



# MASARYK UNIVERSITY FACULTY OF LAW

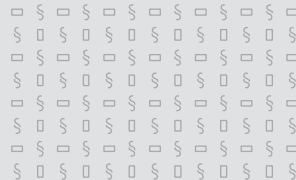
# CZECH FAMILY LAW

## VII.

## SUBSTITUTE CARE

„a child is a part of his/her natural family“  
a rule after 1998 thanks to the Conventions

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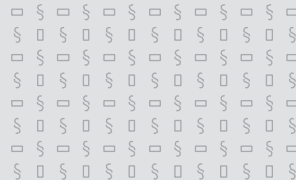
# EUROPEAN COURT OF HUMAN RIGHTS

Convention for the Protection of Human Rights and Fundamental Freedoms – Art. 8:

„Everybody has the right to respect for his private and family life ...“

► negative and positive obligations of the state

- WALLOVÁ and WALLA v. the Czech Republic
- HAVELKA and others v. the Czech Republic
- KEEGAN v. Ireland
- KUTZNER v. Germany
- Z and others v. the United Kingdom



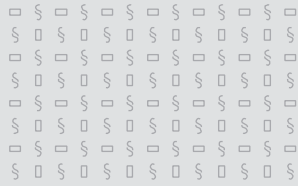
# SUBSTITUTE FAMILY CARE

## WITH A CHANGE OF STATUS

- ADOPTION - § 63 AF
  - ALWAYS „FULL“
  - ADOPTIONE NATURA IMITATUR

## WITHOUT A CHANGE OF STATUS

- FOSTER CARE - § 45a- 45d AF
  - INDIVIDUAL OR S.O.S. VILLAGES
  - always PAID BY THE STATE
- CHILD´S CUSTODY - § 45 AF
  - INDIVIDUAL - relatives
  - NOT PAID BY THE STATE



# SUBSTITUTE INSTITUTE CARE

§ 46 AF

- INSTITUTIONAL CARE
- INSTITUTIONAL CARE FOR CHILDREN REQUIRING AN IMMEDIATE ASSISTANCE

Act no. 218/2003 coll. On  
Juvenil Justice

- INSTITUTIONAL PROTECTIVE CARE