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PRÁVNÍ ASPEKTY OSVOJENÍ

Diplomová práce

Abstrakt v anglickém jazyce

Legal aspects of adoption

The purpose of my thesis is to analyze legal aspects of an adoption. By use of the analytic and descriptive methods the valid legal provisions are described and evaluated. Furthermore some changes of the respective law are proposed de lege ferenda. The thesis deals with the proposal of new civil code and analyses it critically. The last part of the thesis describes German Law regarding adoption.

The thesis is composed of eleven chapters. First chapter describes the alternative care of children generally. Second chapter deals with the term „adoption“. The third chapter deals with history of an adoption and contains a separate part regarding history of an adoption in the Czech territory after 1918. In this part of this thesis the main source of law regarding adoption and most important international contracts and conventions are described. The fourth chapter describes kinds and forms of an adoption. The largest fifth chapter deals with conditions for adoption stipulated by the Czech Law. This chapter is subdivided into two parts, which describe the conditions for the open and closed adoption. The sixth chapter deals with legal aspects of an adoption. This chapter is subdivided into two parts. The first one describes legal impacts of an adoption common for both forms of an adoption, the second part of this

chapter deals with the legal impacts of the closed adoption. The seventh chapter describes the open adoption. The eighth chapter deals the process of an adoption and the following ninth chapter the procedural aspects of an adoption. The ninth chapter is divided into three parts, based on procedural form required for an adoption (to determine if an approval of parents is required; proceeding regarding adoption; proceeding regarding annulment of an adoption). The tenth chapter deals with the proposed regulation of an adoption according to the proposal of new civil code. In this chapter the provisions are described, which changes the current legal provision regarding adoption. The eleventh chapter describes the German law. In this chapter the comparison of relevant Czech and German legal provisions has been made. This chapter is divided into two parts.

In my thesis I have come to a conclusion, that the current law regarding adoption has fully reflected the social and legal changes in the Czech Republic after 1989 and basically comply with applicable international contracts and conventions. Nevertheless according to my opinion the current Czech Law regarding adoption still contains some deficiency. I assume that these deficiencies have been mostly solved by the new civil code, which contains very good regulation of the adoption process and related issues.