

CZECH FAMILY LAW

VII. SUBSTITUTE CARE

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

© Zdeňka Králíčková, 2011

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

2

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

3

SUBSTITUTE INSTITUTION CARE

§ 46 AF

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

Act no. 218/2003 coll. On Juvenil Justice

- INSTITUTIONAL PROTECTIVE CARE

4