

Abstract:

Proficiency in the care of minors requires a multidisciplinary approach because family circumstances are undergoing significant changes, and the court decision must look for the interest of the child, especially for the future. Such an approach is not limited to its own evidence by classical means of evidence but also takes into account the results of procedural deflections, such as mediation, family therapy, exam care. As for the individual evidence, it must be accentuated that the child's view may not always be determined directly, that the authenticity and accuracy of the charter should be judged by substantive assumptions, and that expert opinions should represent the ultimate solution to the parental conflict. Finding an agreement can also help provide a longer timeframe as well as lessons learned by the court on the length and cost of proceedings in which the court should wait for an expert opinion. Proper evidence taking helps to solve parents' most frequent conflicts on the joint custody, or on the debt of maintenance. The Constitutional Court interprets the presumption of alternate care as wrong because it prefers equality of parents to the interest of the child and because it imposes on the state the burden of proof, although it is obliged to observe the principle of investigation. Self-criticism and with overlook, it is necessary to be aware of the limits of proof, when it can not replace the life bond, eg between the adopter and the adopted. The results of the Czech recodification of civil procedural law can only be positively evaluated on the issue of abandoning private expert opinions. One of its negatives is the lack of connection with undisputed procedure and the introduction of new concepts without proper evaluation both in the country of origin and in the conditions of the Czech procedural practice. An example of such an approach can be a change in the concept of a party's questioning that can establish criminal responsibility or deny the authenticity of private documents without properly taking into account the modification of the Civil Code.