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Minimum Standards of Childcare in Unpaid Family
Work: Criminal and Administrative Offence
Thresholds for Neglect in the Slovak Republic

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Abstract

Jana Bedlovičová: **Minimum Standards of Childcare in Unpaid Family Work: Criminal and Administrative Offence Thresholds for Neglect in the Slovak Republic**

This paper examines minimum standards of care for a minor child performed as unpaid family work in the domestic setting in the Slovak Republic. It addresses the gap between the Family Act's broadly framed formulation of parental duties and the concrete administrative-offence and criminal-law consequences of their breach. Methodologically, the paper draws on doctrinal (normative) analysis and systematic interpretation of relevant provisions of the Family Act, the School Administration Act, and the Criminal Code, assessed against legality, proportionality, and ultima ratio. In the administrative-offence sphere, attention is given primarily to education-related duties (enrolment, quantified thresholds of unexcused absence, and cooperation with schools and, where necessary, professional support services). In the criminal-law sphere, the analysis focuses on Endangering the Moral Upbringing of Youth and Ill-treatment of a Close Person and a Person in One's Care, including the significance of omissions. On this basis, the paper formulates and categorizes minimum standards into five clusters: material provision and health protection; upbringing and supervision; education; institutional cooperation; and protection against violence and suffering. The paper concludes that clearer normative anchoring of these minima could strengthen legal certainty and recommends considering a demonstrative list of core parental duties in the Family Act, while avoiding excessive rigidity; the articulation of such standards also serves a preventive function given social stratification and intergenerational patterns of maladaptive upbringing.

Key words

minimum standards of childcare, unpaid family work, parental duties, parental rights and responsibilities, administrative offence liability, criminal liability, neglect of care

JEL: K31, K36, K39

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Introduction

The issue of unpaid work has increasingly established itself as a relevant topic of academic and professional discourse, particularly due to its multidimensional nature that intersects with several scholarly disciplines. The term functions as an umbrella concept for a wide range of domestic activities; in households with minor children, it necessarily includes childcare, including the related organizational and provisioning tasks. The characteristics of such households, as well as the qualitative level at which activities falling within the care of a minor child in the family are performed, may vary considerably - from creating a highly stimulating and stable environment supportive of the child's psychological and physical development, through ensuring at least basic living needs, to shaping a toxic and neglectful environment whose manifestations may reach the intensity of neglect or even intentional harm to the child.

From the perspective of legal regulation, it is decisive that care for a minor child is not merely a social or moral category, but also a legal one, tied to specific parental duties and the legal consequences associated with them. Act No. 36/2005 Coll., the Family Act, as amended (hereinafter the "Family Act"), in Section 28(1)(a), includes among parental duties consistent and conscientious care for the child's upbringing, health, maintenance, and all-round development; however, it neither further elaborates nor conceptually de-fines this standard. In this context, attention must also be drawn to Section 37 of the Family Act, which sets out the procedural framework for imposing educational measures and the procedures for addressing breaches of parental duties. This may result in parental admonition, the imposition of supervision over the child's upbringing, and, in extreme cases, the temporary removal of the child, including against the parents' will.

At the same time, deficiencies in care do not result exclusively in family-law consequences. In certain situations, it may also give rise to criminal liability under Act No. 300/2005 Coll., the Criminal Code, as amended (hereinafter the "Criminal Code"), in particular where the statutory elements of offences such as Endangering the Moral Upbringing of Youth (Section 211), Ill-treatment of a Close Person and a Person in One's Care (Section 208), or certain forms of Bodily Harm (Sections 155–158) are met. These links between family-law and criminal-law regulation thus raise the question of the minimum limits of acceptable performance of parental duties and the predictability of the legal consequences of their breach.

The aim of this paper is to analyze the above family-law and criminal-law framework in the context of the care and upbringing of a minor child and, on this basis, to formulate minimum statutory standards

for the performance of parental duties so that the provision of care and upbringing does not entail criminal-law or child-protection consequences.

The motivational background of the paper is linked to the author's participation in the VEGA research project "Management of Slovak Households and Decision-Making on Un-paid Work in the Post-COVID Economy." The project reflects changing socio-economic conditions of households in the wake of the COVID-19 pandemic, which significantly affected not only the paid labour market but also the organization, structure, and scope of unpaid work performed within households. In this regard, childcare assumes particular importance: in households with minor children, it constitutes one of the key components of unpaid work and, at the same time, an area with potentially significant legal implications.

