

Abstract

The aim of the work is to analyze efficient legislation concerning the position of a child's parents during the child's adoption and the adoption itself considering the current issues and legislation in the new Civil Code. The analytical and comparative methods are especially used. The work is divided into five chapters. The first chapter deals with definition of the basic terms that are treated further in the work. It also classifies the institute of adoption in a broader framework of the substitute family care. The second chapter focuses on the legislation of adoption. It is divided into six subchapters with the third one being crucial and dealing with the conditions of adoption. The third and largest chapter is the substance of the work. It concerns an analysis of the current legislation concerning the legal position of child's parents while adopting the child. This part also focuses on the new formulation of a parent's disinterest in connection to the new Civil Code. This chapter also includes an issue of giving birth to a child in secret, which is discussed frequently among both experts and the public. Due to the tradition of this institute in France there is also an insight in the French legislation. The fourth chapter focuses on the procedural position of a child's parents both in the adoption proceedings and in the incidental proceedings. The subject of the fifth chapter is the legislation of the new Civil Code, which will come into effect as at January 1, 2014. The first subchapter of this chapter deals with general issues accentuating the family law and the issue of the new Civil Code, its second subchapter involves the most significant changes comparing to the existing legislation. In conclusion, I state that since 1989 the legislation of adoption has undergone changes the purpose of which was to approximate international standards. This procedure has been concluded by accepting a new Civil Code, which strengthens the protection of an adopted child in compliance with European tendencies.