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The Prime Minister
declares

the full text of Act no 359/1999 Coll., on the Socio-Legal Protection of Children, as amended by Act no 257/2000 Coll., Act no. 272/2001 Coll., Act no 320/2002 Coll., Act no. 518/2002 Coll., Act no 222/2003 Coll., Act no 52/2004 Coll., Act no 315/2004 Coll., Act no. 436/2004 Coll., Act no. 501/2004 Coll., Act no. 57/2005 Coll., Act no. 381/2005 Coll. and Act no. 134/2006 Coll.

Act
on the Socio-Legal Protection of Children

Parliament has adopted this law of the Czech Republic

PART ONE
OPENING PROVISIONS

Article 1
Socio-legal protection of children

(1) Socio-legal protection of children (hereinafter "socio-legal protection") is understood to mean:

- a) defending the rights of children to be brought up under favourable conditions and to have a proper education
- b) defending the valid interests of the child, including the protection of his/her property
- c) actions to restore non-functioning families.

(2) Special legislation regulating the protection of the rights and valid interests of the child shall remain unaffected.

Article 2

(1) For the purposes of this Act, a child is understood to be a minor ¹⁾.

(2) Socio-legal protection shall be provided to a child who:

- a) is permanently resident in the Czech Republic,
- b) has permission to reside permanently or possesses a visa entitling them to stay in the Czech Republic for a period of at least 90 days pursuant to a special regulation ^{1a)},
- c) has applied for asylum on the territory of the Czech Republic,
- d) is authorized to stay permanently ²⁾,

¹ Article 1 Notification no. 104/1991 Coll., on the Convention on the Rights of the Child. Article 8 of Act no. 40/1964 Coll., the Civil Code as amended by Act no. 509/1991 Coll.

^{1a} Act no. 326/1999 Coll., on Residence of Aliens on the Territory of the Czech Republic and on Amendments to certain Acts, as amended by Act no. 140/2001 Coll.

² Article 87 of Act no. 326/1999 Coll., on Residence of Aliens on the Territory of the Czech Republic and on Amendments to certain Acts

e) is staying with his/her parents who have applied for residence on the territory of the Czech Republic for the purpose to acquiring temporary protection or who are staying on the basis of a visa authorizing them to reside on the territory of the Czech Republic for the purpose of temporary protection pursuant to a special regulation^{2a}).

(3) Within the scope of this Act (Articles 37 and 40), socio-legal protection shall also be provided to a child who does not have right of permanent abode on the territory of the Czech Republic or does not possess a visa authorizing them to stay for a period of at least 90 days pursuant to a special regulation^{1a}) regulating the residence of aliens on the territory of the Czech Republic, and does not have the right to stay permanently on the territory of the Czech Republic pursuant to a special regulation²).

Article 3

(1) An Office for International Legal Protection of Children (hereinafter "the Office") shall be established in Brno. The Office is an administrative authority with nationwide competence; it shall report to the Ministry for Labour and Social Affairs (hereinafter "the Ministry").

(2) The Office shall be headed by a Director, who shall be appointed and removed by the Minister for Labour and Social Affairs.

Article 4

(1) Socio-legal protection authorities shall provide socio-legal protection, these being:

- a) regional authorities
- b) municipal authorities of municipalities with extended powers
- c) municipal authorities
- d) the Ministry
- e) the Office

(2) Socio-legal protection shall also be provided by:

- a) independent municipalities
- b) independent regions
- c) committees for socio-legal protection of children
- d) other legal entities and natural persons who are empowered to provide socio-legal protection, (hereinafter "empowered persons").

PART TWO FUNDAMENTAL PRINCIPLES OF SOCIO-LEGAL PROTECTION

Article 5

The primary consideration for socio-legal protection is the best interests and welfare of the child.

^{2a} Act no. 221/2003 Coll., on Temporary Protection of Aliens

Article 6

(1) Socio-legal protection shall primarily focus upon children

a) whose parents

1. are deceased,

2. fail to fulfil the obligations arising from their parental responsibility³), or

3. fail to perform, or abuse, the rights arising from their parental responsibility;

b) who have been entrusted into the care of a natural person other than their parents, if that person does not fulfil the obligations arising from the placement of the child in their charge;

c) who lead an idle or immoral lifestyle, particularly in cases where they neglect school attendance, do not work although they do not have sufficient funds to maintain themselves, use alcohol or other habit-forming substances, support themselves through prostitution, have committed a criminal offence or, if under the age of fifteen, have committed an offence that would otherwise constitute a criminal offence⁴), repeatedly or systematically commit misdemeanours⁵) or otherwise threaten social harmony;

d) who repeatedly run away from their parents or another natural or legal person responsible for the child's upbringing;

e) who have been the victim of a criminal offence that would put their life, health, human dignity, moral education or property at risk, or who are suspected of being the victim of such an offence;

f) who are repeatedly placed in full-time social welfare facilities for children or have been placed in such facilities for more than 6 months on the request of their parents or another person responsible for their upbringing;

g) who are at risk of violence between their parents or other persons responsible for their upbringing, or from violence between other natural persons;

h) who are asylum seekers separated from their parents or other persons responsible for their upbringing;

insofar as these facts continue for such a period of time or are of such an intensity as to be prejudicial to the child's development or they are, or might be, detrimental to the child's development.

(2) For the purposes of this Act, other natural persons or legal entities responsible for the child's upbringing are understood to be persons into whose care the child was entrusted by decision of the competent authority (hereinafter "persons responsible for the child's upbringing").

Article 7

(1) Everyone has the right to report the wrongful behaviour of parents towards their children.

(2) Everyone has the right to report to the socio-legal protection authorities any breach of obligations or abuse of rights arising from parental responsibility, the fact that parents are unable to fulfil the obligations arising from their parental responsibility or any facts

³ Article 31 and following of Act no. 94/1963 on the Family, as amended by Act no. 91/1998 Coll.

⁴ Article 86 of Act no. 140/1961 Coll., the Criminal Code, as amended by Act no. 175/1990 Coll.

⁵ Article 2 of Act no. 200/1990 Coll., on Misdemeanours

contained in Article 6, paragraph 1, clauses b) to h); this does not affect any obligations arising from a special regulation ⁶).

Article 8

(1) Each child has the right to request that socio-legal protection authorities and socio-legal protection facilities, state bodies who are also empowered to defend the rights and valid interests of the child by special regulation ⁷), empowered persons, schools, educational and medical facilities for assistance to protect his/her life and other of his/her rights; these bodies, legal entities and natural persons and empowered persons shall be obliged to provide the child with the assistance he/she requires. The child has the right to request this assistance without the knowledge of his/her parents or other persons responsible for the child's upbringing.

(2) A child who is capable of formulating his/her own views has the right freely to express these views for the purposes of socio-legal protection during discussions of all matters affecting the child, even without the presence of his/her parents or other persons responsible for the child's upbringing. When discussing all matters affecting the child, his/her views shall be given due weight in accordance with the age and maturity of the child. In performing its activities, the socio-legal protection authority shall take account of the wishes and feelings of the child in accordance with his/her age and maturity in order to avoid threatening or disturbing his/her emotional and psychological development.

(3) A child who, given his/her age and maturity, is able to assess the scope and importance of the decision made during the legal or administrative proceedings to which he/she was a participant, or whether it is another decision that personally affects him/her, shall be informed by the socio-legal protection authority of all matters that might significantly affect him/her.

Article 9

The parent or other person responsible for the child's upbringing has the right to request assistance from the socio-legal protection authority or a government body that is also authorised by special regulation ⁸ to defend the rights and valid interests of the child, or an empowered person during the performance of his/her rights and responsibilities; these bodies shall provide this assistance to the extent their authority allows and these empowered persons to the extent of their powers.

PART THREE SOCIO-LEGAL PROTECTION MEASURES

⁶ Article 168 of the Criminal Code

⁷ For example Article 178 of Act no. 99/1963 Coll., the Civil Procedure Code, as amended, Articles 2 and 43 of Act no. 283/1991 Coll. on the Police of the Czech Republic, as amended.

⁸ For example Article 46 of Act no. 202/1990 Coll. on Lotteries and other Similar Games as amended by Act no. 149/1998 Coll.

CHAPTER I
PREVENTIVE AND ADVISORY MEASURES

Article 10

(1) The municipal authority shall:

- a) seek out children described in Article 6, paragraph 1,
- b) encourage parents to fulfil the obligations that arise from their parental responsibility
- c) discuss methods of remedying the child's behavioural problems with his/her parents
- d) discuss the child's behavioural problems with him/her
- e) monitor whether the use of restrictive measures ⁸⁾ has prevented the child from accessing environments which pose a threat to his/her development and education,
- f) at their request, provide parents with, or arrange for them to have, counselling while exercising the rights of the child, pursuant to a special regulation ⁹⁾,
- g) to inform the municipal authority of a municipality with extended powers of any facts that might indicate that this is a child as referred to in Article 6 paragraph 1.

(2) Independent municipalities and independent regions shall create the infrastructure to support cultural, sporting and other interesting and educational activities for children.

(3) Municipal authorities of municipalities with extended powers shall

- a) monitor any influences that might be detrimental to children and determine their causes,
- b) take measures to restrict the effect of these detrimental influences on children.

(4) State bodies, empowered persons, schools, educational and health care facilities, or any other facilities established to care for children are obliged to inform the municipal authority of a municipality with extended powers of any facts that might indicate that this is a child as referred to in Article 6, paragraph 1, without unnecessary delay once they have learned of such facts. On admitting the child to the facility, the founder of the facility referred to in Article 39, clause c) is under obligation to announce these facts to the municipal authority of a municipality with extended powers in the district where the child has permanent residence, and, if the place of residence is not known, to the municipal authority of the municipality with extended powers in which the institution that has admitted the child is located, without unnecessary delay. When fulfilling the obligations set forth in the first and second sentences hereto pursuant to a special regulation ^{9a)}, appeal cannot be made to the duty to maintain confidentiality.

(5) When treating a child's injuries, the health care facility is obliged to make a record of such injuries should there be any suspicion of maltreatment, child abuse or neglect. The

⁹ For example Act no. 117/1995 Coll., on State Social Support as amended, Act no. 482/1991 Coll., on Social Needs, as amended, Act no. 155/1995 Coll., on Pension Insurance, as amended and Act no. 199/1988 Coll., on Social Security, as amended.

^{9a} For example Article 55 paragraph 2 of Act no. 20/1966 Coll., as amended, Act no. 548/1991 Coll., and Act no. 123 2000 Coll.

person accompanying the child shall make a record of the source of the injuries (hereafter the "record"), or the child him/herself if he/she has been admitted to have the injuries treated unaccompanied and provided this is possible in view of his/her age and maturity. The person accompanying the child shall enter the cause of the injury in the record, as shall the child if the child fills in the record. If the health care facility discovers that the nature of the injury does not correspond to the description of the injury made by the person accompanying the child or the child him/herself, this fact shall be entered into the record. Should the person accompanying the child, or the child him/herself, refuse to complete the record, the health care facility shall enter this fact in the record.

(6) The health care facility shall send the record to the municipal authority of the municipality with extended powers.

(7) Fulfilling the obligations set forth in paragraphs 5 and 6 does not affect the duty of the health care facility to inform pursuant to special legal provisions. The last sentence of paragraph 4 also applies to the obligation set forth in paragraphs 5 and 6 above.

Article 10a

(1) The health care facility shall inform the municipal authority of a municipality with extended powers that a mother has abandoned her child after its birth and left it in the health care facility.

(2) Anyone who, with the consent of the parents or other persons responsible for the child's upbringing and without a decision being made by the competent body, takes a child into their care with the intent of adopting the child permanently, is obliged to inform the municipal authority of the municipality with extended powers of this fact without delay.

(3) The last sentence of Article 10, paragraph 4 also applies to the obligations set forth in paragraphs 1 and 2.

Article 11 Counselling

(1) The municipal authority of the municipality with extended powers

- a) shall assist parents to resolve educational or other problems relating to childcare,
- b) shall provide or arrange for counselling to be provided to parents on child upbringing and education and on care for disabled children,
- c) within the framework of these advisory activities, shall organise lectures and courses focusing on resolving educational, social and other problems relating to the care and upbringing of children,
- d) shall provide persons approved to become adoptive or foster parents with counselling relating to adoption and foster care, particularly as concerns the upbringing of the child.

