

Abstrakt

The rigorous thesis deals with the institution of preliminary measures in matters of care for minor children in the Czech legal system. Preliminary measures represent an essential tool for quick intervention to protect the rights of minors in situations where it is necessary to quickly intervene in their circumstances before a final judgment.

The aim of the work is to provide a comprehensive overview of the legal regulation of preliminary measures regulating the conditions of minor children. At the same time, it analyzes the jurisprudence of the courts and the professional discussion on this topic, especially with an emphasis on the protection of rights and the best interest of the child.

Individual chapters are devoted to the analysis of the legal regulation of preliminary measures. In the first chapter, the institute of preliminary measure is defined. Chapter two deals with preliminary measures under the Act. no. 99/1963 Coll. Code of Civil Procedure, including the definition of problematic parts. The third chapter analyzes the legal regulation of preliminary measures according to the Act no. 292/2013 Coll. Special Court Procedures. The fourth chapter offers a historical excursion of the preliminary measure and the relationship of preliminary measures according to Act No. 99/1963 Coll., Code of Civil Procedure, and Act No. 292/2013 Coll., on Special Court Procedures. It also discusses the amendment to Act No. 363/2021 Coll. and analyzes the preparation of the so-called provisional decision, which could replace the use of preliminary measures according to the Code of Civil Procedure in the future. The last chapter, fifth, deals with the position of the child in the proceedings, from general principles to the application in the preliminary measure proceedings. Especially with emphasis on the legal representation of minors and their participation rights. The conclusion of the rigorous thesis contains a summary of the described issues, including an emphasis on current problems in judicial practice, which arise mainly as a result of the diversity of interpretation of the standards concerned.