. Family Policy Coordination

The Ministry of Labor, Social Affairs and Family has established a Department of Family Policy Strategy and Coordination, which is tasked with improving the conditions for the creation and implementation of family policy.

#### 6. Changes in Marriages

A draft amendment to the Family Act submitted by the opposition party Progressive Slovakia proposes to allow marriages to be concluded even before mayors of municipalities that do not maintain a registry office. This step is intended to increase the availability of this service for citizens.<sup>19</sup>

### Potential future directions

The future development of legislative social policy in the area of family in Slovakia should focus on several key areas. It is essential to continue strengthening financial support for families with children, while placing greater emphasis on the targeting and effectiveness of the benefits provided. Improving the availability and quality of preschool childcare services is crucial to enabling parents, especially mothers, to fully participate in the labor market. Support for flexible forms of work and measures to reconcile family and work life should be further developed and implemented on a wider scale.<sup>20</sup>

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<sup>18</sup> Verejná Správa, *Dôvodová správa k zákonu č. 530/2023 Z. z., ktorým sa menia a dopĺňajú niektoré zákony v súvislosti so zlepšením stavu verejných financií*, <https://www.vssr.sk/clanok-z-titulky/dovodova-sprava-k-zakonu-c-530-2023-z-z.html> [accessed: 06.04.2025].

<sup>19</sup> eREPORT. Progresívci podali návrh novely zákona o rodine, chcú zmeny pri uzatváraní manželstva, <https://ereport.sk/progresivci-podali-navrh-novely-zakona-o-rodine> [accessed: 06.04.2025].

<sup>20</sup> Štatistický úrad SR. (aktuálne dostupné demografické údaje a štatistiky o rodinách na Slovensku). Availbale online 08.04.2025.

Another important aspect is the strengthening of social services for families in difficult life situations, including prevention and intervention in the field of domestic violence and support for families with members with disabilities. Increased attention is also required to support alternative family care and ensure a quality environment for children who cannot grow up in their biological family. More effective coordination between various actors in the field of family policy and systematic monitoring and evaluation of the impact of implemented measures are essential to ensure their effectiveness and the achievement of set goals. Last but not least, it is necessary to respond to demographic changes and seek innovative solutions to support multi-generational families and active ageing.<sup>21</sup>

### *Family and its basic functions*

A healthy family is considered to be a cohesive family, but one that respects the autonomy of each individual. A healthy family allows for independence, personal responsibility, independence in thinking and evaluation. At the same time, it provides a sense of emotional closeness and mutuality. Family adaptability and the ability to creatively solve emerging situations brought about by contemporary life, to respond to them adequately, to change the family structure, relationships of roles and rules are important. In addition to creativity, in this sense, expressing support, interest and involvement in joint conversations and activities seems to be very important. In addition to adaptability and creativity, the stability of the system “despite all the changes, it’s still us” is also important. In a healthy functional family, roles are clearly defined, intergenerational boundaries are clearly formulated, communication is clear without obscuring, tabooing, prohibitions and explanations. A normal healthy

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<sup>21</sup>

T. Sirovátka, *Sociální politika*, Praha 2010.

family is an environment necessary for the harmonious development of a child in it.<sup>22</sup>

It allows the human individual to find support and background in it, to identify with it, but at the same time gives him freedom to such an extent that he can build and preserve his personal difference and identity. Life in the family moves between the field of sharing and the field of protected privacy. And this can be considered the basis of a person's socialization in the family. Among the important factors of family socialization are the value orientation of the family, the broad social conditions in which the family functions, and also the relationship network ensured by its internal and external structure. Each family has its own recognized values. Some authors even attribute to the family its own set of family ethical standards, a family code, similar to other ethical codes. It is a kind of storehouse of experiences that the family has accumulated in the past and are available to the family. This code is a guide and a force that is decisive in influencing the behavior of family members. It also becomes a counterbalance to public pressure. It simply expresses - determines what and how to do, so that it is done correctly and well.<sup>23</sup>

In addition to the educational and socializing function, the family fulfills several other important functions. All the functions that the family fulfills, if it is stable, intertwine with each other and together create a form of family that we refer to as a functional family:

- The family satisfies the basic, primary needs of the child in the early stages of his life: satisfaction of biological, psychological needs, the need for security, regular life rhythm, expressions of love, intensity of stimuli, the need for a life perspective.
- The family satisfies the very serious need for organic belonging: to have a loved one and to identify with him means to belong

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<sup>22</sup> L. Šulová, *Raný psychický vývoj dítěte*, Praha 2010.

