

The importance of expert opinion in child custody proceedings

Abstract

This diploma thesis focuses on the importance of expert opinions in custody proceedings on the matter of a minor child care, maintenance and contact. These are part of the child welfare judicial proceeding according to the section 466 of Act No. 292/2013 Coll., on special court proceedings, as amended. Firstly, it discusses the above-mentioned non-contentious proceedings, which are included in the child welfare judicial proceeding, then the work deals with experts and their opinions.

The first chapter deals with the child welfare judicial proceeding in general. It explains what proceedings are among the court's care proceedings for minors and the basic features of these proceedings are described here. Furthermore, the first chapter defines the basic concepts with which the thesis deals and describes the features of non-contentious proceedings and explains the differences between contentious and non-contentious. The jurisdiction of the court and the subjects of the proceedings are also mentioned. The second chapter deals with the child custody proceedings. This part is focused primarily on the types of legal child custody. Individual types of legal child custody are listed and for each type of the custody it is said when the court can decide on it. The third chapter deals with the proceedings in the matter of maintenance of a minor child. The fourth part is devoted to the proceedings in the matter of contact with a minor.

The fifth chapter is entitled expert and expert opinion. First, the person of the expert is introduced as a person entered in the list of experts. A short section is also devoted to expert bias. Furthermore, the work is dedicated to the expert opinion, especially its creation, structure, and evaluation by the judge. It is also dedicated to audit opinion, where, above all, it is decided under what circumstances the audit opinion is issued. The sixth chapter also deals with expert opinions, but this time as evidence in the child welfare judicial proceeding. This chapter deals with the preparation of an expert opinion in the child welfare judicial proceeding, i.e. what a psychological examination of a child should look like. The chapter also describes the course of some scientific methods that are used for the psychological examination of a child or its parents. In conclusion, the sixth chapter is devoted to the defects of the expert opinion and what a flawless expert opinion should look like.

Key words: custody of minors, expert opinion, judicial decision-making