1 Methodology and data

The paper relies on methodological approaches typical of legal scholarship, with its core grounded in normative (doctrinal) analysis of the relevant legal norms. The primary step consists in identifying the decisive provisions of family law, administrative offence regulation, and criminal law that bear upon the exercise of parental rights and duties in the care of a minor child and subsequently deriving their systematic interconnections and liability-related consequences. To this end, the paper applies methods of analysis and synthesis: individual norms are first decomposed into legally relevant elements and duties and then generalized into minimum standards of care.

At the interpretative level, the paper employs a combination of grammatical, systematic, and teleological interpretation, particularly in clarifying indeterminate legal concepts related to childcare, upbringing, supervision, and breaches of parental duties. Special attention is paid to the normative "gap" between the framework articulation of parental duties in the Family Act and the more specific liability regimes embodied in administrative offence and criminal law. The paper therefore works with the systematics of the legal order to capture the transition from preventive and protective mechanisms of family law, through the repressive-preventive level of administrative offences, to criminal law as a measure of *ultima ratio*.

Methodologically, it is important that the paper is not based on empirical investigation but on normative evaluation of legal rules and their liability consequences. Within this framework, minimum standards are formulated as an analytical construct enabling the systematization of core parental duties according to protected interests and typical forms of failure (material provision, health, supervision, education, cooperation with institutions, and protection

against violence). The final part of the paper applies a normative method to articulate *de lege ferenda* considerations aimed at strengthening the predictability of legal consequences and reducing the risk of administrative offence and criminal-law consequences in the exercise of parental care. Against this methodological background, it is necessary to outline the conceptual and theoretical framework of unpaid work and childcare.

Several authors address the issue of unpaid work and provide conceptual delineations and definitions of the term. Unpaid work may be understood as all work expended to sustain the living environment, to manage personal relationships, and to purchase and transform commodities used within the family as a complement to public and private goods, with care for other persons added to these components (Picchio, 2003). In this vein, the literature also defines domestic (unpaid) work as unpaid activity carried out to maintain family members and/or the household, thereby underscoring its functional link to the reproduction of everyday life (Shelton and John, 1996; Boďa et al., 2024). These definitions suggest that unpaid work constitutes a broad and internally differentiated category of activities encompassing not only tasks directed at the material functioning of the household, but also activities connected with sustaining relationships and caring for dependent persons. This substantive heterogeneity justifies the need to analytically disaggregate unpaid work into its constituent components and subsequently examine their distribution among household members. In households with minor children, childcare occupies a distinct position as an autonomous, qualitatively specific component of unpaid work, and at the same time an area with pronounced social and legal implications. The categorization of unpaid work depends on the analytical perspective adopted for its examination. Among the individual categories, Považanová (2020) includes meal preparation; domestic work—cleaning; production and maintenance of textiles; gardening; animal care; repair of equipment and furniture, construction, modification and maintenance of vehicles; shopping and services; childcare; and care for adults. For analytical purposes, it is useful to distinguish routine housework, non-routine housework, and care work, as these categories differ in content and often also in social perception (Boďa et al., 2024). Within the sphere of caring for family members, considerable overlap across these categories can be observed. As noted above, care for family members may generally be divided into childcare and care for older and dependent relatives. Boďa et al. (2024) observe that, in empirical studies, childcare is sometimes examined in isolation or, conversely, excluded from measurements of domestic work, which may lead to an incomplete picture of the actual extent of unpaid work in households. A comparable overlap can be found in the categorization employed by Balanta-Cobo et al. (2025), who note that care-related activities are typically divided into two groups. The first consists of direct, personal, and relational forms of care (often termed “relational” or “creative” care), including, for example, feeding infants, assisting older parents or persons dependent on help with hygiene or