(2) The regional authority shall

a) prepare natural persons suitable to become adoptive or foster parents to accept a child into their family and provide these persons with advice relating to the adoption of a child or placing a child in foster care, including special preparation for temporary foster care,
b) provide advice for adoptive or foster parents relating to the child's adoption or placing the child in foster care, particularly in questions regarding its upbringing.

(3) Regional authorities may also provide preparatory courses and advice pursuant to paragraph 2 above for guardians if the child is in the guardian's personal care, or when the child has been placed in care pursuant to Article 45 of the Family Act.

(4) The regional authority is obliged to organize a consultation on foster care at least once each year. In addition to experts on resolving educational and social problems, foster parents who are permanently resident in the region shall also attend the consultation; children in the care of these foster parents and other natural persons living in the foster parent's household may also attend the consultation ^{9b}).

(5) Other persons responsible for raising children shall also be provided with preventive and advisory assistance pursuant to Article 10 paragraph 1 clauses b), c) and f) and advisory assistance pursuant to paragraph 1, clauses a) and b).

Article 12

(1) The municipal authority of a municipality with extended powers may impose on the parents an obligation to seek assistance from a professional advice facility if the parents
a) have not provided the child with professional advice despite the fact that such assistance is indispensable to the child and the municipal authority of the municipality with extended powers had previously recommended this assistance,
b) are unable to deal with problems associated with the child's upbringing without specialist help, particularly in disputes over sharing in the child's upbringing or over contact with the child.

(2) After placing the child in a facility providing institutional care (Article 28) or into a facility catering for children who require immediate assistance (Article 42), the municipal authority of a municipality with extended powers shall provide assistance to the parents, which primarily consists of helping them to restore a family situation which would enable the child to return to his/her family, to resolve living and social problems, including the family's financial standing, and to assist in their dealings with social welfare organizations, unemployment offices and other state and other bodies and to that end shall also arrange professional counselling for the family.

(3) The municipal authority of a municipality with extended powers may impose the obligation set forth in paragraph 1 and may also provide the assistance set forth in paragraph 2 to other persons responsible for raising a child.

^{9b} Article 115 of the Civil Code

Article 13
Disciplinary measures

(1) The municipal authority decides on the measures to take pursuant to a special regulation ¹⁰⁾, if the court has not done so; in so doing it shall give consideration to whether the deficiencies discussed pursuant to Article 10, paragraph 1, clauses b) to d) have now been remedied. The municipal authority shall send a copy of its decision to the municipal authority of a municipality with extended powers.

(2) The municipal authority shall monitor compliance with the measures it ordered. The municipal authority or the municipal authority of a municipality with extended powers shall monitor compliance with measures ordered by the court ¹⁰⁾ if so required by the court.

CHAPTER II
CHILD PROTECTION MEASURES

Article 14

(1) The municipal authority of a municipality with extended powers shall petition the court under the conditions set forth in a special regulation ¹¹⁾

- a) to decide that the conditions for adoption have been satisfied in that the parents have not shown any interest in their child,
- b) to restrict or remove parental responsibility or to suspend its performance,
- c) to order institutional care,
- d) to extend or terminate institutional care,
- e) to place the child in the care of a facility catering for children requiring immediate assistance, to extend the duration of such care and to revoke the decision to place the child in the care of this facility.

(2) If the measures ordered by the court pursuant to a special regulation ¹⁰⁾ have led to an improvement in the child's behaviour or in the behaviour of the parents or other persons who disturbed the child's proper upbringing, the municipal authority of a municipality with extended powers may petition the court to revoke these measures.

(3) The municipal authority shall suggest measures concerning the child's upbringing to the court pursuant to a special regulation ¹²⁾. The municipal authority shall inform the municipal authority of the municipality with extended powers of the suggestions submitted to the court without delay.

¹⁰ Article 43 of the Family Act

¹¹ Articles 44, 46 and Article 68, paragraphs 1 and 3 of the Family Act

¹² Article 178 of the Civil Procedure Code

(4) The municipal authority of a municipality with extended powers shall cooperate with the court in making decisions concerning minor children pursuant to a special regulation^{12a}).

Article 15

(1) Should a child be without care appropriate to his/her age, particularly as a consequence of the death of his/her parents or their stay in a health care facility, the municipal authority is obliged to provide urgent care for the child; it will generally give precedence to the provision of this care by the child's relations. The municipal authority shall inform the municipal authority of a municipality with extended powers that these measures have been taken.

(2) The municipal authority of a municipality with extended powers shall judge whether the rights of the child have been sufficiently upheld in the case set forth in paragraph 1 above and whether his/her justifiable needs have been satisfied, or whether additional child protection measures need to be taken.

Article 16

Should no care be provided for the child or if his/her life or normal development are under serious threat or disrupted, the municipal authority of a municipality with extended powers is obliged without delay to petition the court to order temporary measures pursuant to a special regulation¹³).

Article 16a

(1) The municipal authority of a municipality with extended powers is obliged to assess whether measures should be adopted for the child's protection if the parents or other persons responsible for the child's upbringing have agreed, without a decision from a competent authority, to hand the child over to be cared by a person who intends to adopt the child into his/her permanent or long-term care. The municipal authority of a municipality with extended powers is obliged to take such measures, particularly in the case where the person who has taken the child into his/her care does not submit an application to adopt or foster the child or to place the child in the care of a natural person who wishes to foster him/her, to place the child into the care of a natural person other than the parents or some other legal arrangements for the child without delay, pursuant to a special regulation^{13a}).

(2) The municipal authority of a municipality with extended powers shall provide assistance in submitting a petition to the competent authority to rule on the legal relationship of the person into whose care the child has been placed pursuant to the first sentence of paragraph 1 to the child and in enforcing his/her claims, particularly in social matters.

^{12a} Article 272 to 273a of the Civil Procedure Code, as amended

¹³ Article 76a of the Civil Procedure Code

^{13a} Articles 45 to 45d, Articles 63 to 82 of the Family Act, as amended

Article 17

The municipal authority of a municipality with extended powers

- a) acts as guardian and curator¹⁴); it can even act as the child's guardian in cases concerning foreigners,
- b) takes urgent measures on behalf of the child and represents him/her when no guardian has been appointed for the child or until the appointed guardian takes up his/her function¹⁵).

Article 18

According to a special regulation¹⁶) the regional authority shall petition the court to place the child in foster care or for his/her adoption (Article 24), or the Ministry insofar as it has arranged for the child to be placed in foster care or to be adopted (Article 24a); in all other cases this petition shall be made by the municipal authority of a municipality with extended powers.

CHAPTER III

ACTIVITIES OF SOCIO-LEGAL PROTECTION BODIES IN PLACING THE CHILD IN THE CARE OF NATURAL PERSONS OTHER THAN THE PARENTS

Article 19

(1) The municipal authority of a municipality with extended powers decides to place the child

- a) into the care of his/her future adoptive parents¹⁷), if the child has been placed an institution or in a facility catering for children requiring immediate assistance on a basis of a court decision or his/her parents' wishes, unless it is a case that falls under the provisions of paragraph 2,
- b) into the care of a natural person who wishes to become a foster parent¹⁸), if the child has been placed an institution or in a facility catering for children requiring immediate assistance on a basis of a court decision or with the approval of his/her parents; and sends the information concerning the care found for the child to the competent court within 15 days from the day of the decision. Unless the case falls under the provisions of Article 20, paragraph 3, the municipal authority of a municipality with extended powers has the right to decide whether the child should be placed in adoptive care or into the care of future foster parents only with applicants listed in the register held by the regional authority or the Ministry pursuant to Article 24, paragraph 3 or Article 24a, paragraph 4.

¹⁴ For example Articles 37, 37b and 79 of the Family Act, Article 45 of Act no. 141/1961 Coll., on Criminal Procedure (the Criminal Code) as amended, Article 16 of Act no. 71/1967 Coll., on Administrative Procedure (Rules of Administrative Procedure)

¹⁵ Article 79, paragraph 4 of the Family Act

¹⁶ Articles 45b and 70 of the Family Act

¹⁷ Article 69, paragraph 2 of the Family Act

¹⁸ Article 45b, paragraph 2 of the Family Act

(2) The office shall decide whether to place the child in the care of the future adoptive parents¹⁹⁾ if the adoption is an intercountry adoption to or from the Czech Republic.

(3) The municipal authority of the municipality with extended powers shall obtain the parent's written consent to the adoption²⁰⁾.

(4) if the child is placed in foster care or accepted by the future foster parent on the basis of a decision pursuant to paragraph 1, clause b), the State Social Security Office, which provides benefits to cover the child's needs pursuant to a special regulation^{20a)}, shall petition the court to set alimentation for the child and if the natural person who is liable does not pay this alimentation, files for execution.

(5) The municipal authority of the municipality with extended powers monitors the development of children placed in the care of natural persons other than their parents; employees of the municipality with extended powers working at the municipal authority shall visit the family with whom the child is living, or another location where the child is staying at least once every 3 months for the period of the first 6 months of substitute parental care and afterwards in accordance with the interests of the child as needed, but at least once every 6 months on the basis of a special authorization issued by the municipality with extended powers, containing the name and surname of the employee, additional personal details and a description of the activities this employee is authorized to perform.

CHAPTER IV ARRANGING ADOPTION AND FOSTER CARE

Article 19a

(1) Arranging adoption and foster care covers

a) seeking out children described in Article 2, paragraph 2 who are suitable for adoption or to be placed in foster care,

b) seeking out natural persons suitable to be adoptive or foster parents,

c) the specialized preparation of natural persons suitable to be adoptive or foster parents to bring a child into their family,

d) the selection of a natural person suitable to be adoptive or foster parents for a specific child whose adoption or foster care being arranged and in arranging a meeting between the child and this person.

(2) No other body, legal entity or natural person other than the socio-legal protection bodies listed in Article 4 paragraph 1 may arrange adoptions and foster care pursuant to paragraph 1, clause d).

Article 20

Arranging for adoption and foster care by Socio-Legal Protection Authorities

(1) Adoption or foster care in the Czech Republic and adopting children from abroad to the Czech Republic shall only be arranged at the request of a natural person who wishes to adopt or provide foster care for a child (hereinafter the "applicant"). An application by

¹⁹⁾ Article 69 of the Family Act

²⁰⁾ Article 68a of the Family Act

^{20a)} Articles 37 and 38 of Act no. 117/1995 Coll., on State Social Support, as amended

a Czech citizen who is permanently resident on the territory of the Czech Republic and by an alien who is authorized to reside permanently on the territory of the Czech Republic or who has a visa authorizing him/her to reside on the territory of the Czech Republic for a period of at least 365 days, according to special legal provisions regulating the residence of aliens on the territory of the Czech Republic ^{1a}), shall be submitted to the municipal authority of a municipality with extended powers.

(2) Arrangements for

- a) the adoption and foster care of children in the Czech Republic are made by regional authorities and the Ministry,
- b) the adoption of children from the Czech Republic to other countries or children from other countries to the Czech Republic are made by the Office.

(3) Arrangements for

a) adoptions are not made if,

1. the parents had previously agreed to place the child for adoption with specific adoptive parents, or

2. an application for adoption is received from the spouse of the child's parent or a widowed spouse of the child's parent or adoptive parent;

b) foster care orders are not made if a petition has been submitted to place the child in the foster care of a relative of the child or a natural person close to the child or his/her family.

Article 21

Procedures for municipal authorities of municipalities with extended powers when arranging adoptions and foster care

(1) The municipal authority of a municipality with extended powers seeks out children described in Article 19a paragraph 1 and natural persons suitable to be adoptive or foster parents; municipalities and empowered persons can also seek out suitable children and parents and recommend them to the municipal authority of a municipality with extended powers.

(2) The applicant shall complete the application form to be included in the register of applicants for adoption or foster care submitted to the municipal authority of a municipality with extended powers and attach the documents listed in paragraph 5 clause a), which are required for the documentation records.