<sup>23</sup> M. Potočárová, *Pedagogika rodiny. Teoretické východiská rodinnej výchovy*, Bratislava 2008.

somewhere, to someone, to have a loving interpersonal relationship with someone, full of trust.

- The family provides the child from the earliest age with a space for action, i.e. space for his active expression, active self-realization, interaction with others: thus, an extremely important axis is constituted and further developed, branches and differentiates: by experiencing the feelings “I am and I act”, “I do this I can and I will manage”, the consciousness of oneself as a subject, actor, originator of an event crystallizes, which ultimately brings him closer to other people and the world and thus enriches his life and that of others.
- The family gradually introduces the child to the things of family equipment – to concerns about equipment, furnishings and household security: this role of socialization is important in that the child also cultivates his relationship to valuable things, to the means and material values of the family. By observing how these objects are purchased and handled, he helps him find a way to use them himself, how to keep them in order according to certain rules and have a healthy attitude towards valuable values.
- The family significantly determines the initial experience of himself as a boy or a girl: it inserts sexual, gender content and meaning into this self-concept, this is helped by the role models of the mother and father, or grandmother, grandfather, siblings.
- The family provides the child with immediately effective role models and examples: through love for the father and mother, empathizing with them in various situations, imitating their actions, thinking about their lives, the child learns to see a personality in the other person and desires to become a personality himself.<sup>24</sup>

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<sup>24</sup> Ibidem.

- The family establishes, strengthens and develops in the child a sense of duty, responsibility, consideration and respect: this happens by naturally and non-violently involving the child in the activities of the family group, team, etc. under their influence, this awareness is learned as something that is completely self-evident.
- The family opens up the opportunity for children to enter into intergenerational relationships and thus penetrate more deeply into the understanding of people of different ages, different backgrounds, different statuses: the child does not socialize only within his own family, only with younger or older siblings, but also enters into relationships with grandparents, aunts, uncles, cousins.
- Through parents, grandparents, older and younger siblings, relatives and friends of the family, the child is given an idea of the wider environment about society and the world: the child clarifies the world of professions, the world of various civic duties, but also the world of social problems and temptations that must be faced. They learn to look at this world, observe it, enter it, accept it or critically distance themselves from it.
- The family is an environment for children, adolescents and adults where they can confide in everything, expect to be heard, receive wise advice and help: it is a refuge in situations of life's helplessness. This function becomes very important when a child enters school, because it strengthens them in times of failure, disappointment and crisis. It is an important source of life balance in other life situations as well. The experience of the family as a refuge gives childhood and adolescence a sense of anchoring, right here and now, but also in the face of the future.

Any fears and uncertainties that life always brings are easier to overcome thanks to an understanding family background.<sup>25</sup>

From these points it follows that the family is irreplaceable for the healthy development, upbringing, socialization and meaningful life of individuals. Today's young people long for security and a secure emotional background, which even today only the family can provide.<sup>26</sup>

The family is of irreplaceable importance to a person, it enables his physical, mental, spiritual existence and development, gives him a sense of security and safety, a sense of home in the circle of his closest people. It is a microworld in which basic patterns of behavior and habits are acquired, which are crucial for orientation in interpersonal relationships. In the family, a person learns basic values and norms, develops social and moral feelings. It provides a model for forming broader interpersonal relationships and behavior for his own family life. Parents represent a model of a certain way of life and adulthood for adolescents. They compare them with the ideal they have created and look for an alternative that would be acceptable to them. They thus create a more accurate idea of their own future lifestyle and identity. The family significantly influences through education whether young people feel happy, safe and balanced. It determines how individuals get along with friends, how confident they are in themselves and their abilities, whether they know how to love or are indifferent. If parents do not establish a loving relationship with their teenager, everything will be built on a bad foundation and the result will be problems in their future life.<sup>27</sup>

## Family values education

Values come from many sources. They are traditions, cultural customs, social norms, beliefs, media, relationships with others and individual

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<sup>25</sup> Ibidem.

<sup>26</sup> M. Dědová, *Hodnoty a prežívání zmyslu života*, Trnava 2010.