medical tasks, and imparting knowledge to young children. The second group comprises indirect care-related activities—often described as housework—such as cleaning, cooking, laundry, and other household maintenance tasks that create the conditions for effective personal care. On this basis, it may be concluded that while categorizations of unpaid work are indispensable for analytical purposes, in practice individual activities often overlap and cannot always be unambiguously assigned to a single category. This holds particularly for caring for family members, where direct care tasks naturally rely on indirect housework and may overlap in time-use measurement. Although unpaid work is a multi-institutional phenomenon, within legal scholarship this concept is neither legally defined nor systematically reflected as a standalone term. Concepts that are legally defined and relevant to the present topic include marriage, a close person, and a household. “Family,” notwithstanding the fact that the Family Act is built upon it, is not legally defined either in the Family Act or in any other statute. For the purposes of this paper, it is therefore important to refer to the definition of “household” and the concept of a “close person,” both of which are addressed in the Civil Code. Section 115 of the Civil Code provides that a household is made up of natural persons who live together permanently and jointly cover the costs of their needs. The Civil Code does not specify the composition of a household, which implies that a household may encompass, for instance, two persons of the same sex or of the same age, as well as a multigenerational family model. The size of the family is not prescribed as a maximum; however, given the statutory definition, it may be constrained by the actual capacity of the living space and by the conditions necessary for people to form a household. The statutory wording further implies that a household must consist of at least two persons, since the Civil Code uses the plural and requires that the persons live together and jointly cover the costs of their needs (see further: Bedlovičová, *Legal regulation of unpaid work in the Slovak Republic?*, 2025). The following provision—Section 116—defines a close person as a relative in the direct line, a sibling, or a spouse; other persons in a family or similar relationship are deemed close persons if the harm suffered by one of them would reasonably be felt by the other as harm to themselves. On this basis, close persons may be categorized into two groups under the current legal framework: (i) persons deemed close by virtue of kinship or marriage, i.e., relatives in the direct line (ascendants and descendants)—child, parent, grandparent, great-grandparent—siblings (collateral relatives), and a spouse (irrespective of whether the spouses cohabit); this category automatically includes kinship relationships established by adoption (Section 97 et seq. of the Family Act); (ii) persons in a family relationship more remote than those listed under (i) (e.g., cousin—cousin, daughter-in-law—mother-in-law) or in an analogous relationship (e.g., cohabiting partners; a husband and the wife’s child from a previous marriage), provided there is reason to believe that the harm suffered by one would be felt by the other as their own (Lazar et al., 2014). The Civil Code, however, is not the only statute that deals with the concept of a close person. For criminal-law purposes, a definition is contained in Act No. 300/2005 Coll., the

Criminal Code, as amended (hereinafter the “Criminal Code”), which defines a close person for its own purposes, i.e., within the criminal-law context. Under Section 127(4) of the Criminal Code, a close person means a relative in the direct line, an adopter, an adoptee, a sibling, and a spouse; other persons in a family or similar relationship are considered mutually close only if the harm suffered by one would lawfully be felt by the other as harm to themselves. A linguistic comparison of these definitions leads to the conclusion that both are built on the same conceptual structure, distinguishing a “core” circle of close persons (automatically deemed close) and a broader circle of persons in a family or similar relationship whose closeness is assessed by reference to whether harm would be felt as one’s own. The difference lies primarily in the scope of the core circle: the criminal-law definition expressly includes the adopter and adoptee, whereas the civil-law definition does not explicitly mention them. A further difference is the wording of the harm test (“lawfully” versus “reasonably”), though both formulations point towards an objective assessment of the intensity of the relationship. Concepts relevant to the issue of minimum standards also include “upbringing” and “personal care.” Bačíková (2019) notes that neither the Family Act nor any other statute contains a legal definition of these terms, yet they must be distinguished. Upbringing may be understood as comprehensive care for the child, encompassing psychological care - emotional, moral, and intellectual - as well as physical, bodily, and health-related care; it thus involves the entire complex of rights and duties related to directing the child’s conduct (in a manner that does not impair the child’s dignity) and exercising supervision over the child. This substantive understanding also corresponds to doctrinal definitions, according to which upbringing entails the right and duty to direct the child’s conduct and to use appropriate means so that the child’s dignity is not affected and the child’s health and physical, mental, emotional, intellectual, and moral development are not jeopardised, with supervision commensurate with the child’s developmental stage as an integral component (Holub, 2007). Similarly, upbringing is defined as care for the child’s comprehensive development - mental, physical, moral, emotional, health-related, and intellectual (Pavelková, 2010). By contrast, personal care denotes care provided to the child within the family. It may therefore be said that personal care constitutes upbringing in the narrower sense, whereas upbringing is understood more broadly (Bačíková, 2019; Ficová et al., 2008). This broader substantive scope of upbringing, and its overlap with personal care, is crucial when determining the threshold of unlawfulness, as it helps to identify which failures remain within the realm of socially undesirable yet legally tolerated deficits, and which may already give rise to administrative offence liability or criminal liability. Given the thematic focus of the paper, it is also necessary to address parental rights and duties. Parental rights and duties constitute a set of entitlements and obligations whose purpose is to secure the moral and material well-being of the minor child and to protect the child’s rights and legitimate interests. Modern conceptions of these rights and duties emphasize parents’ primary responsibility: they are not a power instrument for