(3) Upon receipt of the application, the municipal authority of a municipality with extended powers, shall assess it on the basis of the information it contains and the attached documentation and shall reject the application if

a) the conditions set forth in Article 20, paragraphs 1 and 3 are not satisfied, or

b) it discovers that the person applying for the adoption or foster care of a child normally resident in the Czech Republic to be arranged, fulfils the conditions for residence in the Czech Republic pursuant to Article 20, paragraph 1, although his/her normal residence is outside the territory of the Czech Republic; it shall also inform his/her that the application must be submitted to the competent body of the state in which he/she normally resides.

(4) The municipal authority of the municipality with extended powers shall keep records of the child as set forth in Article 19a, paragraph 1; these records shall contain

a) personal data,

- b) documentary proof of nationality ²¹⁾, a permit granting permanent residence on the territory of the Czech Republic or a visa authorizing the holder to stay on the territory of the Czech Republic for a period of at least 90 days pursuant to a special regulation^{1a)} regulating the alien's stay in the Czech Republic or a permit authorizing permanent residence on the territory of the Czech Republic pursuant to a special regulation²⁾ or a document on an application for asylum,
- c) information on the social relations of children, their parents, siblings and grandparents if applicable,
- d) documentary evidence that the child satisfies the conditions for adoption pursuant to a special legal regulation²³⁾,
- e) a decision by the competent bodies on the child's upbringing if this has been issued,
- f) a medical report on the child's health and development.

(5) The municipal authority of the municipality with extended powers shall keep documentary records on the applicant; these records shall contain

- a) the application, containing the applicant's personal details, including the name or names, surname, date of birth and permanent address;
- b) a document proving nationality or a permit for permanent residence on the territory of the Czech Republic or a visa authorizing the holder to stay on the territory of the Czech Republic for a period of at least 365 days pursuant to special legal provisions ^{1a)} regulating the residence of aliens on the territory of the Czech Republic;
- c) a copy of the entry in the criminal records²³ for the municipal authority of the municipality with extended powers;
- d) a medical report supplied by the applicant;
- e) information on his/her financial and social situation;
- f) a written declaration by the applicant that
 1. he/she agrees to be included in the register held by the Office for the Adoption of Children from Abroad after the deadline set forth in Article 23, paragraph 3,
 2. exclusively requests to adopt a child from abroad;
- g) written consent authorizing the socio-legal protection body arranging the adoption or foster care to
 1. obtain the additional information it requires, particularly on whether the way of life the applicant will provide for the child is a suitable environment for its upbringing,
 2. confirm at any time that there have been no changes in the principal facts set forth in the records;
- h) written consent to attend courses to prepare natural persons to accept a child into their family;
- i) the opinion of the municipal authority of the municipality with extended powers on the application for adoption or foster care;

²¹ Article 20 of Act no. 40/1993 Coll., on the Acquisition and Loss of Citizenship of the Czech Republic, as amended by Act no. 194/1999 Coll.

²² Articles 68 and 68a of the Family Act

²³ Article 10 of Act no. 269/1994 on the Penal Register

j) the opinion of the founders of the foster care facility (Article 44), requested by the municipal authority of the municipality with extended powers, if the application to be included in the register of applicants for foster care is from a natural person who is currently providing this foster care in a foster care facility

(6) The municipal authority of the municipality with extended powers shall send copies of the documentary records of the child described in Article 19a paragraph 1 and the records on the applicant to the regional authority without delay.

(7) The municipal authority of the municipality with extended powers shall decide whether to terminate proceedings to include the applications for adoption or foster care in the records, if the person who requested the arrangements,

a) withdraws their application before the records have been forwarded to the regional authority, or

b) does not provide the information and documents needed for the records when so requested by the municipal authority of the municipality with extended powers.

Article 22

Keeping records on arrangements for adoption and foster care by the regional authority

(1) In order to arrange adoption or foster care, the regional authority shall keep records on the child as set forth in Article 19a, paragraph 1 (hereinafter the "child's records") and records on the applicants suitable to become adoptive or foster parents (hereinafter the "applicant's records").

The child's records shall contain

a) a copy of the records pursuant to Article 21, paragraph 4;

b) an expert report pursuant to Article 27 if needed having regard to

1. the age of the child

2. the opinion of a medical specialist, or

3. any other significant fact;

c) the opinion of the child, acquired by the regional authority (Article 8, paragraph 2);

d) other documents required in order to arrange adoption or foster care.

(3) The applicant's records shall contain

a) a copy of the records pursuant to Article 21, paragraph 5,

b) an expert report pursuant to Article 27,

c) other documents required in order to arrange the adoption or foster care.

(4) If the applicant wishes to adopt a child exclusively from abroad (Article 21, paragraph 5, clause 2), the regional authority shall draw up an expert review pursuant to Article 27 and send a copy of the information contained in the applicant's records without delay to the Office to be included in the records for intercountry adoption.

(5) The regional authority shall interrupt the proceedings to include the applicant in the records of applicants for adoption or foster care

a) on the basis of a request from the applicant, for the length of time required in view of the reasons provided by the applicant in the request to interrupt the proceedings,

b) if criminal proceedings have been commenced against the applicant or against his/her spouse, partner, children or other persons living in the applicant's household ^{9b)} for a criminal offence against life, health, human dignity, moral development or a child's property, or for any other criminal offence that might affect the capacity of the applicant to bring the child up properly, until a final ruling has been made on these criminal proceedings,

c) if it discovers reasons preventing the expert report being drawn up on the applicant pursuant to Article 27, for the length of time required.

(6) The regional authority shall decide whether to include the applicant in the register of applicants immediately after the expert report is made on the applicant pursuant to Article 27. In its decision to include the applicant in the register of applicants, the regional authority shall impose on the applicant the obligation to report any changes that might affect the adoption or foster care to the regional authority within 15 days.

(7) The regional authority shall report on whether the applicant has been included in the register of applicants to,

a) the municipal authority of the municipality with extended powers,

b) the founders of the foster care facility if the applicant comes under the provisions of Article 21, paragraph 5, clause j) excepting where the founder is a municipality in which the municipal authority of the municipality with extended powers is based at the place where the applicant offered to provide foster care,

within 15 days of the decision to include him/her in the register of applicants having taken effect.

(8) If the regional authority does not arrange an adoption or foster care

a) within 3 calendar months of the child being included into the register of children, or

b) within 3 years from the day the decision to include the applicant in the register of applicants has taken effect,

within 15 days of the periods set out above, it shall send a copy of the data from these records to the Ministry to be included in the Ministry adoption and foster care records.

(9) The regional authority shall inform

a) the municipal authority of the municipality with extended powers that it has send a copy of the information

1. from the child's and applicant's records to the Ministry in accordance with paragraph 8,

2. contained in the Office's register of applicants in accordance with paragraph 4,

b) the applicant that it has sent a copy of the information from the register of applicants to the Ministry

within 15 days of the day these copies were sent.

(10) At any point during the period the child is entered on the register of children or the applicant entered on the register of applicants, the regional authority can check whether any changes have occurred that might affect the arrangements for adoption or foster care,

and, in particular, it is empowered to carry out a new expert report on the child or the applicant pursuant to Article 27.

Article 23

Ministry records on adoption and foster care arrangements

(1) For the purpose of arranging adoptions or foster care, the Ministry maintains a register of children and a register of applicants. The Ministry includes children in the register of children and applicants in the register of applicants on the basis of information sent to the Ministry by the regional authority in accordance with Article 22, paragraph 8, within 3 days of the day on which it received the data from the regional authority.

(2) The register of children and the register of applicants held by the Ministry contain the information listed in Article 22, paragraphs 2 and 3.

(3) If the Ministry is not able to arrange adoption or foster care

a) within 3 calendar months of the child's inclusion in the Ministry's register of children, or

b) within 6 calendar months of the applicant's inclusion in the Ministry's register of applicants,

it will send a copy of the information from these records to the Office to be included in the register for intercountry adoption. Only if the applicant gives his/her consent in accordance with Article 21, paragraph 5, clause f) point 1, will the Ministry send the information on the applicant to the Office. The Ministry shall inform the regional authority that copies of the records have been sent within 3 days of this having been done.

(4) The Ministry shall continue to maintain records of children and applicants even after it has sent copies of these records to the Office in accordance with paragraph 3.

Article 24

Adoption and foster care arrangements by the regional authority

(1) The regional authority looks for applicants from the register of applicants held by the regional authority and from the register of applicants held by the Ministry for children entered in the register of that regional authority in order to arrange an adoption or foster care. While arranging an adoption or foster care, the regional authority will take account of the recommendations of the advisory board as set out in Article 38a.

(2) Should the regional authority discover that its register of applicants or the register of applicants maintained by the Ministry, contains a suitable applicant to adopt or foster a child who is entered in the register of children held by this regional authority, it will immediately send written notice to

a) the applicant,

b) the founders of the foster care facility if the applicant is covered by the provisions of Article 21, paragraph 5, clause j),

- c) the Ministry if the applicant is included in the records held by the Ministry,
- d) the Office, if the applicant is included in the records held by the Office,
- e) the municipal authority of the municipality with extended powers.

(3) On the basis of a written notification by the regional authority in accordance with paragraph 2, clause a), the applicant has the right to meet the child and the person responsible for the child is obliged to facilitate this meeting. The applicant is able to meet the child and to submit a request for the child to be placed in his/her care as a future adoptive parent or future foster parent within 30 days of the day he/she received written notice from the regional authority in accordance with paragraph 2.

(4) The regional authority may also propose options for adoption or foster care to the Ministry when the children involved are included in the register of children held by the Ministry. The Ministry shall respond to these suggestions. The first and second sentence above also apply if the child is on the register of children held by the Office.

Article 24a

Adoption and foster care arrangements by the Ministry

(1) The Ministry looks for applicants from those applicants entered in the Ministry register in order to arrange an adoption or foster care for children entered in the Ministry register. While arranging an adoption or foster care, the Ministry will take account of the recommendations of the advisory board as set forth in Article 38b.

(2) Should the Ministry discover that its register of applicants contains a suitable applicant to adopt or foster a child who is entered in the register of children held by the Ministry, it will immediately send written notice to

- a) the applicant,
- b) the regional authority,
- c) the founders of the foster care facility if the applicant is covered by the provisions of Article 21, paragraph 5, clause j),
- d) the Office, if the applicant is included in the records held by the Office,
- e) the municipal authority of the municipality with extended powers.

(3) The Ministry shall immediately make an entry in its register of applicants, noting the date on which the applicant was sent notice that he/she had been matched as a suitable adoptive or foster parent, in accordance with paragraph 2, clause a).

(4)) On the basis of a written notification by the Ministry in accordance with paragraph 2, clause a), the applicant has the right to meet the child and the person responsible for the child is obliged to facilitate this meeting. The provisions of Article 24, paragraph 3, second sentence also apply here.

(5) If the Ministry arranged for a child who was on the Ministry registry, while at the same time being on the register of children available for adoption abroad, to be adopted

or placed in foster care, the Ministry is obliged to notify the Office of this fact without delay.

(6) Article 22, paragraph 10 also applies to the expert review.

Article 24b

Interrupting arrangements for adoption or foster care by the regional authority or the Ministry

(1) Arrangements for adoption or foster care will be interrupted if

- a) the applicant submits a written request to interrupt the proceedings, and for the length of time entered in the request,
- b) the applicant received written notice from the regional authority in accordance with Article 24, paragraph 2, or from the Ministry in accordance with Article 24a, paragraph 2 that there is a child in the register for whom he/she is a suitable adoptive or foster parent, for the period lasting from the day the written notice referred to above was sent to the day arrangements are finalized by the regional authority in accordance with Article 24, paragraph 3, or by the Ministry in accordance with Article 24a, paragraph 4, or to the day of the decision to place the child into care in accordance with clause c), or
- c) on the basis of a decision by the municipal authority or a municipality with extended powers, the child has been placed in the care of his/her future adoptive parent or into the care of a natural person who wishes to foster him/her, for the length of time this care continues, or
- d) during the period the regional authority is arranging the adoption or foster care for the applicant in accordance with Article 24, or during the period the Ministry is arranging the adoption or foster care for the applicant in accordance with Article 24a, they learn of serious facts, pursuant to Article 22, paragraph 10, preventing them from arranging the adoption or foster care during a transitional period.

