Child custody proceedings and the Cochem practice

Abstract

The aim of this thesis is to describe and define, as thoroughly as possible, the child welfare judicial proceedings, particularly the child access and custody proceedings pursuant to section 466 b) and d) of Act No. 292/2013 Coll., on special court proceedings, as amended and to inform about the possibilities of its improvement through the use of the methods of the Cochem practice. The thesis consists of three main parts – part one and two are dedicated to the child access and custody proceedings, part three provides the reader with information about the Cochem practice.

The first part of the thesis describes the child custody and access proceedings in general, it provides general information about the subjects of the proceedings (with focus on the court and the proceedings parties), furthermore it describes the position of the children’s social and legal protection authorities and the Office for International Legal Protection of Children. In order to fully explain the procedural law regarding the child custody proceedings, this part also describes the substantive law.

The second part of the thesis is dealing with the legal framework of the child custody proceedings, it also provides a thorough insight into the different types of legal child custody and it does not omit to mention the most relevant case law throughout the history in order to demonstrate the development of thought process among the Czech legal experts.

The final part of the thesis introduces the Cochem practice as a system of interdisciplinary cooperation between the lawyers, judges, youth welfare workers, family advisory bureaus' employees and expert witnesses, whose aim is to lead the parents to make an agreement regarding their child's welfare, which should be made in the best interests of the child. It provides a description of its history and presence and also briefly introduces the German family law. It simultaneously describes the experiences in applying the Cochem practice by different Czech courts.
Key words: the Cochem practice, child custody proceedings, parental responsibility