asserting parental preferences or interests, but a framework designed to serve the welfare of the minor child. The central interpretative premise is the principle of the best interests of the child, which also corresponds to Article 18(1) of the Convention on the Rights of the Child and is reflected in the Slovak legal conception of parental rights and duties (Lazar et al., 2014). As indicated in the introduction, Section 28(1)(a) of the Family Act includes among the basic parental duties consistent and conscientious care for the child's upbringing, health, maintenance, and all-round development, yet this standard is neither further elaborated nor conceptually defined. In addition, Section 28(1)(b) and (c) provides that basic parental duties also include representing the minor child and administering the minor child's property. The list of parental rights and duties in Section 28(1) of the Family Act is demonstrative. Nevertheless, it may be regarded as a "fundamental substantive delineation of parental rights and duties," since "the most diverse life situations do not allow this list to be regarded as closed" (Zmeková, 2019; Ficová, 2005). Bános and Košútová (2020) likewise emphasize that this provision constitutes the normative core of parental rights and duties, from which further specific entitlements and obligations follow in practice depending on the circumstances of each case. It also follows that the legal framework primarily presupposes voluntary and proper performance of parental duties; where such performance fails, the law provides instruments to secure the protection of the minor child, including interventions in the exercise of parental rights and duties, the ordering of substitute care, or the imposition of educational measures (Bános and Košútová, 2020). Upbringing and care must be performed consistently and conscientiously; in exercising parental rights and duties, parents may use appropriate educational means aimed at ensuring that the minor child fulfils their duties and cooperates in the upbringing process, always within the bounds of proportionality and respect for the child's dignity (Bános and Košútová, 2020). These conclusions must also be interpreted in a broader systematic context, since parental rights and duties belong to both parents in principle to the same extent, irrespective of whether the parents are married and irrespective of the legal basis on which paternity was established in relation to the minor child (Horváth and Varga, 2014). This delineated framework of parental rights and duties therefore provides the point of departure for assessing when a deficient performance of care and upbringing crosses the threshold of legally tolerated conduct and enters the sphere of administrative-law liability; accordingly, the following chapter focuses on the administrative offence aspects of breaches of parental duties.

2 Results

Administrative offences and administrative offence liability are traditionally governed by Act No. 372/1990 Coll., the Misdemeanours Act, as amended. It must, however, be noted that points of intersection between the issues addressed in this paper and that Act are more difficult to identify. By

