

Abstract (anglické resumé)

Adoption – a comparison between the law of the Czech Republic and Germany

The dissertation compares adoption problems in the Czech Republic and in the Federal Republic of Germany.

The First Chapter considers the historical development of adoptions in both countries comparing legal regulations.

Principle of the full adoption is described in the first part of Chapter Two. The second part shortly explains the difference between revocable and non-revocable adoption, which is possible in the Czech Republic. This Chapter lastly complements short division of kinds of adoption.

Chapter Three is the most extensive one. This chapter focuses on the adoption of minors. First it analyses and compares the terms of adoption. For easier orientation the terms are subdivided into four groups: the first looks at the terms on the side of adoptive parents, the second group deals with the terms on the side of adoptive child, the third shows terms on the side of biological parents and the fourth group deals with further terms of adoption. Each group describes terms according to the Czech and German law separately and then compares them. Besides the terms of adoption Chapter Three deals with the adoption process. It contains mediation process, proceedings for determination whether biological parents' consent is necessary, which Czech law knows, German proceedings for substitution of missing biological parents' consent and finally the comparison of trial for adoption by the court. This chapter also refers to consequences of minors' adoption, transformation of adoption according to the Czech law and the opportunity of adoption's termination.

Chapter Four looks at adoption of majors. German civil code allows majors' adoption as opposed to the Czech one. But the newly prepared Czech civil code is about to institute majors' adoption into the legal system again. Chapter Four describes concept of majors' adoption and then its differences from minors' adoption and also brings an excursus to the legal regulation of majors' adoption in the Czech Republic.

Chapter five describes regulation of international adoption that is included in international Conventions (mainly in Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption) and in a subsidiary way in national law.

From the dissertation it results that the main idea of adoption - benefit of child - is the same in both compared legal systems. But the legal regulation as a whole is not the same. German legal regulation allows majors' adoption and in contrast to Czech legal regulation it is possible for registered partner to adopt child of his/her partner. Unlike the German law, the Czech one knows revocable and non-revocable adoption. Apart from this there are differences mainly in punctuality of legal regulation.