

Summary

In every society throughout the history there is a group of children that find themselves without care and protection of their own parents. In such a case it is necessary that the care and protection is secured by legal institutes that substitute the family. The aim of this thesis is to describe these institutes both from substantive and procedural point of view. The alternative care for unwanted children can be divided to foster care and institutionalized care. Foster care is trying to provide these children with both physical and legal protection and with a background that resembles a real family. Institutes such as adoption, wardship, tutelage, and other belong under foster care. Institutionalized care is provided in institutional facilities. It is performed collectively, and therefore could not substitute individual family care. Due to these reasons the foster care institutes should always precede before institutionalized care that should be used only in cases, in which the child cannot be placed into foster family. After a long time of modifications and changes an extensive recodification of private law took place that canceled until that time applicable family law number 94/1963 Coll. that was originally a main source governing institutes of foster care and institutionalized care. Currently the mentioned institutes regulated by law number 89/2012 Coll., Civil Code. However, for the purposes of this thesis I considered desirable to perform a basic comparison between the old and the current legislation, especially to evaluate, whether the new legislation is a change for the better or not. The thesis is divided into eight chapters. The introduction deals with historical development of unwanted and otherwise dependent children. The following chapter deals with the term child from constitutional, civil, penal and labor law point of view and also with a theoretical analysis of when the child becomes unwanted and what this term actually mean. The other chapters deal with the individual institutes of foster care and institutionalized care, as well as their historical and legal development. The conclusion deals with overall review of all institutes together with proposed changes *de lege ferenda* focusing on interests and welfare of the child.