

Resumé

The Matter of the adoption agreement request

The aim of this thesis is to offer a complex view of the matter of the adoption agreement. It may be unbelievable how significant may such an agreement be and what all is changed due to it – the position of the child being adopted, his biological parents, adoptive parents and his whole family as well.

The text is systematically divided into five chapters.

The introductory chapter clarifies the general aspects of the adoption process. It is divided into two parts dedicated to the clarification of the notions for example alternative family care, historical development, sources of the law dealing with adoption and social-legal child protection.

The main part of the thesis is dealt with in the second chapter, it is the process of adoption agreement. It is divided into seven parts concerning the matter of adoption agreement request by adult and non-adult parents, agreement of the child being adopted and various specific cases when for example only one of the married couple or a new partner of the child's parent is adopting. The question of the so-called "straight adoption" is worth mentioning as well – litigant, nonetheless still existing practice of Fond ohrožených dětí (The Foundation for endangered children). Even the figures of custodian and guardian play its role in the adoption process in certain situations and in the case of international adoption even the Office of international legal protection of children does so as well. The interesting issues are also the exceptions from the adoption agreements request (cases when the adoption agreement request is not required from one of the biological parents) or the matter of withdrawal of once given agreement. The final part is dedicated to the time and counting the time concerning adoption and making agreement. The matter of alternative motherhood and the comparison of the Czech legal arrangement to the arrangement of our neighbours is aside – the Slovak Republic, the Federal Republic of Germany and the Republic of Poland.

The process-legal arrangement of adoption is dealt with in the third chapter. It contains two parts dealing with the adoption process itself and individual processes which are a part of it. The process part of adoption plays its significant role in this matter as it is necessary to keep in mind that all the operations which law connects some result with, come into force not earlier than by the legal power of the court judgement. The adoption does not

take part by a contract, nor treaty or oral agreement – everything is in the hands of the court and is done through the court proceeding.

The fourth chapter is divided into two parts. The first one is dedicated to the matter of birth with hidden identity of the mother and baby boxes. This matter entered the mind of the public especially through the connection to the effort to prevent the tragical death of unwanted newborns. In the second part the very controversial topic of the last time is presented: registered partnership and the possibility of adoption – yes or no? On one side, there are the representatives of tolerance and modern point of view of family which can be formed by two people of the same gender. Against them, there are the defenders of the conservative point of view of the child raising and of the importance of the mother and father roles. Who knows...?

Recently very frequently discussed proposal of the new private-legal codex is dealt with in the fifth chapter. The public has been waiting for the new Civil Code for half a century and it is still not clear whether they will live to see it. The present proposal has a long way of passing in Parliament ahead of itself. The time will show whether the adoption arrangement sketched in the work will be acknowledged.