(2) The period during which the adoption or foster care arrangements are interrupted are not included in the periods set forth in Article 22, paragraph 8 and Article 23, paragraph 3. The regional authority, if it interrupted its adoption or foster care arrangements, or the Ministry, if it interrupted its adoption or foster care arrangements, shall issue a decision on the interruption of the adoption or foster care arrangements in accordance with paragraph 1, clause d).

(3) The applicant is obliged to enter a reason for requesting that the adoption or foster care arrangements be interrupted in the request referred to in paragraph 1, clause a). If the applicant is entered in the register of applicants held by the regional authority, he/she shall send the request to the regional authority. If the applicant is entered in the register held by the Ministry, while at the same time being entered in the register for international adoptions held by the Office, he/she shall send the request to each of the bodies holding these registers.

(4) Notice of the date on which the decision to place the child in the care of his/her future adoptive parents or into the care of a natural person who wishes to foster him/her comes

into force, must be sent for the purpose of terminating the adoption or foster care arrangements

a) by the municipal authority of a municipality with extended powers to the regional authority

b) by the regional authority, immediately it receives notification of the date from the municipal authority of the municipality with extended powers, to the Ministry or to the Office if either the child or the applicant is entered in the registers held by the Ministry of the Office.

Article 24c

Removal from the register of children or the register of applicants held by the regional authority

(1) The regional authority

a) shall remove the child from its register of children

1. on the basis of a decision approving the adoption or the placement of the child in foster care,

2. if it discovers good cause preventing the child from being adopted or placed in foster care, or

3. at the end of the period set forth in Article 22, paragraph 8, clause a) and after sending a copy of the extract from the register of children to the Ministry,

b) shall remove the applicant from its register of applicants

1. on the basis of a decision approving the adoption or the placement of the child in foster care, provided the applicant does not apply to adopt or foster another child,

2. if it discovers good cause preventing the applicant from adopting or fostering a child,

3. if the applicant grossly violates his/her obligation to inform of any changes that would prevent him/her from adopting or fostering a child,

4. if the applicant so requests, or

5. at the end of the period set forth in Article 22, paragraph 8, clause b) and after sending a copy of the extract from the register of applicants to the Ministry,

c) the applicant can be removed from the register of applicants if he/she has not attended preparation courses to for receiving a child into the family, which he/she was invited to attend.

(2) The regional authority shall only issue a decision to remove the applicant from the register of applicants in cases set forth in paragraph 1, clause b) points 2 and 3 and paragraph 1, clause c). In other cases, the regional authority shall inform applicants removed from the register of applicants in writing.

(3) Within 15 days of the date on which the decision to remove the applicant from the register of applicants came into force, the regional authority shall send notice of this removal to the municipal authority of a municipality with extended powers and if the applicant falls under the provisions of Article 21, paragraph 5, clause j), shall also inform the founders of the foster care facility, with the exception of the situation where the founder is the municipality in which the municipal authority of the municipality with extended powers is located, where the applicant applied for an adoption.

- (4) For the purpose of removing the applicant from the register, the date on which the decision on the adoption or foster care came into force must be notified by
- a) the municipal authority of a municipality with extended powers to the regional authority,
 - b) the regional authority shall, immediately on receiving the information from the municipal authority of a municipality with extended powers, inform the Ministry if the child or the applicant are entered in the Ministry registers.

Article 24d

Removal from the register of children or the register of applicants held by the Ministry

(1) The Ministry

- a) shall remove a child from its register for the reasons set forth in Article 24c, paragraph 1, clause a, points 1 and 2,
- b) shall remove an applicant from its register for the reasons set forth in Article 24c, paragraph 1, clause b), points 1 to 4,
- c) may remove an applicant from its register of applicants for the reasons set forth in Article 24c, paragraph 1, clause c).

(2) Article 24c, paragraph 2 also applies to decisions issued by the Ministry concerning the removal of an applicant from the register of applicants.

(3) Within 15 days of the date on which the decision to remove the applicant from the register of applicants came into force, the Ministry shall send written notice of this removal to

- a) the municipal authority of the municipality with extended powers,
- b) to the regional authority,
- c) to the Office in cases where the applicant is also entered in the register in accordance with Article 25, paragraph 1,
- d) to the founders of a foster care facility in the case of an applicant who falls under the provisions of Article 21, paragraph 5, clause j), except where the founder is the municipality where the municipal authority of the municipality with extended powers is located, where the applicant requested the adoption.

(4) The Ministry shall inform the Office that the child has been removed from the register of children and the reason for this removal in the case of a child who is entered in the register under the provisions of Article 25, paragraph 2. The Ministry shall also inform the regional authority that the child has been removed from the register.

Article 25

Adoptions arranged by the Office

(1) The Office keeps the following registers for adoption purposes

- a) children complying with the provisions of Article 2, paragraph 2, who are suitable for adoption abroad,

b) children who are suitable for adoption in the Czech Republic, who do not have right of permanent residence on the territory of the Czech Republic or who have a visa authorizing them to stay on the territory of the Czech Republic for a period of at least 90 days pursuant to special legal provisions ^{1a)} regulating the residence of aliens on the territory of the Czech Republic and are not authorized pursuant to special legal provisions ²⁾ to reside permanently on the territory of the Czech Republic,

c) applicants suitable to adopt children pursuant to clause b),

d) natural persons suitable to adopt children pursuant to clause a), provided these persons are not authorised to reside permanently on the territory of the Czech Republic and do not have a visa authorizing them to stay on the territory of the Czech Republic for a period of at least 365 days pursuant to special legal provisions ^{1a)} regulating the residence of aliens on the territory of the Czech Republic.

(2) Children mentioned

a) in paragraph 1, clause a) are recorded on the basis of a report by the Ministry (Article 23, paragraph 3),

b) in paragraph 1, clause b) are recorded on the basis of a report from State bodies of the Czech Republic or State bodies or other organizations of foreign states empowered by their states to arrange intercountry adoptions. The Office shall inform these organs or organizations that a child mentioned in paragraph 1, clause b) has been entered into the register.

(3) Applicants mentioned in paragraph 1, clause c) and natural persons mentioned in paragraph 1, clause d) are included in the register on the basis of a decision by the Office. A person suitable to adopt a child who falls under the provisions of paragraph 1, clause b) cannot be included in the register if, although they satisfy the conditions for residence on the territory of the Czech Republic pursuant to Article 20, paragraph 1, their normal residence can be proved to lie outside the territory of the Czech Republic.

(4) The Office shall remove from the register

a) a child, applicant or person mentioned in paragraph 1, clause d) whose adoption has been completed, on the day on which the adoption decision was made;

b) an applicant or person mentioned in paragraph 1, clause d),

1. if good reason is found that makes him/her unsuitable to adopt,
2. if the applicant or aforementioned person grossly violates their obligation to provide all information that affects this registration, or
3. if the applicant or the aforementioned person request it;

c) a child if the organ or organization mentioned in paragraph 2, clause b), request it.

(5) The Office shall only issue a decision to remove a name from the register in cases concerning applicants and persons mentioned in paragraph 1, clause d), unless they are removed from the register because the adoption has been finalized. The Office shall send the Ministry a decision concerning the removal of applicants and persons mentioned in

paragraph 1, clause d); the Office shall inform the organs or organizations mentioned in paragraph 2, clause b) and the Ministry of the removal of a child mentioned in paragraph 1, clause b).

(6) Article 22, paragraphs 2, 3, 6 and 10 applies when keeping records on whether the child concerned is covered by paragraph 1, clause a), or the person mentioned in paragraph 1, clause c).

(7) In the case of children who are also included in the register of children available for intercountry adoption or the register of children available for adoption in the Czech Republic (paragraph 1, clauses a) and b)), or in the case of an applicant mentioned in paragraph 1, clause c), the Office shall interrupt the adoption procedure for the period set forth in Article 24b, paragraph 1.

(8) For the purposes of maintaining the Office's records, the regional authority shall a) provide any data required by the Office and complete the documentation on children available for intercountry adoption or on applicants suitable to adopt children from abroad,

b) investigate the conditions in which the child is living, at the request of the Office, if the child was adopted in the Czech Republic on the basis of an intercountry adoption procedures, or who is due to be adopted from abroad and is now in the care of his/her future adoptive parents in the Czech Republic,

c) to inform the Office without delay of the date on which the decision on adoption came into force.

(9) In cases where children are adopted abroad, the Office shall notify

a) the municipal authority of a municipality with extended powers,

b) the competent registry office pursuant to special legal provisions ^{23a}),

c) the regional authority and

d) the Ministry.

Article 26

Article 24 paragraphs 1 and 3 apply to adoption procedures handled by the Office if these adoptions take place within the Czech Republic.

Article 27

Expert review for the purpose of arranging adoptions and foster care

(1) For the purpose of arranging adoptions and foster care the expert review includes

a) assessing the child and the applicant pursuant to paragraph 2,

b) evaluating the preparations to receive the child into the family, including special preparations for receiving a foster child for a temporary period (Article 11, paragraph 2),

^{23a} Article 2, paragraph 1, clause a) of Act no. 301/2000 Coll., on Registers, Names and Surnames and on amendments to a number of Acts, as amended

- c) the views of the applicant's children on the arrival of the adopted child or the child placed in foster care, if they are capable of expressing such views given their age and intellectual maturity,
- d) assessing the ability of children living in the applicant's household to accept a child into the family,
- e) establishing the integrity of the applicant, his/her spouse, partner, child and other persons living with the applicant in the same household; for these purposes a person who has been convicted of a criminal offence against life, health, human dignity, moral development or a child's property, or for any other criminal offence that might affect the capacity of the applicant to bring the child up properly, shall not be deemed to have integrity,
- f) concerning applicants for inclusion in the register of persons suitable to act as temporary foster parents, an assessment of their ability to care for children with special needs and the ability to cooperate with the parents of these children is made.

(2) For the purposes of arranging adoptions and foster care

a) children

1. the child's level of physical and mental development is assessed, including his/her specific needs and demands,

2. the suitability and type of substitute family care is assessed;

b) in applicants, an assessment is made of their personal characteristics, psychological state, state of health, which includes an assessment of whether the state of mental, physical and sensory health of the applicant would prevent long-term care of the child, their ideas on how to bring up the child, the reasons for their application for adoption or foster care, the stability of their marital relations and the family environment, or other facts that might affect the child's adoption or placement in foster care.

The Ministry shall make the assessment within 30 days from the day on which all the necessary facts had been collected.

(3) The expert review shall be carried out by

a) the regional authority if the child or applicant is being included in the register of children or applicants held by the regional authority, and before including them in this register, or if they are in the register of children or in the register of applicants kept by the regional authority,

b) the Ministry if the child or applicant are in the register of children or the register of applicants held by the Ministry.

(4) The Ministry and regional authority are authorized to invite the applicant and the natural persons mentioned in Article 25, paragraph 1, clause d) for personal interview in order to assess their assumptions and the facts that will decide on whether they will be entrusted with a child. Meanwhile, the Ministry and regional authority shall cooperate with municipal authorities of municipalities with extended powers, municipalities, medical and educational facilities and other specialized facilities, empowered persons and specialists in issues concerning the upbringing and care of children.

(5) Employees of the Ministry and employees of the regional authority may, for the purpose of preparing the documentation for the expert review pursuant to paragraph 2, visit the child or invite the child for interview, if this is suitable having regard to his/her age and abilities. Legal entities or natural persons with responsibility for the child are obliged to facilitate this visit from the employees of the Ministry and employees of the regional authority, to allow the child to attend the aforementioned interview and the child to be assessed.

(6) Paragraphs 2 to 5 apply to the drawing up of the opinion of the Ministry and the regional authority pursuant to Article 18.

CHAPTER V TEMPORARY FOSTER CARE

Article 27a

(1) For the purpose of providing temporary foster care for children pursuant to special legal provisions^{23b}), the regional authority keeps a register of persons who can provide temporary foster care. Individuals are included in the register on the basis of an application submitted to the municipal authority of a municipality with extended powers. Once the application has been completed and the data and documentation listed in paragraph attached, the municipal authority of a municipality with extended powers is obliged to send the application without delay to the regional authority.