way of a marginal reference, Section 28, entitled “Misdemeanours in the Area of Labour and Social Affairs,” may be mentioned - more specifically, paragraph 1(c), which covers conduct that frustrates the execution of protective education of a minor or disrupts the upbringing of a child entrusted to the care of a person other than the parent or placed in foster care. It should nonetheless be emphasized that, although this provision concerns upbringing, it does not relate to parental upbringing in the ordinary sense. A more relevant source for administrative offences connected with upbringing is Act No. 321/2025 Coll. on School Administration and on Amendments to Certain Acts (hereinafter the “School Administration Act”). Administrative offences that may be committed by a parent (legal representative) are regulated in Part Ten of that Act, specifically in Section 72. Section 72(1) of the School Administration Act may be systematized, according to the protected interest and the type of duty breached by the legal representative, into several substantive categories. The first category comprises conduct by which the legal representative materially endangers the child’s upbringing and education. The second category consists of registration and organizational failures, namely the failure to enroll the child in compulsory pre-primary education or in compulsory school attendance. The third category encompasses attendance-related offences linked to exceeding quantified thresholds of unexcused absence, more than five teaching days per month in compulsory pre-primary education, and more than fifteen teaching hours per month or more than sixty teaching hours in the relevant school year in compulsory school attendance. The fourth and fifth categories cover failures to cooperate with the school in addressing the child’s or pupil’s risky behaviour, both where such behaviour is established and recurrent and where there is a substantiated suspicion of its occurrence in the context of individual education or education under an individual study plan. The sanctioning regime builds on these categories and distinguishes two groups of factual patterns. For offences consisting in endangering the child’s upbringing and education, failing to enroll the child in compulsory pre-primary education or compulsory school attendance, and exceeding the prescribed thresholds of unexcused absence, a fine between EUR 30 and EUR 350 may be imposed, including repeatedly. For offences based on a failure to cooperate with the school in dealing with manifestations of risky behaviour, or a suspicion thereof in the context of individual education or an individual study plan, a fine of up to EUR 350 may be imposed, likewise repeatedly. These administrative offence provisions may be understood as a repressive-preventive mechanism through which the state responds to deficient performance of parental duties around education before the intensity of the breach reaches a level warranting criminal-law intervention. They also constitute one of the few fields in which the legal framework lays down relatively precise, quantified thresholds of failure (regarding unexcused absence), thereby concretizing minimum standards of care in the educational context. While the administrative offence framework primarily captures less serious breaches of a legal representative’s duties in the school setting, the following part of the paper focuses on situations in

which neglect of care or upbringing attains such a degree of social harm that it gives rise to criminal liability. In moving from the administrative-offence to the criminal-law level, the analysis must proceed from the principle of legality - namely, the requirement that law-enforcement authorities are bound by the statutory elements of criminal offences and that the criminal-law response is foreseeable. The principle of proportionality likewise applies, requiring that the intensity of state intervention corresponds to the seriousness of the breach and to the degree of endangerment or violation of the protected interests of the minor child. Criminal law thus functions as an instrument of ultima ratio, intervening only where administrative-offence or family-law mechanisms of protection are insufficient or where the intensity of the conduct exceeds what can be addressed by less severe means. Within the Criminal Code, a few statutory definitions of criminal offences may be identified as potentially relevant where the specific form of unpaid work addressed in this paper (childcare within the family) is performed inadequately. Conduct by a parent that falls short of the required standard of care and upbringing of a minor child may, provided the statutory conditions are met, be subsumed under several criminal-law qualifications. Given the substantive focus of the paper and the constraints of space, the analysis concentrates on two offences that exhibit the closest nexus to the issues examined. At the outset, it is necessary to recall the doctrinal distinction between offences of commission and offences of omission. According to Madliak et al. (2015), offences that can be committed only through conduct are described in the theory of substantive criminal law as commission offences; the fact that they can be perpetrated only by action follows from their statutory elements, and such offences are completed by the very act prohibited by the relevant provision of the Criminal Code without requiring the occurrence of a specific result (for this reason, they are sometimes also referred to as formal offences). By contrast, omission offences are characterized by failure to act. Omission may be understood as an active suppression of an activity that the subject was obliged to perform, which includes refraining from physical movement that the offender was required to undertake; omission thus constitutes a breach of a duty to act (Ivor et al., 2010). It follows that a criminally relevant breach of parental duties need not consist solely in an active act by the parent but may also be realized through inactivity. In the sphere of care for a minor child, the omissive dimension is of particular importance, as typical failures often manifest precisely in omissions - such as failure to secure basic needs, supervision, or protection. When identifying the threshold of unlawfulness, it is therefore necessary to assess not only what the parent did, but also what the parent failed to do despite being obliged to act. The first offence that merits attention is Endangering the Moral Upbringing of Youth (Section 211). This provision criminalizes conduct whereby the perpetrator, even through negligence, exposes a person under eighteen years of age to the risk of moral degradation by inducing that person to lead an idle or immoral life, enabling such a way of life, enabling the commission of acts classified as criminal offences or as administrative offences under special

