

Abstract

The diploma thesis is focused on the topic of foster care for temporary period. It is the most recent form of substitutional family care in our legal system. It was enacted in 2006 as an intended alternative to infant care institutions. The topic is analysed mainly with respect to current Czech legislation, but the thesis also offers comparison with foreign experience with this institution – specifically with legislation in Great Britain.

The thesis is divided into theoretical part and practical part – contained in the last chapter consisting of paraphrased interviews with people who are involved with foster care for temporary period in their profession.

The beginning of the thesis summarises the historical background of substitutional care of a child with focus on foster care. The development of foster care is mapped from its very beginning in ancient Greece and Rome up till the recent process of reformation of substitutional family care crowned by the extensive legislative changes, which came into force on 1st January 2014. The second chapter deals with the current internal, EU as well as international legislation of temporary foster care. At this point the thesis also points out the relevant judicature of European Court of Human Rights and analyses the decision-making practise of the Czech Constitutional Court.

To make the interpretation of foster care for temporary period complete, the thesis contains a (third) chapter dealing with the system of substitutional care of a child, including collective care represented by institutional care. Adoption is not, for its different nature, part of this system and therefore the diploma thesis does not focus on it.

Further, the thesis focuses on foster care for temporary period in current legislation. The fourth chapter chronologically describes the process of entrusting a child into foster care for temporary period – from mediation, establishing and course of foster care up to its termination. Because major part of legislation of foster care for temporary period is included in rules of public law, this legislation could not be omitted from the thesis. Therefore, the thesis contains parts discussing process of choosing temporary foster parents, processing legislation as well as financial security of foster care.

The next chapter describes foster legislation in Great Britain. The chapter contains not only description of British history, legal measures and system of care for vulnerable children but also comparison of system in both countries with suggestions for future improvement.

The whole text of the diploma thesis is supplemented with considerations de lege ferenda. Most profoundly in the last chapter where the individual results from interviews are being confronted. Summary of the most significant results is discussed in the conclusion of the thesis which also suggests solutions to the issues put forward in the introduction of the thesis.