(2) Individuals who are judged on the basis of an expert review to have the capacity to provide this type of child care, particularly in view of the short-term nature of this care and the care of children shortly after their birth, are included in the register of persons able to provide temporary foster care.

(3) The records contain

- a) the applicant's personal details listed in Article 21, paragraph 5, clause a),
- b) documents mentioned in Article 21, paragraph 5, clauses b) to e) and h),
- c) written consent to the right of the regional authority at any time
 1. to ascertain additional information to be included in the register of persons able to provide temporary foster care,
 2. to discover whether any of the facts mentioned in the application have changed,
- d) the opinion of the municipal authority of a municipality with extended powers on the application to include the applicant in the register.

(4) The expert review of the applicant shall be carried on the basis of the application submitted pursuant to paragraph 3; Article 27 also applies to the expert review of the applicant.

(5) The regional authority shall decide whether to include the applicant in the register mentioned in paragraph 1 and his/her removal from this register or that the applicant

^{23b} Article 45a, paragraph 2 of the Family Act

should not be included in the register. The regional authority shall send²⁴ a copy of the decision mentioned in the previous sentence to the municipal authority of a municipality with extended powers. Articles 22 to 24c apply to keeping records of the inclusion of the applicant in the register and his/her removal from it.

(6) The regional authority shall hand a copy of the list of persons included in the register of persons able to provide temporary foster care, including the information listed in paragraph 3, to the Ministry and municipal authorities of municipalities with extended powers in its administrative district. The regional authority is obliged to update this list without delay to reflect any changes that have occurred in accordance with paragraph 1, and also to inform the Ministry and the aforementioned municipal authorities of municipalities with extended powers of these additions.

CHAPTER VI INSTITUTIONAL CARE AND PROTECTIVE CUSTODY

Article 28

After a court decision to order institutional custody has come into force, the municipal authority of a municipality with extended powers arranges a time and a place for the child to be admitted to the appropriate facility for his/her institutional custody; meanwhile it also invites the parents or other natural persons responsible for the child's upbringing to ensure that they hand the child over to the appropriate facility at the proper time, or to acquire their consent to the child arriving alone. Should the parents or other natural persons responsible for the child's upbringing not submit to the decision of the court, the municipal authority of a municipality with extended powers shall submit a petition for execution to the court²⁴).

Article 29

Monitoring the performance of institutional care and protective custody

(1) The municipal authority of a municipality with extended powers shall monitor whether the rights of the child are respected in educational facilities for institutional care and protective custody²⁶), in social welfare institutions²⁷) and in special children's medical facilities²⁸) and in similar institutions (facilities), which have been established by legal and natural persons under special legal provisions (hereinafter "institutional facilities"); and shall monitor in particular the development of the children's mental and physical abilities, to establish whether reasons still remain for them to remain in the institutional facility, and establish how relations between the children and their parents

²⁴ Articles 272 to 273a of the Civil Procedure Code

²⁶ Article 23 and following of Act no. 76/1978 on School Facilities, as amended

²⁷ Article 73 of Act no. 100/1988 Coll, as amended

Article 61 and following of Decree no. 182/1991 Coll., implementing the Act on Social Welfare and the Act on the competence of organs of the Czech Republic in social welfare, as amended

²⁸ Article 38 of Act no. 20/1966 Coll., on Health Care for the Population

are developing. The municipal authority of a municipality with extended powers shall act to ensure that siblings are placed in institutional facilities together.

(2) Employees of municipalities with extended powers working in the municipal authority are obliged

- a) to visit children who were ordered into institutional custody or enforced protective custody at least once every 3 months,
- b) to visit the parents of a child who was ordered into institutional custody or enforced protective custody at least once every 3 months,
- c) to visit a child mentioned in Article 10a, paragraph 1 immediately after learning of the situation and then according to the needs of the child, on the basis of a special authorization issued by the municipal authority of a municipality with extended powers, bearing the employee's name or names and surname, title, employer and a description of the activities this employee can perform.

(3) Employees of municipalities with extended powers working in the municipal authority have the right to talk to the child without the presence of other people, particularly employees of the institutional facility, and have the right to inspect the documentation the institutional facility keeps on the child.

(4) Should an employee of a municipality with extended powers working in the municipal authority discover that the institutional facility violated its obligations arising from this Act or special legal provisions, he/she is obliged to inform the municipal authority of the municipality with extended powers of this fact without delay and the founders of the institutional facility, or the body that oversees the founders and the court that ordered institutional care or protective custody; this does not affect the obligations arising from special legal regulations ⁶).

(5) If the employee of the municipality with extended powers has reported that an institutional facility has acted in breach of its obligations, the competent municipal authority of the municipality with extended powers shall monitor whether the deficiencies that have been discovered are removed and acts to ensure that the necessary measures are adopted to improve the situation.

(6) Institutional facilities are obliged

- a) to allow employees of the municipality with extended powers working in the municipal authority access to the institutional facility and to provide them with the necessary papers, documents or reports relating to the child and to his/her parents, provided the institutional facility has these available,
- b) to allow the employee of the municipality with extended powers working in the municipal authority of the municipality with extended powers contact with the child who was ordered into institutional custody or enforced protective custody,
- c) to inform the municipal authority of the municipality with extended powers without delay of any child who might be suitable for adoption or to be placed with a foster family,

d) to forward without delay a written submission from the child addressed to the court, to the municipal authority of the municipality with extended powers, other government bodies or an empowered person without checking its contents,
e) to request written consent from the municipal authority of the municipality with extended powers to a visit by the child pursuant to Article 30,
f) to inform the municipal authority of the municipality with extended powers of the impending release of the child from the institutional facility,
g) to inform the municipal authority of the municipality with extended powers and the court that ordered the institutional custody or imposed the protective custody that the child has run away from the institutional facility and that the child has been transferred to another institutional facility.

(7) An employee of the region or the Ministry may also visit the institutional facility mentioned in paragraph 1. Paragraphs 3 to 6 also apply to an employee of the region or the ministry and paragraph 2 applies likewise to the obligation to have special authority to visit the institutional facility. The regional authority shall issue the authorization for regional employees and the Ministry shall issue the authorization for ministerial employees.

Article 30

Visiting rights outside the institution

(1) The Director of the institutional facility may only allow a child who has been placed in the institutional facility as a precaution or who has been placed in protective custody on the basis of a court order to visit his/her parents or other natural persons on receipt of prior written approval from the municipal authority of the municipality with extended powers and for a maximum of 14 calendar days during the first visit to these people. This period of stay with these people, with the exception of cases when the court issued an order for protective custody, may be extended on receipt of written approval by the municipal authority of the municipality with extended powers. If the child was placed in this institutional facility on the request of his/her parents or other legal representatives, this type of stay can only be allowed with other natural persons on receipt of written consent from the parents or other legal representatives, unless obtaining this consent would entail substantial difficulty.

(2) Written consent from the municipal authority of the municipality with extended powers pursuant to paragraph 1, shall designate the person with whom the child will stay, the length of time the child will remain outside the institution for which the consent was given and the address at which the child will be staying.

(3) When issuing written consent to the child staying away from the institution pursuant to paragraph 1, the municipal authority of the municipality with extended powers shall primarily take account of the family and social environment in which the child will stay. In the event the child will stay with natural persons other than his/her parents, grandparents or siblings, their integrity shall be assessed on the basis of Article 27, paragraph 1, clause e). For the purpose of giving its consent, the municipal authority of

the municipality with extended powers may request that the regional authority provide an expert assessment of the natural person other than the parents with whom the child will stay, and request that they attach an extract of their entry in the Penal Register. Article 27 also applies with regard to expert assessments.

(4) The regional authority shall draw up an expert report on other natural persons in accordance with paragraph 3.

(5) If the child's permanent residence is different from the parents' permanent residence or that of the other natural persons with whom the child will stay, the municipal authority of the municipality with extended powers may issue written consent pursuant to paragraph 1 only on the basis of an opinion from another competent municipal authority of a municipality with extended powers (Article 61, paragraph 3, clause c)).

CHAPTER VII CARE OF CHILDREN REQUIRING ADDITIONAL ATTENTION

Article 31

Care for children mentioned in Article 6, paragraph 1 consists of providing assistance to overcome disadvantageous social conditions and educational influences, in order to allow them to reintegrate into society, and to find work.

Article 32

(1) In caring for children mentioned in Article 6 paragraph 1, the municipal authority

- a) shall focus its attention on occupying these children during their free time,
- b) shall focus its attention on children seeking relations with natural persons or groups of these individuals who indulge in alcoholic beverages or addictive substances or who commit criminal offences,
- c) shall monitor any evidence of intolerance or violent tendencies in the children,
- d) shall devote its attention to children of parents living at a low social level,
- e) shall prevent the emergence of detrimental social and educational influences amongst other groups of children,
- f) shall provide children with programmes to occupy their free time, with regard to the interests of these children and to their abilities,
- g) shall cooperate with schools, empowered persons, interest groups and other subjects.

(2) Regarding care for children in accordance with Article 6, paragraph 1, the municipal authority of the municipality with extended powers

- a) shall act to prevent recurrent disturbed behaviour and activities of children, paying particular attention to offenders who have committed criminal offences,
- b) shall warn regional authorities of the need to help children who have left school to find opportunities for continuing to train for employment, particularly in the case of children who have been released from institutional custody, protective custody, or from a prison sentence,

- c) shall work together with the Labour Offices to find suitable employment for these children,
- d) shall guide the care given to these children following the care programmes for groups of problem children that have been drawn up by Government bodies, municipalities, empowered persons and other legal entities and natural persons,
- e) shall help children to overcome problems that might lead to negative displays in their behaviour.

(3) With regard to the child care mentioned in Article 6, paragraph 1, employees of municipalities with extended powers employed at the municipal authority of the municipality with extended powers

- a) maintain personal relations with the child, his/her parents or the persons responsible for his/her upbringing,
- b) select the means to influence children in order to act on them effectively depending on the type and nature of the child's behavioural problems and his/her social standing,
- c) resolve the child's problems, where appropriate, in the child's everyday environment.

Article 33

(1) Pursuant to the Juvenile Justice Act²⁹), the competent socio-legal protection body is the municipal authority of the municipality with extended powers.

(2) Pursuant to the Act on Misdemeanours³¹), the competent socio-legal protection body is the municipal authority of the municipality with extended powers; if a juvenile is charged with a misdemeanour, an employee of the municipality with extended powers who works at the municipal authority shall attend the oral proceedings.

Article 34

(1) The municipal authority of the municipality with extended powers shall cooperate with prisons³²) to resolve the social and educational problems of children mentioned in Article 6, paragraph 1.

(2) On request, the municipal authority of the municipality with extended powers shall issue a report, pursuant to a special legal regulation³³)

- a) on the form and content of the child's preparation for a future trade provided by the prison,
- b) whether it is in the child's interest for a convicted or accused woman to care for him/her in the prison, and
- c) to extend the period during which the prison sentence of the convicted woman is suspended to enable her to visit the child.

²⁹ Act no. 218/2003 Coll., on the responsibility of juveniles for illegal acts and on Juvenile Justice and on amendments to various Acts (Juvenile Justice Act)

³¹ Article 74, paragraph 2, Article 81, paragraph 1 and Article 92, paragraph 1 of Act no. 200/1990 Coll.

³² Article 5 of Act no. 169/1999 Coll., on Imprisonment and on amendments to related Acts. Article 15 of Act no. 293/1993 Coll., on Detention.

³³ Article 61, paragraph 6, Article 67, paragraphs 2 and 4 and Article 68 of Act no. 169/1999 Coll.

(3) At least once every 3 months, the employee of the municipality with extended powers employed at the municipal authority shall visit a child,

a) who is in prison or detained, and discuss with him/her in particular the possibilities of employment or preparation for a future trade or employment after the term of imprisonment or detention,

b) who is cared for by a convicted or accused woman in the prison.

(4) When visiting the prison, the employee of a municipality with extended powers employed at the municipal authority is authorized to inspect the documentation relating to the preparation of the convicted juvenile for a future trade, or to a child who is cared for in prison by a convicted or accused woman, and to the care this woman is providing for the child.

