

ABSTRACT

The aim of this thesis is to provide a coherent view of the issue of judicial decision-making about placing a child into institutional care. The base is a determination of the constitutional basis of the right of the state to intervene in family relationships and its simultaneous obligation to act within the child's interest. The first chapter of the thesis gives an insight into key provisions of relevant international treaties and it also offers an overview of conclusions of the European Court of Human Rights case law concerning the right to private and family life.

The main part of the thesis occupies with the analysis of the substantial legislation of the institutional care, including European Court of Human Rights case law related to the subject. The following chapter deals with the procedural aspects of the judicial decision-making in the affairs of institutional care. The attention is focused on the principle of the best interests of the child and on the implementation of the procedural rights of the child, especially his or her right to be heard. In the context of the theme the actual recodification of civil law is reflected, as well as the Slovak legislation. The final chapter contains a description of elemental features of the French system regarding endangered children and some innovative approaches as alternative options to the placement of a child into institutional care.