legislation, or preventing the fulfilment of compulsory school attendance; the offence is punishable by imprisonment of up to two years. It should be noted that the provision does not designate the parent as the presumed perpetrator. In principle, the perpetrator may be any person; however, where the essence of the conduct lies in an omission to properly supervise the endangered person, only those who are bound by a legal duty of supervision (arising from statute or an official decision) come into consideration (Čentěš et al., 2015). In practice, a parent will therefore often fall within the circle of potential perpetrators. For the purposes of this paper, it is useful to clarify the notions of risk of moral degradation, idle life, and immoral life. Ivor et al. (2010) consider “exposure to the risk of moral degradation” to be fulfilled where, as a consequence of the perpetrator’s conduct, a person under eighteen acquires harmful habits, character traits, or inclinations and interests that typically (though not necessarily in the particular case) lead to the moral decline of the individual and to the loss of the possibility of directing their way of life in accordance with moral principles and societal interests. Korgo et al. (2016) understands an idle way of life as, in essence, a parasitic lifestyle in which a person, despite lacking a regular means of subsistence, does not work or works only sporadically and typically seeks means of subsistence through socially undesirable ways of life. Such a person does not strive to find a more appropriate means of subsistence because the given lifestyle suits them and represents an easier alternative to work; it may, for example, involve property-related delinquency, begging, or gambling. Mencerová et al. (2014) add prostitution and prolonged truancy to this indicative list. Burda et al. (2011) observe that “immoral life” is broader than “idle life” and includes various outward manifestations and habits that are contrary to basic moral rules and outside the bounds of decency and an orderly life, including proper family and sexual relations, inter alia (e.g., alcoholism, non-alcohol-related substance abuse, promiscuity). On the basis of these conceptualizations, it follows that criminally relevant “moral degradation” cannot be reduced to isolated behavioural incidents; rather, it is a process of acquiring and consolidating harmful habits and inclinations that may lead to moral decline and weaken the possibility of guiding the minor child’s life in accordance with societal and moral values. Idle and immoral lifestyles thus constitute typologically distinct, yet often overlapping, forms of socially undesirable life strategies that may develop in a minor child also because of deficient parental guidance or tolerance of risk behaviour. In this context, particular importance is attached to assessing the extent to which a parent, through action or inaction, creates conditions that lead the minor child towards such a way of life or enable it. A further offence that cannot be omitted is ill-treatment of a Close Person and a Person in One’s Care (Section 208). This statutory definition covers conduct whereby the perpetrator causes physical or psychological suffering to a close person or to a person entrusted to the perpetrator’s care or upbringing. Ill-treatment may take the form of direct physical or psychological abuse (e.g., beating, kicking, inflicting injuries or burns, humiliation, contemptuous treatment, persistent monitoring, threats, inducing fear or stress, violent isolation, or

emotional blackmail), as well as the form of neglect of basic needs (unjustified deprivation of food, rest, or sleep, or deprivation of necessary personal care, clothing, hygiene, health care, housing, upbringing, or education). The provision further includes forcing the victim to beg or to repeatedly perform activities involving an undue physical or psychological burden in view of the victim's age or health condition, exposing the victim to substances capable of damaging health, and unjustified restriction of access to property the victim is entitled to use. Such conduct is punishable by imprisonment of three to eight years. As with Endangering the Moral Upbringing of Youth, the parent is not explicitly identified as the perpetrator; rather, the provision affords protection against domestic violence irrespective of whether the perpetrator is male or female (e.g., husband, wife, grandparent, or another person entrusted with the victim's care), and irrespective of whether the victim is a child (Čentěš et al., 2015). According to Ivor et al. (2010), ill-treatment occurs where the perpetrator adversely affects the physical and psychological condition of the close or entrusted person; the perpetrator's abusive conduct must display a higher degree of cruelty and callousness and must also contain an element of persistence, although continuous conduct is not required. The occurrence of health consequences is not a prerequisite; however, the conduct must be such that, due to its cruelty, callousness, or painfulness, the victim experiences it as severe hardship.

3 Towards Minimum Standards of Childcare

What, then, constitutes a minimum standard of childcare? The following chapter focuses on formulating minimum standards of care for a minor child. The preceding sections briefly outlined the content of the concepts of upbringing and personal care, as well as the administrative-law and criminal-law consequences of breaches of parental duties that may arise because of the absence (or insufficient quality) of that form of unpaid work directed at the care of a minor child. On this normative basis, it may subsequently be inferred that minimum standards of care can not only be formulated but also systematically categorized according to protected interests and typical forms of parental failure. First, a basic legally compliant standard of childcare consists in ensuring the child's fundamental living needs (food, clothing, hygiene, housing, rest/sleep). This minimum standard follows from the very core of parental duties: if care for a minor child is to be consistent and conscientious and oriented towards safeguarding the child's health, maintenance, and all-round development, it necessarily presupposes the provision of the child's elementary needs. This conclusion is reinforced by the criminal-law framework, which expressly addresses situations where a child is deprived of food, rest, sleep, necessary personal and medical care, hygiene, clothing, or housing. The systematic structure of the legal framework thus indicates that securing basic needs forms the minimum core of care, the breach of which may (depending on its intensity and duration) exceed the threshold of a legally tolerated