(5) Prisons ³²⁾ shall allow employees of a municipality with extended powers employed at the municipal authority access to the prison, enable them to inspect the documentation pursuant to paragraph 4, and allow contact between this employee and the child who is imprisoned or detained, and with the child who is cared for in prison by a convicted or detained woman. The municipality with extended powers shall issue the employee with a special authorization to enable the employee of the municipality with extended powers for these visits, bearing the name or names and surname of the employee, the title, name of the employer and a description of the activities this employee is authorized to perform.

CHAPTER VIII SOCIO-LEGAL PROTECTION IN FOREIGN MATTERS

Article 35

(1) The Office shall provide socio-legal protection in foreign matters, where these concern

a) children mentioned in Article 2, paragraph 2,

b) children who are citizens of the Czech Republic and are not permanently resident on its territory,

c) children who are not citizens of the Czech Republic and are not authorized to reside permanently on its territory, or do not have a visa authorizing them to stay on the territory of the Czech Republic for a period of at least 90 days pursuant to special legal provisions ^{1a)} regulating the residence of aliens on the territory of the Czech Republic and cannot remain on its territory, if his/her parents or another natural person having alimentary duties towards this child do remain in the Czech Republic.

(2) In providing this socio-legal protection for foreign matters, the Office

a) acts as a Receiving and a Transmitting Agency and the Central Authority for implementing international conventions and for the purpose of declaring reciprocity pursuant to a special legal regulation ^{33a)} as well as fulfilling other duties for the Czech

^{33a)} Article 54 of Act no. 97/1963 Coll., on International Private and Procedural Law, as amended

Republic, arising from international conventions that concern the socio-legal protection of children³⁴),

- b) acts as guardian for children,
- c) requests reports on the situation of children who are citizens of the Czech Republic and are not permanently resident on its territory from the competent bodies and other legal entities and natural persons, at the request of the parents living in the Czech Republic or the socio-legal protection bodies,
- d) arranges to send personal documents and other papers abroad and receives documents and other papers sent from abroad,
- e) cooperates with government bodies or other organizations in other countries with similar powers to the Office, provided they are properly empowered by their country to perform acts of socio-legal protection, and, where appropriate, also with other bodies, facilities and legal entities,
- f) helps to search for the child's parents if these parents, or one of them, live abroad, calculates their property and financial standing for the purposes of establishing alimony, files court petitions for the performance of maintenance obligations, particularly petitions to regulate maintenance obligations, custody and to determine paternity,
- g) for the purposes of foreigners adopting from abroad and for the purposes of adopting children from abroad, determines the social environment and family situation in which the child is living,
- h) performs tasks arising from the adoption procedure and negotiates with the competent bodies and natural and legal persons where required to fulfil the tasks falling to the Office pursuant to this Act,
- i) approves the adoption of children from abroad,
- j) helps to search for relatives of a child who has petitioned for asylum proceedings pursuant to a special regulation and is on the territory of the Czech Republic without being accompanied by a person over the age of 18 who is responsible for the child in accordance with the legislation in force in the country of which the child is a citizen, or in cases where the child has no nationality, in the country where he/she last resided^{34a}),
- k) cooperates on matters concerning parental responsibility in accordance with the directly applicable regulations of the European Community^{34c}).

(3) The Office does not require approval from the Office for the Protection of Personal Data to deliver and transmit personal data to other countries, pursuant to a special legal regulation^{34b}).

³⁴ For example, Decree no. 33/1959 Coll., on the Convention on Recovery of Maintenance Abroad, Decree no. 14/1975 Coll., on the Convention concerning the Recognition and Enforcement of Decisions relating to Maintenance Obligations towards Children, Decree no. 132/1976 Coll., on the Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, notification no. 34/1998 Coll., Convention on the Civil Aspects of International Child Abduction.

^{34a} Article 19 paragraph 3, Council Directive 2003/9/EC, dated January 27th 2003, which sets minimum norms for accepting asylum seekers.

^{34c} Articles 53 and 58 of Council Regulation no. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility.

^{34b} Article 27 of Act no. 101/2000 Coll., on the Protection of Personal Data and Amendments to some related Acts, as amended by Act no. 177/2001 Coll.

Article 35a

The municipal authority of a municipality with extended powers issues the child's legal representative a confirmation that the child is alive and in the care of his/her legal representative for the purposes of enforcing the child's right to maintenance from the liable person living abroad; this confirmation is issued by the municipal authority of a municipality with extended powers on receipt of a request from the legal representative.

Article 36

Ensuring the return of unaccompanied children from abroad

(1) The Czech Republic's foreign representation offices shall inform

- a) the municipal authority of a municipality with extended powers, or
- b) the Ministry, if the address of the child's permanent residence in the Czech Republic is unknown,

that a child mentioned in Article 2, paragraph 2 is on the territory of a foreign country, unaccompanied by his/her parents or another person responsible for the child, and to arrange the child's return to the territory of the Czech Republic; it will also provide information on when, where and with whom the child will be returned to the territory of the Czech Republic.

(2) The municipal authority of a municipality with extended powers shall adopt the necessary measures to take charge of the child and shall also inform the foreign representation office who will take charge of the child on his/her return to the territory of the Czech Republic; it can also decide that the child will be collected from abroad.

(3) On the child's return, he/she shall be handed over to the charge of

- a) the child's parent or another natural person responsible for his/her upbringing; if they are not able or willing to take charge of the child, he/she will be placed in the charge of the municipal authority of a municipality with extended powers,
- b) a facility competent to take charge of a runaway child pursuant to a special regulation³⁵), if the child was ordered into institutional care or protective custody.

(4) Any expenses relating to taking charge of the child on the territory of the Czech Republic shall be covered by

- a) the parent or other natural person responsible for the child's upbringing and who is obliged to take charge of the child,
- b) the institutional facility mentioned in paragraph 3, clause b), or
- c) the municipal authority of a municipality with extended powers in the event that these costs were not covered by the parent, the other person responsible for the child's upbringing or the institutional facility. In these cases, the municipal authority of the municipality with extended powers may require that these costs be reimbursed by the persons or facility mentioned hereabove.

³⁵ Article 12, paragraph 5 of Public Notice no. 64/1981 Coll., on school facilities for the carrying out of institutional and protective education

(5) If this is a case referred to in paragraph 1, clause b), the Ministry shall determine which municipal authority of a municipality with extended powers shall take the measures set forth in paragraphs 2 to 4.

CHAPTER IX SOCIO-LEGAL PROTECTION IN SPECIAL CASES

Article 37

(1) The municipal authority shall take measures to protect the life and health and to ensure that the most urgent basic needs are met, including health care ³⁶⁾ for a child mentioned in Article 2, paragraph 3, if no care is provided for this child, or if his/her normal development is seriously threatened or disrupted.

(2) The municipal authority shall inform the municipal authority of a municipality with extended powers, which is obliged to take further essential measures to protect the child, of the measures set forth in paragraph 1 as soon as possible and, if possible, to inform the representative authority of the country of which the child is a citizen of these facts without delay; at the same time, it shall discuss with it ways in which the child can be returned to his/her parents or other persons who are responsible for the child. The municipal authority of a municipality with extended powers shall inform the Office of the facts set forth in the first sentence.

(3) The essential measures to be taken by the municipal authority of a municipality with extended powers include

- a) submitting a petition for the adoption of temporary measures ¹³⁾,
- b) submitting a petition for the appointment of a guardian or curator for the child,
- c) submitting a petition for the child to be placed in an institution ³⁷⁾,
- d) arranging for the child to be placed in a facility for asylum seekers.

CHAPTER X THE COMMITTEE FOR THE SOCIO-LEGAL PROTECTION OF CHILDREN AND ADVISORY COMMITTEES

Article 38

(1) The mayor of a municipality with extended powers shall establish a committee for the socio-legal protection of children (hereinafter the "committee") as a separate municipal body ³⁸⁾.

(2) The committee

³⁶ Article 30 of Act no. 20/1966 coll., as amended by Act no. 548/1991 Coll.

³⁷ Article 46 of the Family Act

³⁸ Article 106 of Act no. 128/2000 Coll., on Municipalities, as amended

a) shall decide whether to authorize the performance of socio-legal protection (Articles 48 and 49) if a legal entity or natural person only requests authorization to establish a facility referred to in Article 39, clause d), and whether to withdraw such authorization (Article 50),

b) proposes and assesses preventative social programmes to protect ill-treated, abused and neglected children that are presented and discusses individual cases of ill-treated, abused and neglected children in the committee, in order to propose measures to assist children and their families,

c) recommends the adoption of measures that should be taken to protect children from socio-pathological phenomena and prepares programmes to care for groups of problem children,

d) on a request by the secretary of the municipal authority, assesses individual cases of socio-legal protection and issues an opinion on these,

e) coordinates socio-legal protection measures on the territory of the administrative district of the municipality with extended powers.

(3) The mayor of a municipality with extended powers nominates and removes the committee chairperson, his/her deputies and the other committee members from among the members of the town council and natural persons who contribute to socio-legal protection, in particular educationalists, psychologists, health care workers and representatives of empowered persons (Article 48), citizen's associations, churches and other legal or natural persons. The committee chairperson is not required to have any special professional competence in the area of the socio-legal protection of children. The committee secretary is an employee of the municipality with extended powers employed at the municipal authority in the socio-legal protection department.

(4) The Committee is able to debate and pass resolutions provided a quorum is formed of the Committee chairperson or his/her deputy and at least two other committee members. The Committee shall approve resolution on the basis of the majority votes of the members present at the Committee meeting. In the event of a draw, the Committee chairperson shall have the deciding vote and if the chairperson is not present, his/her deputy will cast the deciding vote.

(5) The following can be invited to attend Committee meetings, as required

a) a child, should this be commensurate with his/her age and abilities, together with the parents or other natural persons responsible for his/her upbringing;

c) the child's parents or other natural persons responsible for his/her upbringing;

c) representatives

1. of the school the child attends, an educational, medical or institutional facility or other facility,

2. the child's employer or the legal entity where the child is preparing for his/her future occupation,

3. empowered persons,

4. citizen's associations, church bodies and other legal entities;

d) natural persons, provided these are

1. founders of schools or other facilities listed in clause c), point 1,

2. the child's employers or persons preparing the child for his/her future occupation,
3. empowered persons;
e) a judge;
f) the public prosecutor;
g) other natural persons;
if this will contribute to clarify deciding facts.

(6) The persons listed in paragraph 5, clauses c) to g) shall be invited to attend the meeting if they initiated the meeting.

(7) The participation of Committee members and persons listed in paragraph 5 in Committee meetings constitutes a separate act in the common interest³⁹⁾, and as such gives the Committee members and persons listed in paragraph 5, clauses c) to g) the right to remuneration (pay). Committee members and persons listed in paragraph 5 who are not employees and are not in a similar situation to employees, but who are, however, gainfully employed, are compensated for their lost earnings during the period they perform their duties as Committee members at a rate they can substantiate, however this being no more than 80 CZK per hour or 680 CZK for one day. The Committee members and the persons listed in paragraph 5 shall also be compensated for any travel expenses they can substantiate; the Committee chairperson shall determine the means of transport. The municipal authority of the municipality with extended powers shall pay the travel expenses and compensation for lost earnings.

Article 38a

(1) The Regional Commissioner shall establish an advisory committee as a separate regional body^{39a)} for the purpose of arranging adoptions or foster care. The advisory committee shall recommend a suitable applicant from the register of applicants held by the regional authority or the Ministry for a specific child registered at the regional authority pursuant to Article 22, paragraph 2.

(2) The Regional Commission shall nominate and remove from office the chairperson of the advisory committee, his/her deputy and the other advisory committee members. The secretary to the advisory committee shall be a regional employee employed by the regional authority and who works in the socio-legal protection department. The secretary shall be a member of the advisory committee. The chairperson of the advisory committee is not required to prove any special professional competence in the area of socio-legal protection.

(3) The advisory committee shall consist of professionals working in the area of socio-legal protection. In particular, these are professionals in the field of paediatrics, psychology, education, representatives of educational, medical or social facilities for institutional education, employees of the regional authority and the municipal authority of a municipality with extended powers employed in the socio-legal protection division.