<sup>27</sup> M. Dědová, *Hodnoty a prežívání zmyslu života*, Trnava 2010.

characteristics of each of us. Parents use various educational and psychological practices to be able to pass on these values to their children. They hope to achieve positive results that will be reflected in the children's behavior.<sup>28</sup>

It is a moral place where children and adolescents learn what is good and what is bad behavior. Where children learn values for a good life: that honesty is important, that kindness is a virtue, that forgiveness and loyalty are the essence of friendship and marital cohabitation, that respect for authority is good and self-control is necessary. Children and adolescents learn these by observing those who live them, especially if they are parents, by listening to stories and fairy tales where good triumphs over evil, so that they learn to distinguish between good and evil in practical situations in the safe environment of the home. Where children see honesty in their parents and when parents teach them that telling the truth is sometimes difficult but always better, they are more likely to grow up to be honest and truthful people. Without boundaries and guidance, children will fumble.<sup>29</sup>

The family and parents are responsible for how the child's upbringing will proceed, what means will be used and, above all, for the atmosphere in which the child lives, matures and becomes a complete, full-fledged being with its own positives and negatives. Contemporary society, as it has been for several centuries, has a fundamental influence on the family<sup>30</sup>.

However, with the rapid development of science, technology, and consumer life, the family is changing into a postmodern one with new features, but with the continued full responsibility for the upbringing and preparation of children for life.<sup>31</sup>

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<sup>28</sup> R. Posse, J. Melgosa., *Umenie výchovy*, Vrútky 2002.

<sup>29</sup> A. Nicky, S. Lee, *Knihá o rodičovstve*, Pezinok 2011.

<sup>30</sup> E. Mendelova, *Výbrané kapitoly o rodine a rodičovstve*, Nitra 2015.

<sup>31</sup> Ibidem.

In this sense, a suitable educational environment of the family is one of the necessary living conditions for the healthy development of the child's personality, with special rules for the application, creation, course and direction of values. Education in values in the family is based primarily on the value orientation of the parents, but knowing the value orientation of the family is extremely difficult because it touches on the deepest spheres of human experience and relationships. Values such as emotional background, the relationship of parents to the child, the quality of the parents' marital cohabitation, family role models, the foundations for married life, good upbringing and access to education, respect for the elderly, the foundations for interpersonal relationships, the relationship to work and traditions are values that the child acquires only in the family, or more in the family than outside the family.<sup>32</sup>

The goal of value education in the family is a morally and socially mature personality, educated, prepared and reliable for a lifelong marriage, able to successfully manage family life. It is the process of passing on socio-historical experience with the aim of preparing the younger generation for an organized family life and for work in new social conditions.<sup>33</sup>

### Family typology according to functionality

Not every family manages to cope with all the tasks that are expected of it by society, but despite this, it is still considered a lasting social unit. If there comes a moment when one of its functions becomes dysfunctional, this does not mean that the family is existentially threatened. A bigger problem arises if other problems begin to be associated. Therefore, society has prepared various tools to provide assistance to the family, but on the

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<sup>32</sup> M. Dědová, *Hodnoty a prežívání zmyslu života*, Trnava 2010.

<sup>33</sup> M. Potočárová, *Pedagogika rodiny. Teoretické východiská rodinnej výchovy*, Bratislava 2008.

condition that its members will also be active in solving problems and will try to remedy them. Otherwise, the family will become dysfunctional.<sup>34</sup>

If we evaluate a family in terms of its functionality or any existing deficiencies that affect each of its members, we classify it into four types:

- functional – the needs of all its members are met and at the same time conditions are ensured for the favorable and all-round development of the child,
- problematic – the occurrence of disruption of one or more family functions, which, however, do not pose a serious threat to its members,
- dysfunctional – there is a clear observation of significant deficiencies in several family functions, which can be threatening for both children and adults,
- afunctional – the family as a whole fails, is unable to function and fulfill its tasks, which unconditionally harms each family member.<sup>35</sup>

### Transition from a functional family to a dysfunctional one

A person is faced with various life challenges, but to successfully meet them, the support of loved ones is necessary. Many families find themselves in situations where those closest to them become alienated because of them, individual family functions gradually begin to fail, and the worst-case scenario comes true – family breakdown.<sup>36</sup>

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<sup>34</sup> E. Mydlíková, *Dysfunkčná rodina ako klient sociálneho pracovníka*, „Mosty k rodine” 2010 nr 1(1).

