

RESUMÉ

Adoption in private and public law

Adoption is the most important form of surrogate parental care. „Adoptio natiuram imitatur“ the legal principle from the Roman times is sententious even today. As Czech Family Code says: Adoption establishes between the adoptive parent and the adopted child the same relationship as is the relationship between parents and children, and close relationship between the adopted child and the adoptive parent's relatives. The adoptive parents have a parental responsibility in upbringing of children. The adoption is decided on by a court upon a petition of the adoptive parent. The petition for adoption of a child to a foreign country must include a final and conclusive decision on approval of the adoption issued by the Office for International Protection of Children. Adoption by itself is a juridical institute of private law and it is regulated by the Family Code though the proceedings are regulated by public law and the Infantile Social-Judicial Protection Act. Many international documents, which regulate adoption, or just some of the problems related to adoption, prove that adoption is considered a very important institute. Adoption is a legal institute which has also connection to its sociological and psychological stands which cannot be omitted.

The aim of adoption is to protect the interests of a child, that is also the main idea of my work. The interest of a child is a principal purpose of an adoption, and every applicant should realize this idea. It's essential to emphasize that on the imaginary scale of interests of the subjects of adoption, the child, his interest and his right to grow in a family, even if it would be a surrogate family, is on the top of this scale. In the Czech Family Code this idea is expressed by the art. 64.1 that says that the child may be adopted only by individuals whose way of life guarantees that the adoption shall be to the benefit of child and society.