

This diploma thesis deals with the institute of foster care. Foster care has been a widely discussed issue lately, in the field of family law. After years of theoretical considerations, discussions and preparations, a lot of significant changes have been made in this area, which have been incorporated into the new Civil Code and have been defined by the Amendment No. 401/2012 of the Coll., of the Act on Social-Legal Protection of children. The main objective of such changes is to professionalize foster care, and thus create an alternative to institutional care, to make foster care work in a more efficient way, to lower the risks of failure in daily practice, and to increase a notion of such form of substitute care in public. On the very top of general ideas and considerations remains especially the best interest and well being of a foster child. The emphasis is laid on the child's right to grow up in a background of a family and on help provided to a family with an endangered child. The diploma thesis is divided into seventeen chapters. First chapter gives an introduction to the issue of substitute care and talks about individual forms of such care. Second chapter presents a historical view into the individual phases of the development of foster care. Third chapter is dedicated to state and international sources of legislation of the foster care. The core of the diploma thesis lies in chapters four to fourteen, which give explanation of the foster care legalization *de lege lata*, in regards of private and public law. Chapter fifteen gives a short interpretation of the foster care legal forms in Great Britain and in Austria. Chapter sixteen summarizes the advantages of the new legal foster care modification in the new Civil Code and in the Amendment to the Act on Social-Legal Protection of Children. Chapter seventeen presents a few reflections *de lege ferenda*, especially in relation to currently prepared Act on special court proceedings. The author of the diploma thesis aimed to describe and analyze the current legalization of foster care. And further on, the author attempted to compare valid legal provisions with antecedent legislation.