deficit. A specific issue arises where a parent is objectively unable to secure the child's maintenance due to financial hardship, i.e., where there is no intentional deprivation and the criminal-law qualification of ill-treatment of a close or entrusted person typically does not come into consideration. In assessing deficient maintenance, it is therefore necessary to distinguish situations caused by material deprivation from cases where the parent fails to secure the child's needs despite having a real possibility to do so, or where the parent manifestly refuses to make use of available legal and institutional support mechanisms. Second, another basic standard is the provision of health care and the protection of the minor child's health. This constitutes one of the core components of parental duties and, at the same time, one of the most sensitive areas in which the quality of care directly affects the child's physical and psychological development. At a minimum, this standard entails a duty to create conditions ensuring that the child has effective access to necessary health care and is afforded appropriate protection against foreseeable health risks. This includes, in particular, ensuring preventive and curative care appropriate to the child's age and health status, seeking professional assistance in the event of an evident deterioration in the child's condition, complying with necessary treatment regimes, and securing basic hygiene and living conditions that are prerequisites for health protection. From a systemic perspective, this standard has a dual dimension: on the one hand, it is a positive duty to act parents must actively ensure necessary health care and appropriate prevention; on the other hand, it is a duty to refrain from conduct that unjustifiably endangers the child's health, for example by exposing the child to harmful influences or by neglecting conditions that are elementary for health protection. In this sense, the health dimension of care overlaps with supervision and upbringing: parental responsibility concerns not only responding to an existing health problem but also taking reasonable steps to prevent health risks that can be expected considering the child's age and the circumstances of the family environment. Third, a further minimum standard is the exercise of appropriate supervision over the minor child. This constitutes a fundamental component of parental upbringing and care. At a minimum, it requires that parents continuously monitor and guide the child's behaviour so that the child is adequately protected against foreseeable risks while also supporting the child's healthy development. The required degree of supervision is not static; it must be adapted to the child's age, maturity, and individual needs, as well as to the concrete circumstances of the family environment. Fourth, ensuring compliance with compulsory school attendance (including compulsory pre-primary education where applicable) may be identified as another minimum standard of care. This represents a specific component of parental care in which the minimum standard manifests primarily through clearly identifiable and verifiable duties of the legal representative. At a minimum, it requires that the parent ensures that the child is duly enrolled in compulsory pre-primary education and/or compulsory school attendance and that the child attends instruction regularly. Care also encompasses ongoing monitoring of attendance, i.e.,

active tracking of absences and their timely and proper justification where the relevant rules allow. From the perspective of administrative-offence regulation, it is significant that in this area the legal framework also sets quantified thresholds of unexcused absence, thereby providing a relatively precise indicative benchmark for when neglect of this duty becomes sanction-relevant. In the school context, the minimum standard therefore does not relate solely to the child's physical presence at school, but also to the parent's capacity and willingness to respond to risks on an ongoing basis (e.g., repeated absences, tendencies toward truancy) and to cooperate with the school in addressing them. In practical terms, this involves a combination of an organisational duty (enrolment and securing conditions enabling attendance) and a supervisory duty (monitoring absences and preventing their escalation). Cooperation with the school and with professional institutions in addressing a child's risky behaviour constitutes a further minimum standard of parental care in situations where the child's conduct may jeopardise healthy development or the safety of others. At a minimum, it entails active cooperation with the school, the provision of necessary information, and participation in steps aimed at timely intervention, including the use of professional assistance where this is necessary in light of the circumstances of the case. Another minimum standard may be described as the duty not to expose the minor child to a socially undesirable environment and not to create conditions conducive to an "idle" or "immoral" way of life. At a minimum, it requires that parents not only refrain from actively inciting the child to such conduct, but also that they do not enable, tolerate, or support life strategies or habits that are socially and legally undesirable from the perspective of safeguarding the child's healthy development. This standard is particularly relevant where a parent, through action or inaction, creates an environment conducive to prolonged truancy, a parasitic way of life, addictive behaviour, or other risky life patterns that undermine the child's prospects of appropriate social integration. Finally, a minimum standard of care may be formulated as the duty to use only proportionate educational measures while respecting the dignity of the minor child. In its negative delineation, this translates into a prohibition of physical and psychological violence, humiliation, intimidation, violent isolation, or emotional blackmail. Parental educational influence is legitimate only insofar as it pursues an educational aim and remains within the bounds of proportionality; it must not become an instrument of domination, punishment, or the venting of frustration at the child's expense. The boundary between proportionate and disproportionate measures may be assessed, in particular, regarding the aim and nature of the measure used, its intensity and manner of application, and its appropriateness considering the child's age, maturity, and vulnerability. Proportionate measures guide the child's behaviour without infringing bodily integrity and without inducing fear or psychological suffering (e.g., explanation, consistent rules, proportionate restriction of privileges), whereas disproportionate measures are those that cause pain, injury, or psychological suffering, or that are based on systematic humiliation, intimidation, isolation, or manipulation.