<sup>35</sup> A. Mátel, M. Hardy, et al., *Vybrané kapitoly z metód sociálnej práce II*, Bratislava 2013.

<sup>36</sup> K. Minarovičová, *Sociálna práca s obrozenými a dysfunkčnými rodinami*, Nitra 2018.

If the functionality of the family is to be assessed, it is important to understand whether its primary tasks are being fulfilled. Experts therefore focus their attention on the competences of parents in four important areas:

1. relationships – spouses among themselves, children among themselves, with close/distant relatives, with friends,
2. ensuring protection and care – stable employment/income, reasonable management, proper nutrition,
3. stable security – communication, resolution of mutual disagreements, overall environment,
4. satisfying developmental needs – it is important to take into account the age of individual members, or during the period of overcoming illnesses, etc.<sup>37</sup>

Every family has problems, whether they are smaller or larger. However, it is important to be able to assess the fulfillment of individual functions. If we want to find out whether a family is a functional or dysfunctional family, it is necessary to find out the existing interpersonal relationships, what is the mutual communication, how they try to solve problems, how is childcare provided, etc.<sup>38</sup>

A family that can be considered functional has only a minimum of problems that its members have not been able to solve on their own, but at the same time is able to face others that life brings. Such a family is receptive and flexible to the individual needs of its members.<sup>39</sup>

It is in families that we call dysfunctional that we can observe the serious problems that individual members have to struggle with. The consequence of the termination of several functions is the violation of generally accepted norms of society and the increase in pathological

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<sup>37</sup> R. Michel, *Kríza rodiny – rozvod*. In Hardy, M. et al. (eds), *Sociálna patológia rodiny. Zborník z medzinárodnej vedeckej konferencie* (Žilina 24. 02. 2011), Bratislava 2011.

<sup>38</sup> E. Pavlůvčíková, *Psychologické poradenstvo pre partnerov a rodiny*,. Prešov 2013.

<sup>39</sup> E. Mydlíková, *Posudzovanie sociálnej rizikovosti rodiny*, Trnava 2018.

phenomena. A family whose life is not going in the right direction negatively affects children in particular, which is reflected in their complex upbringing, behavior and psyche.<sup>40</sup>

## Family and helping professions in the legislative framework

In families, helping professions are focused on solving problems that are the result of changes in society. The way family members have to overcome many critical conditions is reflected mainly in their health, when the body weakens and other problems occur, which results in the disruption of family relationships, individual functions gradually fail and they are dependent on the help of others.<sup>41</sup> The cooperation of helping professionals is the result of long-term practice and is different, developing from case to case. Each of them is individual, requiring the attention of a different expert, whether it is the help of a state authority or other institutions and of course depends on mutual cooperation and participation of the family.<sup>42</sup>

Crisis situations that a family can find itself in at any time result in strained relationships, unfavorable financial conditions, states of emergency, various forms of violence, etc. Some problems are so serious that, despite all the efforts of its members, they are unable to solve them without the help of professionals.<sup>43</sup> Assistance from professional workers in helping professions can be provided on an outpatient basis, i.e. directly in the worker's office, in the field, when the worker visits the family

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<sup>40</sup> A. Hudcová, A. Brozmanová Gregorová, *Sociálna práca s rodinou*, Banská Bystrica 2009.

<sup>41</sup> A. Hudcová, et al. *Profesijné kompetencie sociálnych pracovníkov v kontexte intencionálnych a inštitucionálnych reflexií*, Banská Bystrica 2010.

<sup>42</sup> D. Tragalová, *Rodinná mediácia*, Bratislava 2018.

<sup>43</sup> A. Hudcová, et al. *Profesijné kompetencie sociálnych pracovníkov v kontexte intencionálnych a inštitucionálnych reflexií*, Banská Bystrica 2010.

directly at home in their home environment, or residentially in the headquarters of the facility where the family is temporarily placed for certain reasons. The effective selection of work methods and procedures depends on the environment and the family in it.<sup>44</sup>

### Social worker

During their mutual coexistence, a family experiences periods associated with pleasant experiences, but is repeatedly faced with serious decisions and the solution of more demanding situations, in which mutual respect and harmony are necessary. If this is absent, critical moments arise when individual family members experience increased psychological stress and mutual disputes that they cannot overcome on their own. This is when the work of social workers providing support and professional assistance becomes important.<sup>45</sup>

Social workers, as professional social workers, strive to help people in need, improve their lives, sometimes even by sacrificing their free time, empathetically encourage people, offer guidance and help in solving problems.<sup>46</sup>

When assessing the condition of a family, it is important for the social worker to have a direct confrontation, in which he or she evaluates the family based on the available information from family members or from their home environment. It is precisely on the basis of a personal visit, which should be planned in advance and, best of all, if welcomed by the family, that he or she can more objectively assess the family's circumstances, relationships, needs, the overall condition of the

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<sup>44</sup> J. Gabura, *Teória rodiny a proces práce s rodinou*, Bratislava 2012.

