

Abstract

Parental responsibility and its exercise

The purpose of my thesis is to analyse the basics of parental responsibility and its exercise.

The thesis is composed of nine chapters, each of them dealing with different aspects of parental responsibility. Chapter One is introductory and defines what a family is. Part One of this chapter describes a sociological view on family. Subpart One defines two basic types of family units.

Chapter Two defines what family law is. The chapter is subdivided into two parts and eight subparts. Part One provides a definition of family law in general, especially how is the term incorporated in the Czech legislation. Part Two deals with historical evolution of family law, with focus on the evolution of the term parental responsibility. Subpart One deals with family law in ancient times. Subpart Two investigates into the evolution of family law in medieval times in Czech the region. Subpart Three examines family law in the Austrian General Civil Code of 1811. Subpart Four deals with the evolution of parental responsibility after year 1918. Subpart Five describes the evolution of parental responsibility after the year 1939. Subpart Six examines the relevant Czech legislation after the year 1948. Subpart Seven deals with the Czech Family Code act no. 94/1963 COLL. Subpart Eight examines the novel code act no. 91/1998 COLL.

Chapter Three gives an overview of relevant Czech legislation of parental responsibility. The chapter consists of three parts and six subparts. Part One focuses on relevant Czech legislation in the Czech Family Code act no. 94/1963 COLL. Part Two investigates into Czech legislation of parental responsibility in other codes. Subpart One focuses on relevant legislation in the Civil Code. Subpart Two deals with relevant legislation in the Civil Procedure Code. Subpart Three focuses on relevant legislation in the Criminal Code. Subpart Four reviews the relevant legislation in the Code on Social and Legal Protection of Children. Part Three addresses the issue of parental responsibility as described in international treaties. Subpart One deals with parental responsibility as defined in the Convention on the Rights of the Child. Subpart Two focuses on parental responsibility as described in the Convention on the Civil Aspects

of International Child Abduction. Subpart Three focuses on the European Convention on the Exercise of Children's Rights. Subpart Four deals with the European Convention on the legal Status of Children Born out of Wedlock. Subpart Five focuses on Convention on Jurisdiction, applicable law, recognition, enforcement and co-operation in respect of parental responsibility and measures for the protection of the children.

Chapter Four provides the legal definition of parental responsibility in the Czech Family Code act. No 94/1963 COLL and in Convention on the Rights of the Child.

Chapter Five is subdivided into two parts and deals with the contents of parental responsibility. Part One is divided into five subparts and focuses on the rights and duties of parents. Subpart One briefs on the topic of care of the health of a child. Subpart Two focuses on care of physical, emotional, intellectual and moral growth of child. Subpart Three deals with representation of underage children. Subpart Four examines the management of a child's fortune. Subpart Five investigates legal limits of punishment of child. Part Two is divided into four subparts and contains the rights and duties of a child. Subpart One deals with international regulation of children rights. Subpart Two focuses on rights derived from parental responsibility. Subpart Three investigates the Child's right to know it's ancestry. Subpart Four recognizes duties of child sourcing in parental responsibility.

Chapter Six is divided into seven parts and focuses on subjects of parental responsibility. Part One gives a briefing on the difference between original and secondary subjects. Part Two focuses on parents as original subjects of parental responsibility. Part Three inspects the spouses parental responsibility. Part Four relates to two forms of guardians in the Czech Family Code: the guardian for management of a child's fortune and the guardian for representing a child. Part Five focuses on the trustee as subject of parental responsibility. Part Six investigates the guardian as defined in paragraph 83 of Czech Family Code. Part Seven argues for character of child as subject of parental responsibility.

Chapter Seven is subdivided into seven parts and four subparts. It deals with intervention to parental responsibility. Part one is subdivided into four subparts and provides a commentary on educational disposal. Subpart One relates to monition as one of the educational disposals. Subpart Two illustrates supervision of a child as one of the educational disposals. Subpart Three contains the last educational disposal – restriction.

Subpart Four deals with controlling of the exercise of educational disposals. Part Two defines the basics of suspended parental responsibility. Part Three focuses on limitation of parental responsibility. Part Four deals with removal of parental responsibility. Part Five investigates into the fosterage of a child to a natural person. Part Six examines the foster care. Part Seven deals with institutional fosterage.

Chapter Eight is subdivided in three parts and deals with interventions than other interventions amended in the Czech Family Code. Part One focuses on interlocutory judgment as amended in the Civil Procedure Code. Part Two deals with protective fosterage. Part Three contains educational disposals as amended in the Code on Social and Legal Protection of Children.

Chapter nine contains information about legislation *de lege ferenda*, as prepared in the bill of the new Czech Civil Code.

Conclusions are drawn in Chapter Ten. The main aim of the thesis is to offer overview of parental responsibility and issues related to this topic. In my research work I criticize the current legislation. I suggest that the new Civil Code proposal solves most of the issues with the current implementation of parental responsibility.