

## **Abstract, key words**

Title of the thesis: Shared residence in Czech and German law

The aim of this thesis is to compare the approach to shared residence in the legal order of the Czech Republic and the Federal Republic of Germany, i.e. to find out to what extent the approaches of these countries to shared residence differ. This is examined in relation to selected issues which courts had to deal with when deciding on the shared residence, i.e. the influence of the child's wishes, the parents' will, their ability to communicate and long distance between the parents' households on the suitability of shared residence. Special attention is paid to the presumption of shared residence, or shared residence as a rule. The thesis focuses on the effective regulations.

The thesis is divided into three parts. The first part deals with the Czech regulation of the shared residence. The individual chapters explain basic terminology, sources of law, legal regulation of shared residence, case law on the selected issues, including the presumption of shared residence, and some of the specifics of maintenance obligation.

The second part of the thesis follows the same structure as the first part. However, there is a special chapter regarding drafts on shared residence as a rule.

The third part compares the findings made in the previous parts. This part is divided into two chapters, so that it is possible to compare the legal regulations and the case law separately. The main differences are the existence of presumption of shared residence in the Czech Republic and the approach of courts to the aspects of communication and long distance. These two aspects do not automatically lead to the exclusion of the shared residence in the Czech Republic, while they are considered to be basic preconditions of it in Germany.

In the conclusion of this thesis, the research question is answered. The Czech regulation of shared residence is discussed together with a few *de lege ferenda* drafts.

Key words: shared residence, presumption of shared residence, best interests of the child