³⁹⁾ Article 124 of Act no. 65/1965 Coll., the Labour Code, as amended

^{39a)} Article 65 of Act no. 129/2000 Coll., on Regions (Regional Establishments), as amended

The advisory committee shall have a minimum of 5 members. Article 38, paragraphs 4 and 5 also apply to meetings of the advisory committee and the manner of passing resolutions.

(4) The advisory committee shall meet as soon as possible after the regional authority has located a suitable applicant for a specific child.

(5) Article 38, paragraph 7 also applies to the attendance of committee members at advisory committee meetings and the level of compensation, except that travel expenses and compensation for lost earnings are paid by the regional authority.

Article 38b

(1) The Minister of Labour and Social Affairs shall establish an advisory committee for the purpose of arranging adoptions or foster care. The advisory committee shall recommend a suitable applicant from the register of applicants held by the Ministry pursuant to Article 23 for a specific child registered at the Ministry pursuant to Article 23. The advisory committee shall have a minimum of 5 members and if a quorum of a majority of the members is present, it is able to adopt resolutions.

2) The Minister of Labour and Social Affairs shall nominate and remove from office the chairperson of the advisory committee, his/her deputy and the other advisory committee members. The secretary to the advisory committee shall be an employee of the Ministry, working in the area of socio-legal protection. The secretary shall be a member of the advisory committee.

3) Article 38a, paragraph 3 shall also apply to the composition of the advisory committee, its meetings and competence to pass resolutions. Article 38, paragraph 5 also applies to the attendance of members at advisory committee meetings and Article 38, paragraph 7 applies as concerns the level of earnings to be compensated, except for the fact that travel expenses and compensation for lost earnings shall be paid by the Ministry.

PART FOUR SOCIO-LEGAL PROTECTION FACILITIES

Article 39

Establishing socio-legal protection facilities

(1) Municipalities and regions can establish

- a) specialized childcare counselling facilities,
- b) social welfare facilities,
- c) facilities catering for children who require immediate assistance,
- d) educational recreational camps for children,
- e) foster care facilities.

(2) The provisions of Article 49, paragraph 2, clauses b) to f) and paragraphs 6 and 7 apply to the establishment of the socio-legal protection facilities referred to in paragraph 1 by regions or municipalities.

(3) A municipality shall be obliged to report the establishment or closing down of a facility catering for children who require immediate assistance to the regional authority within 15 days of its establishment or closing down. The regional authority shall inform the Ministry within 15 days of the establishment or closing down of a facility catering for children requiring immediate assistance by the region and if a facility has been established or closed down by the municipality, it is obliged to perform this duty within 15 days of the day on which the municipality informed it of this fact.

Article 40

Specialized childcare counselling facilities

(1) Specialized childcare counselling facilities make recommendations aimed at resolving problematic relations between parents and their children and at parental care of disabled children. This specialized counselling provides parents or other persons responsible for raising children with advice or arranges for them to be advised on matters concerning children's educational and dietary needs and other matters relating to their family, social and intergenerational problems, arising from the care of children.

(2) Specialized childcare counselling facilities can also provide or arrange for counselling for natural persons approved as adoptive or foster parents.

Article 41

Social Welfare facilities

Social welfare facilities are primarily aimed at children referred to in Article 6, paragraph 1; it offers these children programmes to develop their social skills, as well as educational activities and ways of spending their free time.

Article 42

(1) Facilities catering for children who require immediate assistance provide protection and assistance to children who have no one to care for them or whose lives or normal development are seriously threatened, or children who are not provided with suitable care for their age (Article 15), these being children who are mentally or physically ill-treated or abused or children who have found themselves in an environment or a situation where their fundamental rights are under serious threat. Protection and assistance for these children consists of satisfying their basic needs, including accommodation, providing health care through a medical facility and essential psychological and similar care.

(2) A child shall be placed in a facility catering for children who require immediate assistance

a) on the basis of a court ruling,

- b) on the basis of a request by the municipal authority of a municipality with extended powers,
- c) on the basis of a request by the child's legal representative, or
- d) if requested by the child.

(3) If the child is placed in a facility catering for children who require immediate assistance on the basis of the facts set forth in paragraph 2, clauses b) and d), the municipal authority of a municipality with extended powers shall petition the court as soon as possible to order provisional measures, provided the consent of the parents or other persons responsible for the child's upbringing to the child's stay in a facility catering for children who require immediate assistance is not required before the date the court must rule on the provisional measures^{39b}).

- (4) If the child is placed in a facility catering for children who require immediate assistance on the basis of a court ruling,
- a) the employee of a municipality with extended powers working in the municipal authority shall visit any child over one year old as required, but at least once every 3 months and, if the child is under the age of 1, shall visit the child at least once a month,
 - b) the child shall only be permitted to stay outside this facility with his/her parents or other natural persons on receipt of a written letter of consent from the municipal authority of a municipality with extended powers,
 - c) Article 29 also applies to the performance of the duties of a facility catering for children who require immediate assistance.

- (5) A child may only be placed in a facility catering for children who require immediate assistance on the basis of a request by the child's legal representative if a written agreement is signed by the facility referred to hereabove and the child's legal representative, containing
- a) the name of the facility, its address and the address of the headquarters of its founders,
 - b) the name and surname of the child, his/her date of birth, the address of the child's permanent residence as well as, possibly, that of his/her usual residence,
 - c) the name and surname, date of birth, address of the permanent residence as well as, possibly the address of the usual residence, of the child's legal representative,
 - d) details of the child's state of health and the means of accessing medical care through a health care facility,
 - e) the reasons for the child's being placed in the facility catering for children who require immediate assistance,
 - f) the date and time agreed for the child to register at the facility catering for children who require immediate assistance,
 - g) the consent of the legal representative including his/her agreement that during the child's stay in the facility catering for children who require immediate assistance, he/she shall abide by the rules set out in the facility's internal regulations,
 - h) the conditions and means of maintaining personal, telephone and written contact between the child and other persons and of restricting the circle of these persons,

^{39b} Article 75 paragraph 4 of the Civil Procedure Code, as amended

i) the means of payment and the amount payable for the child's stay in a facility catering for children who require immediate assistance, given that the level of the contribution may not be higher than the amount set forth in Article 42c, paragraph 1, depending on the age of the child,

j) an agreement signed between the representative of the facility catering for children who require immediate assistance and the child's legal representative.

(6) A facility catering for children who require immediate assistance is obliged to provide services and ensure that they are available round-the-clock.

(7) The facility shall provide protection and assistance for children in those cases also listed in Article 37, paragraph 1, after the date on which the court orders the adoption of provisional measures on a petition by the municipal authority of a municipality with extended powers¹³).

(8) The founder of the facility shall keep records of the children who have been admitted to the facility and these must include

a) the date the child was admitted to the facility,

b) the child's name and surname, if known,

c) the child's date of birth, if known; if the child's date of birth is not known, the child's approximate age is entered,

d) a record of the obligations set forth in Article 10, paragraph 4, second sentence, that have been fulfilled,

e) the date and time the child was released from the facility.

(9) On admitting a child, the facility catering for children who require immediate assistance shall report this fact as fast as possible to the founders and the competent socio-legal protection body.

Article 42a

(1) The facility catering for children who require immediate assistance

a) fully ensures direct provision for children in the facility, consisting of the provision of accommodation, meals and clothing,

b) provides educational care,

c) ensures the provision of medical care by a health care facility, including primary health care,^{39c}

d) provides counselling to children and their parents, or the persons responsible for the child's upbringing,

e) provides assistance in preparing children for schooling and someone to accompany the children to school,

f) creates conditions for interesting activities for the children,

g) is obliged to provide professional care through a social worker and a psychologist,

^{39c} Article 20 of Act no. 48/1997 Coll., on Public Health Insurance and Amendments to some other Acts

h) is obliged to issue internal regulations for a facility catering for children who require immediate assistance, which derives from the restriction of the activities of the facility by this Act.

(2) The facility catering for children who require immediate assistance maintains

a) records on the children residing in the facility, containing

1. the child's name and surname, if known,
2. the child's date of birth, if known; if the child's date of birth is not known, the child's approximate age is entered,
3. the address of the permanent residence; if the address of the permanent residence is not known, other information on where the child was staying before he/she was admitted to the facility are noted,
4. the date and time the child was admitted to the facility, and the date he/she left,
5. the reason the child was admitted to the facility.

b) filed documentation on the children residing in the facility, containing

1. the information contained in the records listed in clause a) points 1 to 5,
2. a copy of the court order to place the child in the facility, the petition from the municipal authority of the municipality with extended powers requesting that the child be placed in the facility, confirmation of the child's admission and a written agreement pursuant to Article 42, paragraph 5,
3. records of cooperation between the facility and socio-legal protection bodies, with other bodies and legal and natural persons,
4. records of assistance and treatment provided to the child, of measures adopted regarding the child, of medical care provided and the reasons for it,
5. a copy of the report from the municipal authority of the municipality with extended powers stating the child had been placed in a facility catering for children who require immediate assistance,
6. additional information needed for the provision of socio-legal protection.

(3) A facility catering for children who require immediate assistance may only perform its activities within the confines of a building or premises that enable it to admit children, to accommodate them and to prepare them for schooling, to provide meals and recreational and other activities in their spare time.

Contributions to cover the cost of accommodation and care Article 42b

(1) If the child was placed in this facility on the basis of a court order or at the request of the municipal authority of a municipality with extended powers, the obligation to pay a contribution to cover the cost of accommodation and care provided by the facility catering for children who require immediate assistance (hereinafter the "contribution") pursuant to Article 42c to 42f falls on

- a) the child's parents or parents, into whose care the child was placed by court order, or another person liable for the child's alimentation,
- b) a minor parent placed in this facility together with the child,
- c) a child who has lost both parents and receives an orphan's annuity.

(2) The parents shall participate equally in paying the contribution.

(3) The municipal authority of a municipality with extended powers shall decide on the contribution mentioned in paragraph 1.

Article 42c

(1) Unless set out otherwise, the amount of the contribution for each calendar month is

- a) 1,300 CZK for a child up to six years of age,
- b) 1,495 CZK for a child between six and ten years old,
- c) 1,690 CZK for a child between ten and fifteen years old,
- d) 1,885 CZK for a child over the age of fifteen.

(2) The Ministry shall issue a Public Notice announcing a change in the amounts set forth in paragraph 1, to reflect a change in the coefficient of the general index of consumer prices established by the Czech Statistical Office if the change in the coefficient exceeds 5%.

(3) If the facility catering for children who require immediate assistance receives child benefits pursuant to a special regulation ^{39d}), the level of the contribution is reduced by the same amount, in accordance with paragraph 1.

(4) The amount of the contribution for a minor mother placed in the facility catering for children who require immediate assistance together with her child amounts to 10% of the parental contribution for each calendar month pursuant to a special regulation ^{39e}).

(5) The amount of the contribution payable for a period less than one calendar month is calculated by the number of days. The daily payment to cover costs amounts to one-thirtieth of the monthly contribution.

(6) The contribution is rounded up to the nearest crown.

Article 42d

(1) If so requested by a person mentioned in Section 42b paragraph 1, or at the suggestion of the facility catering for children who require immediate assistance, the contribution can be reduced or cancelled if their income or their family's income would thereby fall below the subsistence level established by a special legal regulation ^{39f}). The contribution shall also not be requested if the person mentioned in Article 42b paragraph 1, or the person assessed with him/her receive social security benefits because they are in social need pursuant to a special legal regulation ^{39g}). Neither shall the contribution be

^{39d} Article 18 of Act no. 117/1995 Coll., on State Social Support, as amended

^{39e} Article 32 of Act no. 117/1995 Coll., as amended

^{39f} Act no. 463/1991 Coll., on the Subsistence Minimum, as amended.

^{39g} Act no. 482/1991 Coll., on Social Needs, as amended

requested if it would amount to less than 100 CZK after the reduction referred to in the first sentence.

(2) Persons referred to in Article 42b paragraph 1 shall provide evidence for their income or the income of the family in order to reduce or be exempted from paying their contribution pursuant to paragraph 1 and, six months after they last provided evidence they shall again show they satisfy the conditions for a reduction or an exemption from paying their contribution. These persons shall also report any changes in their income that might affect the level of the contribution set pursuant to paragraph without delay. Failure to comply with these obligations shall result in an increase in the contribution to the amounts set forth in Article 42c, paragraph 1, from the date of the deadline for providing evidence that the conditions had been filled, or it can be backdated to the period when the change in income was made.