<sup>45</sup> A. Hudecová, et al. *Profesijné kompetencie sociálnych pracovníkov v kontexte intencionálnych a inštitucionálnych reflexií*, Banská Bystrica 2010.

<sup>46</sup> Z. Ondrušová, M. Oláh, V. Vavrečková, *Rozvojové trendy sociálnej práce*, Ostrava 2017.

household, its equipment, etc. Based on sufficient information, he or she can provide intervention.<sup>47</sup>

The work of a social worker is focused on cooperation in the social and cultural areas of family life with the aim of helping if this is not possible to achieve on one's own, or with the support of relatives and neighbors. Help is provided with significant family participation.<sup>48</sup>

### Conflict guardian

The body for social and legal protection of children and social guardianship, which performs the function of a conflict guardian of a child under a special regulation, provides the child, his/her parents or the person who personally cares for the child, social counseling and assistance to eliminate or mitigate the consequences of a conflict of interests between the child's parents or the person who personally cares for the child and the child or between the children themselves, in particular by using appropriate measures under this Act.

The function of a conflict guardian is to protect the rights and legally protected interests of a child in court proceedings on the merits concerning the court's custody of minors, or in approving a legal act on behalf of a minor. He is a procedural guardian "ad hoc", because neither parent can represent his minor child if legal acts are involved, in which there could be a conflict of interests between the parents and minor children or minor children represented by the same parent. When protecting the rights and legally protected interests of a child, the conflict guardian primarily takes into account the interests of the child, i.e. he takes into account and respects his uniqueness and individuality in all circumstances.

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<sup>47</sup> J. Gabura, *Teória rodiny a proces práce s rodinou*, Bratislava 2012.

<sup>48</sup> M. Oláh, J. Roháč, *Sociálnoprávna ochrana detí a sociálna kuratela*, Bratislava 2008.

The conflict guardian often encounters distrust and misunderstanding from parents, even though, through the performance of his work, he strives for custody that is in the interests of their child. The fact that in some cases he does not agree with the conclusion of the presented agreement does not mean that he is against the parents or their legal representatives.<sup>49</sup>

## Mediator

A family mediator is a person who helps families resolve their mutual disagreements or misunderstandings, therefore we can consider this profession as helping. However, the condition for performing mediation activities must be specified competencies that determine the scope of competence in providing advice to families.<sup>50</sup>

According to the law, a mediator „may be any natural person registered in the register of mediators, on whom the persons participating in the mediation agree and who concludes an agreement with the persons participating in the mediation on the commencement of the mediation.”<sup>51</sup>

The mediator shall cooperate with institutions in the performance of his/her activities and inform them of the commencement of mediation. If the subject of the dispute is a child, he/she shall be obliged to inform the Department of Social and Legal Protection and Social Guardianship about the given fact. It is in his/her interest to protect the mental and physical health of the child and when working with the family he/she shall consider the seriousness of the case, recommend counselling in the

<sup>49</sup> I. Matoušková, *Role a možnosti pracovníka orgánu sociálně-právní ochrany dětí*. In Matoušek, O. et al. (eds). *Děti a rodiče v rozvodu. Manuál pro zúčastněné profesionály a rodiny*, Praha 2015.

<sup>50</sup> D. Tragalová, *Rodinná mediácia*, Bratislava 2018.

