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PARTICIPATION OF MINOR WITNESSES IN CIVIL PROCEEDINGS

In the practice of the judicial process, the category of civil cases related to the interests of the child is quite widespread. For this, the state needs to find an optimal model that can comprehensively take into account all the rights and freedoms of minors. Thus, based on Article 3 of the Convention on the Rights of the Child, in all actions regarding children, independent of the body, primary attention is paid to the best possible protection of the rights of the child.

Family disputes are one of the most common cases where the opinion of minors is often taken into account. Such a survey is carried out in accordance with Article 171 of the Family Code of Ukraine and must be conducted in the presence of a psychologist, taking into account the child's age and level of their development. One of the conditions of the interview is the exclusion of any influence of parents, guardians, and adoptive parents, therefore, during the interview of the child in court, the listed persons must leave the courtroom for a certain time. The presence of parents and other representatives in the survey process is allowed only in cases where they are disinterested persons.

The main conditions for the interrogation of minors are the need to find out before the start of the interview if the minor's opinion was not formed under the influence of third parties, as well as whether the child is aware of his own interests when expressing this opinion, and how he can to claim it. A child under the age of ten needs to undergo psychological testing by a qualified doctor and a psychologist. This procedure is aimed at finding out whether the child has a sufficient level of development and is able to formulate his own unbiased views. Also, establishing psychological contact with the child is necessary to identify the child's basic needs and his personal position during the

conflicts in family about the issue of his place of residence, using the possibilities of knowledge in the field of child psychology. Also, one of the features of the interrogation of minor witnesses is that minor witnesses under the age of 16 are not been notified regarding criminal liability in case of telling the lie [1].

According to the principles of the Committee of Ministers of the Council of Europe on child-friendly justice, specially trained specialists and court employees should take maximum efforts to find out the statements from children, guaranteeing favourable conditions and people around. The Supreme Court's opinion states that the best interests of all children involved in the same proceeding or case must be individually balanced in order to avoid possible conflicting interests of the children. It is also noted that all professionals who work with children and for children should receive the effective training on the rights and needs of children of different age groups, as well as on procedures that are adapted to them [2].

Summarizing the above, based on the Family Code of Ukraine, of the Law of Ukraine "On the Protection of Childhood" the Convention on the Rights of the Child including other normative legal acts guarantee the child the right to be heard during court proceedings in the event that he has reached the current level of development, which allows her or him to formulate her own views, opinions, feelings and express them, also in each case the judge makes a decision on this issue taking into account individual objective and subjective factors. These steps are pretty important not only to protect rights of the child but also to perform efficient court proceeding.

Literature

1. The Civil Procedural Code of Ukraine. Code of Ukraine; Code, Law on March 18, 2004 No. 1618-IV. URL : <https://zakon.rada.gov.ua/laws/show/en/1618-15#Text> (date of application: 27.09.2022).

2. Position of the Supreme Court. Unified register of court decisions. Case category No. 480/3093/20. URL : <https://reyestr.court.gov.ua/Review/98493714> (date of application: 09/27/2022).