

Cochem model in the application practice of Czech courts

Abstract

The presented diploma thesis titled "The Cochemic Model in the Application Practice of the Czech Courts" deals with the main principles of the Cochem model, which is based on the cooperation of the professions involved in the divorce proceedings, and which is currently being gradually introduced by some of the Czech courts. The aim of the thesis is to find out the results of the first application approaches, on the basis of which it would be possible to determine the possibilities of further application of the presented model within the framework of Czech guardianship procedures. The second goal of the diploma thesis is the complex elaboration of the topic in terms of substantive and procedural law and further clarification of the current legislative situation, including the reflection over *de lege ferenda*.

First of all, the diploma thesis introduces the origin of the Cochem model, moreover, it also presents its first application in Germany in the first chapter. The second chapter focuses on the importance of application of the presented model and its benefits for the participants in the proceedings. Within the chapter there are also presented the possibilities of applying a different substantive basis of parental responsibility within the German and Czech regulations. The third chapter deals with the four basic rules on which the Cochem model is built. The conclusion of the third chapter focuses on the analysis of the importance of the "good of the child" institute, which is the decisive criterion in guardianship proceedings. Taking into account that I consider this model to be a suitable solution to the current problems of guardianship, in the fourth chapter not only do I mention the advantages of the Cochem model, but also its possible disadvantages, which should be solved in advance, and which should be preceded in practice. The fifth chapter shows the first attempts to apply the principles of the model in the practice of the Czech courts, which is followed by the sixth chapter defining the objectives of this approach. In the seventh chapter, I am focusing on the position of all the institutions concerned, and their competencies within the guardianship process. To conclude with, I summarize the whole process of cooperation, the result of which is the judgment pronounced by the court. The eighth chapter aims to present the results of the application of this alternative approach to parental conflicts in Germany and subsequently in the Czech Republic.

The whole thesis is based on the comparative method and the possibilities of application of the German model in the Czech judicial practice; seventh chapter is devoted to the wider

international comparison. The last chapter sums up the thesis by summarizing legislative changes that could lead to a deeper extension of the application of interdisciplinary cooperation principles.