<sup>51</sup> Act No. 420/2004 Coll. on Mediation and on Amendments to Certain Acts, Art. I, § 3

social or psychological area, or interrupt the mediation during the counselling process.<sup>52</sup>

To restore communication in the family, a social worker can apply elements of mediation and, with its help, summarize all the problems that occur in the family, which provides an opportunity to think together about ways to solve them. Mediation provides space to see the conflict from a different perspective. Family mediation brings change, offers the possibility of mutual confrontation of opinions and its goal is to settle broken relationships and turn things around for the better, without a negative impact on children.<sup>53</sup>

Nowadays, the separation of parents seems very unfavorable and the separation makes them feel insecure in the new situation. They focus much more on their children, which cannot be done without disputes and stressful moments for everyone in the family. Children feel the fear of losing a parent who no longer lives with them in the same household. In such a case, it is appropriate to use family mediation, which also acts as a prevention against further disagreements and helps to improve damaged relationships.<sup>54</sup>

It has proven effective in resolving many problems. It provides a space for settling conflicts in the financial area, in insufficient communication, in exaggerated expectations between partners, in raising children, in different ideas about running a household, etc. Mediation generally offers a discreet and quick resolution of conflicts.<sup>55</sup>

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<sup>52</sup> D. Tragalová, *Rodinná mediácia*, Bratislava 2018.

<sup>53</sup> J. Bursová, L. Lešková, *Mediácia a probácia dôležitý aspekt sociálnej práce v živote človeka*, Warszawa 2016.

<sup>54</sup> L. Gaiotti, *Konflikt pri rozvodovom konaní*. In Schavel, M. et al. (ed). *Rodinná mediácia (súčasný stav – perspektívy)*. Zborník z medzinárodnej vedeckej konferencie (Bratislava 06.11.2014) [online]. Pířbram 2015, [http://rodinnamediacia.sk/user\\_files/files/clanky/zbornik-rm.pdf](http://rodinnamediacia.sk/user_files/files/clanky/zbornik-rm.pdf) [accessed: 10.04.2025].

<sup>55</sup> L. Lešková, *Sociálna práca s rodinou pri vykonávaní opatrení sociálnoprávnej ochrany detí a sociálnej kurately*, In Hardy, M. et al. (eds), *Metódy sociálnej práce s rodinou. Zborník z vedeckej konferencie s medzinárodnou účasťou* (Žilina 27.03.2012),

## Psychologist

Psychological assistance and counseling for children and families in solving family problems related to a crisis in the relationship between spouses, with educational problems or individual psychological assistance in any difficult-to-manage situations are provided by psychologists of the counseling and psychological services departments.<sup>56</sup>

When working with a child, the psychologist's role is to find out the child's opinion through conversation and careful listening, and then to take a neutral stance for his or her well-being. It is also important to consult the case with other professionals cooperating on the case.<sup>57</sup>

The Counseling and Psychological Services Departments (RPPS) of the Departments of Social and Legal Protection of Children and Social Guardianship (OSPODaSK) of the Offices of Labor, Social Affairs and Family carry out activities pursuant to Act No. 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship and on Amendments to Certain Acts<sup>58</sup>.

## Other participating professionals and entities

In finding appropriate solutions to the adverse situation in the family, other experts also participate in this activity, such as: doctors, pediatricians, field and social workers in municipalities, police officers, psychologists

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Bratislava 2012, <https://www.vssvalzbety.sk/userfiles/Salezianum/smernice%20a%20dokumenty/Methodysocialnejpracerosrodinou.pdf> [accessed: 10.04.2025].

<sup>56</sup> D. Bobáková Fiľakovská, Z. Dankulinová Veselská, M. Pálfiová, *Starostlivosť o problémových adolescentov*, „Sociálna Prevencia” 2017 nr 12(2), <http://www.nocka.sk/wp-content/uploads/2018/09/SP-2017-02.pdf> [accessed: 10.04.2025].

<sup>57</sup> D. Tragalová, *Rodinná mediácia*, Bratislava 2018; Ústredie Práce, Sociálnych Vecí a Rodiny. Činnosť referátov poradensko-psychologických služieb, [https://www.upsvr.gov.sk/buxus/generate\\_page.php?page\\_id=13517](https://www.upsvr.gov.sk/buxus/generate_page.php?page_id=13517) [accessed: 10.04.2025].

