

Deciding on alternate care

Abstract

The aim of my master thesis on the topic "Deciding on alternate care" is to analyse the decision-making of courts and the criteria that influence the assignment of a child to alternate care in the Czech Republic. The aim is not only to assess to what extent these factors and criteria are in the interest of the child, but also to what extent they must be fulfilled in order for this institution to be used with regard to the needs of the children themselves. At the same time, I also discuss the biggest problems that accompany alternate care.

This thesis is divided into seven parts. In the first part, I define the basic concepts related to alternate care and also discuss the forms of post-divorce child care. The forms of post-divorce care are sole custody of one parent, joint custody, alternate custody and entrustment to another person. In the second part I describe the development of alternate care in the Czech Republic. In the third part, I focus on selected case law of the Constitutional Court, which specifically concerns alternate care and its pitfalls. The case law of the Constitutional Court is very important in this respect. In the fourth part, I describe in depth the so-called four-stage test of suitability, which was formulated by the Constitutional Court in order to unify at least the basic factors that municipal courts must consider when deciding on alternate care. In the fifth part, I point out the negatives and positives of alternate care, although it must of course be kept in mind that the negatives and positives may be slightly different in each case. The big negatives of alternate care are, for example, the instability of the child's routine, the arrival of a new partner or increased logistics. Major positives of alternating care include, for example, continuity of contact with both parents or maintaining family ties. The core of the thesis can be found in section six, in which I discuss the factors that influence the suitability of alternating care. These factors include, for example, the child's young age, the parents' employment and the spacing of the alternation. I summarize how these criteria are approached, how they are evaluated, and how objective they are in making decisions.

Klíčová slova: alternate care, family, child