

Legal representation of the child

Abstract

The master thesis deals with the topic of representation of a child, i.e. legal actions on behalf of a minor who is not fully competent due to his age. The aim of the thesis is to describe the current legal regulation, including relatively recent legislative interventions related to the phenomenon of so-called child debts, where debts from the past, often increased by interest on late payment and costs of proceedings, were recovered from natural persons shortly after acquiring full legal capacity. Furthermore, the aim of the thesis is to investigate the degree of protection of the interests of a child who has legal personality with all the rights and obligations that may be associated with it, but is often unable to exercise these rights and fulfil these obligations on his own.

The thesis is divided into 11 chapters. The first chapter explains some of the key concepts that are necessary for the examination of the issue. The second chapter deals with the historical development of legislation in this area. The third deals with the interpretation of the concept of the best interests of the child and its embedding in the legislation. The fourth chapter deals with the current regulation of the legal capacity of minors, including recent changes that have been made to it. Chapters five to ten deal with the various persons who legally represent the child, from the parent, to the guardian, to the custodian, to the carer, including the foster parent, to the director of the institution if the child is placed in institutional or protective care. The last chapter deals with the consequences of legal action on behalf of the child or the child's own actions, particularly with regard to the possible enforceability of monetary benefits to which the child should be obliged by virtue of the legal action of his or her own or representative. The last chapter also discusses the consequences of a breach of the statutory provisions on the representation of a child, including the possible consequences of the invalidity and illusory nature of such a legal act, with a particular focus on recent changes in legislation that have had a significant impact in this area.

Key words: the best interests of the child, legal guardianship. representation of the child, acting in the name and on behalf of the child, maturity of mind and free will