<sup>58</sup> Ústredie práce, sociálnych vecí a rodiny. Činnosť referátov poradensko-psychologických služieb. Available online 10.4.2025, [https://www.upsvr.gov.sk/buxus/generate\\_page.php?page\\_id=13517](https://www.upsvr.gov.sk/buxus/generate_page.php?page_id=13517)

and educational counselors in schools, teachers. The activity of various contributory and non-governmental organizations (e.g. crisis, counseling, community centers, shelters), civic associations and church organizations is a benefit.<sup>59</sup>

In order for cooperation between individual entities to be as effective as possible in solving any family problem, it is important to familiarize yourself with all their competencies. Usually, each profession has its own code of ethics, which includes maintaining confidentiality about the client.<sup>60</sup>

## Family Counseling

Social counseling provided to families can be evaluated as specific and at the same time very demanding counseling, aimed at solving various problems of families in the social area. Each case is of course unique and with varying degrees of severity. Multi-problem families are not uncommon, in which problem after problem is piled up, where finding solutions is much more complex and time-consuming. Experts from helping professions have the competence to help.<sup>61</sup>

Family assistance, which is associated with procedures in certain stages or in a continuous period of time together with the coordination of individual activities, is called family counseling. This type of counseling primarily focuses on improving family relationships, from which other facts develop. The family creates an inimitable essence, where previously suppressed or unnoticed possibilities and abilities of the family are found in cooperation with family counseling. The most essential component for family counseling is the conversation, through which more detailed and mainly factual information about the family is obtained. Couples counseling itself also plays an important role, whose activity is focused on

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<sup>59</sup> D. Tragalová, *Rodinná mediácia*, Bratislava 2018.

<sup>60</sup> Ibidem.

<sup>61</sup> M. Schavel, M. Oláh, *Sociálne poradenstvo a komunikácia*. Bratislava 2010.

working exclusively with spouses or partners. A family counselor offers the opportunity to talk, explain what they do not say at home or do not finish because of arguments, gives space for venting negative emotions, mutual understanding, acceptance of opinions other than their own and finding satisfactory solutions for both parties.<sup>62</sup>

When working with a family, the following basic stages are set for a social worker:

1. getting to know the family and its natural environment – this stage includes an assessment of the family's condition through an anamnestic interview and personal observation. Based on this, the social worker will prepare a family anamnesis, which includes attached documents. The anamnesis is continuously updated throughout the process of working with the family based on new information.
2. assessment and diagnosis – the social worker must focus on identifying the reasons and all the facts that have become the cause of the problem in the family;
3. proposing solutions to the problem situation – drawing up a social therapy plan in which, in cooperation with the family, options for solving the problem are proposed;
4. social intervention – dynamic interaction between the social worker and family members during agreed meetings;
5. concluding work with the family – here it is necessary to evaluate the effectiveness of the measures used to solve the problem;
6. post-mortem monitoring – monitoring and recording the development of a case after its completion.<sup>63</sup>

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<sup>62</sup> J. Gabura, *Teória rodiny a proces práce s rodinou*, Bratislava 2012.

<sup>63</sup> A. Hudecová, A. Brozmanová Gregorová, *Sociálna práca s rodinou*, Banská Bystrica 2009.

## Rescue social network

Social relationships between people form the basis of the concept of a social network. They are constantly changing interpersonal ties from which everyone can draw information and use a helping hand at different stages of life. A supportive social network is therefore a complex of several such relationships.

In the period after any problem that the family as a whole has experienced and is accompanied by a series of problems, it is possible to use the help of social resources. It is crucial for the family to maintain social ties with an informal network (friends), with a formal network (schools, Christian associations) and with supportive social services (counseling and psychological centers for families, mediator services, psychological counseling centers), which will help to overcome this stressful period. From the experience so far, we can confirm the importance of an informal network and its impact on parents and children. Research confirms that men are supported by friends more often and for a longer period than women/mothers. On the other hand, due to lack of time, they only use the support of friends for two years after the divorce. By focusing on their own problems, the family has the opportunity to confront those around them thanks to the informal network.<sup>64</sup>

In social accompaniment, the subject of accompaniment is prepared to help identify the problem, to look for opportunities for help and support, but first of all with the client's relatives. It is best for the client if he can find sources of help on his own in his natural social relationships.

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<sup>64</sup> M. Fula., *Rozvod a jeho dôsledky ako výzva pre rodinné poradenstvo*, In Hardy, M. et al. (eds), *Metódy sociálnej práce s rodinou. Zborník z vedeckej konferencie s medzinárodnou účasťou*. Žilina 27.03.2012, Bratislava 2012, [https://www.vssvalzbety.sk/userfiles/Salezianum/smernice%20a%20dokumenty/Metodyso\\_cialnejpracess-rodinou.pdf](https://www.vssvalzbety.sk/userfiles/Salezianum/smernice%20a%20dokumenty/Metodyso_cialnejpracess-rodinou.pdf) [accessed: 10.04.2025].