Although additional minimum standards could be formulated, the standards identified above may be regarded—given the focus of the paper—as fundamental and key.

Discussion and conclusions

The Family Act conceives of parenthood as a socially highly valued role of women and men, providing it not only with legal protection but also with necessary support, in particular through material assistance to parents and support in the exercise of parental rights and duties. When delineating the content of parenthood and the performance of parental rights and duties, the Family Act primarily relies on general, framework formulations: it offers guiding normative reference points and leaves a substantial degree of concretization to parents and to the assessment of the circumstances of the individual case. At the same time, the legal order contains specific provisions of an administrative- offence and criminal-law nature, which define typical unlawful forms of failure in the performance of parental duties and attach liability consequences to them in the form of sanctions proportionate to the seriousness of the breach. The aim of this paper has been to bridge the gap between the broadly framed performance of parental duties under the Family Act and the concrete administrative-offence and criminal-law consequences associated with their breach. Based on the analysis, several minimum standards (or requirements) for the performance of parental duties may be formulated as fundamental reference points ensuring that the care and upbringing of a minor child does not cross the threshold of legally relevant failure and enter the realm of unlawfulness. These standards can be systematized into five interrelated clusters, capturing key dimensions of parental care. First, material-provision standards encompass ensuring the child's basic living conditions (particularly food, clothing, hygiene, housing, rest and sleep) as well as securing health care and the protection of health. Second, upbringing-and-supervision standards form the core of upbringing and personal care and include age- and development-appropriate supervision, the use of only proportionate educational measures while respecting the child's dignity and refraining from creating conditions conducive to an "idle" or "immoral" way of life. Third, education-related standards include supporting and not endangering the child's upbringing and education, ensuring compliance with compulsory school attendance together with monitoring absences, and not withholding upbringing and education as components of care. Fourth, cooperative and institutional standards reflect the legal representative's duty to cooperate with the school and, where necessary, with professional institutions when addressing risky behaviour. Finally, protective standards against violence and suffering represent minimum of typically the highest legal gravity, comprising prohibitions of physical and psychological violence as well as prohibitions of neglect at an intensity causing physical or psychological suffering. Against this background, the

question arises whether it would be expedient to anchor minimum standards of care for a minor child more explicitly in the legal framework, for example by refining the general regulation within the Family Act. Such a step could strengthen legal certainty and improve predictability; however, excessive rigidity could constitute a disproportionate interference with family autonomy. For these reasons, it appears appropriate to consider enriching the legislative framework of the Family Act with a demonstrative list of basic parental duties, formulated in a concentrated and readily accessible manner in one place. In conclusion, it may be observed that for a substantial portion of the population these standards represent a natural and self-evident manner of exercising parenthood. At the same time, it cannot be overlooked that, due to social stratification, differences in individuals' cognitive and emotional capacities, and the intergenerational persistence of maladaptive or psychopathological patterns of family upbringing, their fulfilment may not be universally ensured in practice. Precisely for this reason, the formulation and clear articulation of minimum standards of care is significant not only for legal certainty and more consistent application, but also as a preventive framework for the protection of the minor child.

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