

## **Abstract**

This thesis with the subject „The forms of custody for underage children in the times after split-up or divorce of their parents“ is dealing with possible types of arrangements of custody for a child after the break up of his parents. This topic is currently very live in the Czech Republic, as well as in other advanced countries, because the amount of divorces is rising. According to the valid legislation it is possible to entrust the child, after the divorce of his parents, to either the custody of one of the parents, shared custody of both parents, joint custody or, if deemed necessary in regards to the needs of the child, to the custody of another person.

The aim of this thesis is to create an overview which will acquaint the readers with all options of arrangements of the custody for children after the divorce of their parents which are established in the section § 907 of Act no. 89/2012 Coll., Civil Code. The increased attention is paid to the shared custody because of several recent breakthrough jurisprudences of the Constitutional Court of the Czech Republic concerning this legal institute.

This thesis is split into 5 chapters, excluding introduction and conclusion. In the first chapter I concern with historical development of the legislation of decision making regarding the entrusting of children after the divorce of the parents, with focus on the valid legal regulations in our territory which for the first time contained the provision concerning this issue.

In the second chapter I describe the situation which require the court decision about adjusting the relationships to the child, including criterions which the court judges with focus on the childs best interests.

The third chapter is dedicated to parents responsibilities and duties and rights derived from them, including their execution and the interference of the court into the parents responsibilites.

In the fourth chapter I describe individual forms of the custody for underage children according to the section § 907 of Act no. 89/2012 Coll., Civil Code. The biggest focus is set to the shared custody, the assumptions for its right

functioning, their positives and negatives and to the case law of the Constitutional Court of the Czech Republic to this institute.

The final, fifth chapter concerns the issues of the social and legal protection of the children. I dealt with the performance of collusive custodial care of the employees of the institute for social and legal protection of the children. My goal was to show the lack of performance in this function by the legally uneducated social employees, which can lead to violation of the basic rights of children and to outline the advantages of performing this collusive custodial care by the advocates.