

Theory, practice and prospects of foster care in the Czech Republic

Abstract

The thesis deals with the issue of foster care, as a traditional private law institute of alternative family care, which has significant public law features. The aim of the thesis is to provide a comprehensive view of the legal regulation of foster care *de lege lata* not only from a theoretical perspective, but also to point out some practical consequences of the application of the legal regulation in question. Part of the thesis is also devoted to the prospects of regulatory developments of foster care following the upcoming legislative changes in the field of alternative care for children.

If, from objective or subjective reasons, the child's parents cannot personally care for the child, the state must ensure a suitable alternative care for such a child. One of these forms of alternative care is foster care, which provides a solution to the lack of personal care for child by his or her parents in an environment that resembles a family as much as possible. That is why foster care holds an irreplaceable position within the system of alternative care for children.

First, the thesis provides a brief explanation of the history and development of foster care and its legal regulation in the territory of the Czech Republic, also in view of important historical milestones. The aim of the second chapter is to provide an overview of forms of alternative care for children as recognized by the Act No. 89/2012 Coll. (Civil Code), with primary focus on foster care and its several types and forms. The next chapter lists and describes significant sources of foster care legislation, both within the international and national scope.

The fourth chapter deals with a long-term foster care and analyses, *inter alia*, the legal aspects of the long and demanding process that precedes the placement of a child in foster care. In this chapter, the overlap between private law and public law levels of foster care regulation is apparent. The chapter also deals with the aspects of supporting foster families and does not neglect the issue of necessary supervision over foster families by state.

The subject of the fifth chapter are the duties and rights of persons involved in foster care – foster parents, the child's parents and the child entrusted to foster care. The sixth chapter provides a theoretical-practical analysis of the mutual relation between

foster care and guardianship. An important public law aspect of foster care is its material security, the legal regulation of which is dealt with in the chapter seven.

The eight chapter aims to present the upcoming legislative changes in the field of alternative care for children and their possible impact on foster care, especially in view of the planned transformation of institutional care for the youngest children. At the same time, the chapter deals with amendment to Act No. 359/1999 Coll., on Social and Legal Protection of Children, that is currently being prepared.

Most of the theoretical interpretation is complemented with a practical perspective on the given issue. The thesis, both, emphasizes the importance and irreplaceable role of foster care as well as points out the possible difficulties associated with this issue.

Key words:

alternative care, alternative family care, foster care, foster parent