

# **The Best Interest of the Child (especially in connection with Interim injunction)**

## **Abstract**

The topic of this thesis is the issues of minor children, who must enjoy increased legal protection due to their age, immaturity, dependence on parents, etc. For this reason, the topic of this thesis will focus on the principle of the best interests of the child.

This issue of minors is explained not only in terms of constitutional order and legal regulations in the Civil Code, but also in terms of civil procedural law, the Act on Special Judicial Procedures and the Act on the Social and Legal Protection of Children.

The work focuses mainly on the institute of preliminary measures, the purpose of which is to provide protection for the vulnerable child in cases where, for various reasons, it is not possible to wait except for the issuance of a substantive decision on the merits, resp. it is obvious that waiting for the decision of the court on the merits would be contrary to the interests of the child, who found himself in need for some reason, and his best interests are thus endangered.

The aim of this thesis is to explain the topic of the best interests of the child, especially in connection with Interim injunction. An interim injunction is intended to provide immediate protection to a child in need, a weaker article of family law, and it will therefore be interesting to see whether this is indeed the case, whether the Czech legislation is sufficient in this respect - adequate. The principle is solved in particular from the point of view of the so-called special Interim injunction. I intend to examine the issue of the best interests of the child from the point of view of both a preliminary measure in the matter of protection against domestic violence and an Interim injunction of the child's circumstances. Both of these institutes have in common that they protect a weaker element of family law in a broader sense.

Last but not least, the work shows that in assessing and finding out the best interests of the child, it is extremely important to recognize the right of children to self-determination and to enable them to participate in decisions that may concern them.

## **Key words**

Child, Family, The best interest of the child, Right of participation