

Models of Post-Divorce Child Care in the Czech Republic and in Italy

Abstract

The topic of the thesis is a comparative approach to the institute of post-divorce childcare in the Czech Republic and in Italy. Decision-making about family arrangements after the divorce and separation of parents is related to a choice of the right model of post-divorce childcare, which the law of different countries offers. This decision implicates, in itself, also a decision on the right of access and maintenance, therefore a decision on childcare.

The introductory part of this thesis is dedicated to a historical excursus on the development of family law in both countries, which enables the reader to understand current legislation and its background. A substantial part of the thesis is dedicated to the institute of divorce itself, since it is considered the starting-point for the decision about post-divorce childcare. The differences between the concept of divorce in the Czech Republic and in Italy are crucial for the following post-separation childcare decision-making. The so-called two-phase divorce in Italy makes a great difference in the decision-making about post-divorce childcare in both countries.

The main part of the thesis offers a comparison of post-divorce childcare and the introduction of single models of post-divorce childcare arrangement, not only regarding national legislation, but also international law which is dominated by the principle of the best interest of a child. Theoretical knowledge arising from legislation is then confronted with the practice. Models of post-divorce childcare in court decision-making practice are presented in the light of recent case-law.

The following chapters are dedicated to questions regarding the decision about post-divorce childcare in both countries, not only from the point of view of the parties, but also from the point of view of courts and the so-called assisting professionals. The final part of the thesis is dedicated to considerations due *de lege ferenda* and the Cochem practice, which, according to experts, is the future in post-divorce childcare decision-making not only in the European background.

Key words:

Family law, post-divorce childcare, alternating custody