The opposite of this is his “de-competence”, i.e. the social worker solves the situation for him and the client begins to depend on him.<sup>65</sup>

Support for independence is the goal of professional social support, so that the client can make independent decisions and be prepared to take full responsibility for their actions.<sup>66</sup>

„State social support is oriented towards life events that are a natural part of individual or family life (birth of a child, care for children in the family, education and preparation for a profession, death of a family member, substitute care, serious disability in the family). The basic principle of state social support is the distribution of state funds based on the principle of solidarity.“<sup>67</sup>

The objective and economically sustainable system of social support is under the umbrella of the Ministry of Labour, Social Affairs and Family of the Slovak Republic (MLSA SR). Its activities focus on individuals, families and groups, primarily for the purpose of preventing poverty, and also to reduce the number of unemployed and people dependent on social benefits. Within the framework of family and social policy, it performs tasks in the fight against social exclusion, offers assistance in material need, SPODASK services, cash contributions to compensate for severe disability, along with assessment activities.<sup>68</sup>

Act No. 448/2008 Coll. on Social Services establishes the possibilities of support for families with children in the form of social services, which are:

1. assistance with personal care of the child,
2. assistance with personal care of the child in a temporary child care facility,
3. service to support the reconciliation of family life and work life,

<sup>65</sup> S. Vávrová, *Doprovázení v pomáhajících profesích*, Praha 2012.

<sup>66</sup> Ibidem.

<sup>67</sup> I. Dudová, V. Stanek, S. Polonyová, *Sociálna politika*, Bratislava 2018.

<sup>68</sup> Ministerstvo Práce, Sociálnych Vecí a Rodiny SR. *Rodina a sociálna pomoc*, <https://www.employment.gov.sk/sk/rodina-socialnapomoc/> [accessed: 10.04.2025].

4. service to support the reconciliation of family life and work life in a child care facility for children up to three years of age,
5. early intervention service.<sup>69</sup>

## Conclusion

The place of the family in the legislative social policy of the Slovak Republic is complex and constantly evolving. The constitutional framework provides a solid foundation for the protection and support of the family, which is concretized in a wide range of legislative measures. Despite the progress achieved, there are still significant challenges that require further attention and innovative approaches. The family plays an irreplaceable role within the legislative social policy of the Slovak Republic. As the basic unit of society, it represents a key pillar for the upbringing of children, intergenerational solidarity and overall stability of society. In recent years, Slovak legislation has tried to reflect changing social conditions and adapt its family support policy to current challenges - demographic decline, changes in the structure of households, as well as growing demands for the reconciliation of family and work life.

The family in the legislative social policy of the Slovak Republic is an integral part of strategic documents and legislative measures. Family support is considered a key tool for ensuring social stability and development of the country. However, successful implementation of family policy requires continuous cooperation between state authorities, local governments, civil society and other relevant actors.

Family law is a dynamic area of the legal order, which is constantly evolving in response to changing social needs. In Slovakia, several amendments to the Family Act have been made in recent years, which aimed to improve the protection of the rights of children and parents.

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<sup>69</sup> Act No. 448/2008 Coll. on social services and amending Act No. 455/1991 Coll. on trade (Trade Act), as amended, Part Two, Title One, Section 12, Par. 1b.

However, these changes have also brought new challenges and problems that deserve attention.

The future direction of policies should be focused on more comprehensive and targeted support for diverse family forms, improving the availability of quality services, strengthening the prevention of social risks and effective coordination between all relevant actors. Only in this way can an optimal environment for the development and prosperity of families in Slovakia be ensured and their key role in society be strengthened.

Changes such as increasing child benefits, adjusting paternity, improving the availability of social services and creating coordinated strategies for family policy are steps in the right direction. However, challenges remain that require comprehensive and long-term solutions – in particular, supporting disadvantaged families, single-parent households and ensuring equal opportunities for all types of families.

To ensure the effective functioning of family-oriented social policy, not only high-quality legislation is crucial, but also its consistent implementation, cross-sectoral cooperation and constant evaluation of the effectiveness of the measures taken. The future of Slovak society largely depends on how it can support and protect families in all their forms.

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