(3) By income, under the terms of paragraphs 1 and 2 and persons jointly assessed, under the terms of paragraph 1, are understood the income and persons referred to in the Act on the Subsistence Minimum^{39f}).

Article 42e

The level of the orphan's annuity^{39h}) paid to a child who has lost both parents is set at the amounts set forth in 42c paragraph 1 according to the age of the child.

Article 42f

(1) The contribution for a calendar month shall be paid at the latest by the fifteenth day of the following calendar month. The contribution is due to the facility on the first day of the child's stay in the facility, provided the child was admitted before 3 p.m.

(2) If the child stays outside the facility for a period of at least 2 consecutive days, the monthly contribution is reduced by one-thirtieth for each of these days; the daily contribution shall not be reduced if the child leaves the facility after 3 p.m. or if he returns to the facility before 3 p.m.

(3) The facility shall calculate any overpayments or arrears by the fifteenth day of the calendar month following that on which the contributions were paid pursuant to paragraph 1. The facility shall inform the person paying the contributions in writing of the accounting results for the previous quarter.

State funding for founders of facilities catering for children who require immediate assistance

Article 42g

^{39h} Article 52 of Act no. 155/1995 Coll., on Pension Insurance

(1) The founder of a facility catering for children who require immediate assistance can claim state funding for accommodation and care provided to minor children in this facility on the basis of a court order or a request by a municipal authority of a municipality with extended powers.

(2) The founder of a facility catering for children who require immediate assistance is obliged to use the state funding exclusively for the facility catering for children who require immediate assistance.

(3) The state funds are due to each child and represents

a) the amount required to ensure alimentation and all other basic personal needs established for this child under the provisions of the Act on the Subsistence Minimum ³⁹ⁱ), multiplied by a coefficient of 7.00 if the child remains in the facility for the entire calendar month,

b) one-thirtieth of the sum set forth in clause a) for each calendar day, provided the child only stayed in this facility for part of a calendar month; the full amount of the state funding is due, even if the child only stayed in the aforementioned facility for part of a calendar day.

(4) If the child fulfils the conditions for a higher rate of state funding for part of the calendar month and for a lower rate for another part of the calendar month, the state funding shall be paid at the higher rate.

(5) If any changes are made to the amounts needed to ensure alimentation and all other basic personal needs established for this child under the provisions of the Act on the Subsistence Minimum ³⁹ⁱ), the level of the state funding shall be modified from the day such changes occurred.

Article 42h

(1) The state funds shall be paid monthly in Czech crowns, at the end of the calendar month on which they are due, and at the latest by the end of the calendar month following this month.

(2) The state funds shall be rounded up to the nearest crown.

(3) The state funds shall be paid by the regional authority.

(4) The state funds shall be remitted to the account of the founder of the facility catering for children who require immediate assistance, which requested the state funding.

Article 42i

³⁹ⁱ Act no. 463/1991 Coll., on the Subsistence Minimum, as amended

(1) The state funds can be claimed from the day on which the conditions set forth in this Act have been satisfied.

(2) Payment of the state funds can be claimed on the day the application for the funds has been submitted to the competent regional authority.

Article 42j

(1) If no request was made for state funding or for its part, the right to state funding or to its part expires on the calendar month 1 year after the first day of the calendar month following the calendar month on which the state funding was due.

(2) If the state funding was wrongly

- a) awarded at a lower rate than it should have been,
- b) paid or paid at a lower rate than it should have been,
- c) awarded from a later date than it should have been, or
- d) refused,

its award or increase shall be backdated to the day on which the state funding or its part was due, but to a maximum of 3 years back from the day on which the regional authority ruling on the state funding discovered the error, or from the day on which the founder of the facility catering for children who require immediate assistance requested an increase in the state funding or its award.

(3) State funding that has been wrongly

- a) awarded,
 - b) paid, or
 - c) paid or paid at a higher rate than was due,
- shall be repaid, or its payments will be halted or reduced, on the day following the end of the period for which it had already been paid. The provisions of Article 42k, paragraph 3 remain unaffected.

(4) Deadlines pursuant to paragraphs 1 to 3 are frozen after the proceedings concerning the state funds.

Article 42 k

(1) The founder of a facility catering for children who require immediate assistance shall inform the regional authority that approved the funding of the changes in writing within 8 days of a factual change that would be crucial for the continuation of the claim on the state funding, its level or its payment, unless it concerns the changes referred to in Article 42n.

(2) If the founder of a facility catering for children who require immediate assistance is summoned by the regional authority that approves the state funding to give an account of the facts determining the right to state funding, its level or its payment, he shall comply with this summons within 8 days, unless the regional authority sets a longer period.

(3) The founder of a facility catering for children who require immediate assistance, who did not comply with some of the obligations or accepted state funding or its part although must have known, given the circumstances, that it was wrongly paid or paid at a higher rate, shall return the wrongly accepted sum.

(4) Any claim to a refund of state funds or their part that was wrongly paid or paid at the wrong level, expires 3 years after the day on which the state funds were paid.

(5) The regional authority which paid the state funds is responsible for imposing a duty to refund the state funds or their part. The sums wrongly paid may also be subtracted from state funds awarded subsequently to the founder of a facility catering for children who require immediate assistance, who is obliged, pursuant to paragraph 3, to refund the part of the state funds that were wrongly awarded.

Article 421

(1) The regional authority shall decide on the state funding.

(2) Award proceedings for the state funding commence on receipt of a written application submitted by the founder of the facility catering for children who require immediate assistance on a form provided by the Ministry.

(3) The application for state funding shall contain

- a) the name of the founder of the facility catering for children who require immediate assistance, his address and identification number if the founder of the facility is a municipality or a region,
- b) the name of the founder of the facility catering for children who require immediate assistance, his address, identification number, the date on which the decision to authorize the exercise of socio-legal protection with the body which issued the decision came into force, if the founder of the facility is an authorized person,
- c) the name and address of the facility catering for children who require immediate assistance, which accommodates and cares for children, thereby allowing it to claim state funding,
- d) an account number or numbers on which the state funds can be remitted,
- e) a list of the children in the facility catering for children who require immediate assistance who entitle the founder to claim state funding; this list must contain the name and surname of the child, his/her birth number or date of birth if no birth number has been assigned, his/her permanent residence, the date of admission and date released from the facility catering for children who require immediate assistance, if his/her stay has terminated, the name, surname and address of the child's legal representative or other person responsible for the child's upbringing,
- f) a document proving that the child has been placed in a facility catering for children who require immediate assistance on the basis of a court order or on the basis of a request by the municipal authority of a municipality with extended powers.

(4) If an application has been submitted for state funding based on the provision of accommodation and care for children in a number of facilities catering for children who require immediate assistance managed by a single founder, the date listed in paragraph 3, clauses c), e) and f) shall be entered for each of these facilities separately.

Article 42m

(1) The founder of a facility catering for children who require immediate assistance may authorize another person to fulfil the obligations set forth in Article 42k, paragraphs 1 and 2 and Article 42n in his/her place and to submit the application for state funding in the place of the founder. This should be reported in writing by the founder of the facility catering for children who require immediate assistance to the regional authority competent to decide on the state funding within 8 days of the authorization.

(2) If the founder of the facility catering for children who require immediate assistance has authorized another person to submit the application, in accordance with paragraph 1, information concerning the authorization must be included in the application for state funding, as well as the name and surname of the person authorized to represent the founder.

Article 42n

(1) If the state funding has been awarded, the founder of the facility catering for children who require immediate assistance obliged to inform the competent regional authority whether, in the calendar month for which the state funding should be provided, there was any change in the number of children, the length of their stay in the aforementioned facility and any modification in the age of the children as compared to the calendar month preceding this calendar in order to claim payment of the state funding. The founder is obliged to provide this information in writing to the regional authority at the latest by the tenth day of the calendar month following the calendar month for which the state funding should be provided.

(2) If there have been changes in the numbers of children, changes in the length of their stay in the facility catering for children who require immediate assistance or a change in the age of the children, the founder of the facility is obliged to provide the competent regional authority with the information referred to in Article 42l, paragraph 3, clause e) and if a new child has been placed in the facility, the information referred to in Article 42l, paragraph 3, clause f) also has to be reported.

(3) The regional authority shall issue a decision on changes in the amount of state funding.

(4) The regional authority shall decide whether to withhold payment of the state funds if the founder of the facility catering for children who require immediate assistance does not fulfil the obligations pursuant to paragraphs 1 and 2. If the founder of the facility

catering for children who require immediate assistance has still not fulfilled the obligations set forth in paragraphs 1 and 2 within 2 calendar months following the month during which the obligations set forth in paragraphs 1 and 2 were to be fulfilled, the claim to state funding shall expire. If the obligations are subsequently fulfilled, the state funding can be awarded retroactively to a maximum of one year (Article 42j).

Article 43

Educational recreational camps for children

(1) Educational recreational camps for children are generally organized during the school holidays and are principally designed for children referred to in Article 6, paragraph 1. The child's legal representative can request a place at the educational recreational camp for the child, or approve it.

(2) The purpose of the educational recreational camps for children is to educate children in such a way as to eliminate or to suppress behavioural problems and to introduce much-needed social and hygiene habits.

Foster care facilities

Article 44

(1) Foster care may be provided in a foster care facility (hereinafter the "facility"). The facility is generally established in a separate building or in premises which the founder equips to resemble a flat for a family with a large number of children.

(2) The founder of the facility concludes a written agreement with the foster parent on the provision of foster care in the facility (hereinafter the "agreement"). Foster care commences in the facility on the date set out in the agreement; however if the day set out in the agreement precedes the day on which the first child is placed in foster care, the foster care shall commence in the facility at the earliest on that day.

(3) The agreement shall contain

a) a list of household expenses and the manner of settling their average amounts by the founder; household expenses always include outgoings for electricity and gas, charges for the heating and supply of hot service water, charges for the supply of hot or service water from the public supply and for the drainage and possible disposal of waste and rainwater through the public sewerage system, charges for the disposal of domestic waste and charges for services related to the use of the flat,

b) a forecast of the lowest and highest number of children, which will be organized in the foster care facility in such a way as to ensure that the total number of children in the facility, including the children of the foster parents and possibly other children, does not exceed 6 children; this number can only be exceeded if siblings are entrusted into the foster care of the foster parent or if this concerns the child of the foster parent, who began to stay in the facility after the agreement was concluded, or, exceptionally, for a number of other special reasons,

- c) the extent of transportation costs to be paid to the foster parent and the children entrusted to him/her,
- d) reasons for terminating the agreement with the founder; this reason always concerns the failure to abide by the agreed number of children pursuant to clause b) and the termination of foster care for all the children.

(4) It can be negotiated in the agreement that a person who was in the foster care of the foster parent until coming of age can stay in the facility and under what conditions.

(5) The provision of foster care in the facility expires on the basis of a written agreement between the contractual parties or through written notice given by one of the parties. The founder of the facility may terminate the agreement on the basis of the terms of the agreement. If there is no term of notice given for the termination of foster care in the facility, this term shall be set at 3 months. The term of notice commences on the first day of the calendar month following receipt of the notice.

Article 45

(1) The foster parent providing foster care in the facility is obliged

- a) to use the income of the children entrusted to his/her care for their needs and to pay one tenth of the average household costs for these children. The average part of the household costs for the foster children are calculated as a coefficient of the number of children placed in foster care and the proportion of the parts of the household costs and the total number of persons permanently resident in the facility; a person who is serving basic (substitute) service in the armed forces or civilian service is not deemed to be a person permanently resident in the facility,
- b) to cover the household costs listed in Article 44, paragraph 3, clause a), with the exception of the part of the costs covered by the founder,
- c) to enable the founder of the facility to verify that the conditions that are laid down for the provision of foster care in facilities by law or through agreement are complied with,
- d) to continually add to his/her specialized knowledge and understanding concerning the care and upbringing of children.

(2) The founder of the facility is obliged

- a) to cover nine-tenths of the average amount of the household costs for the children entrusted to foster care,
- b) to provide the foster parent providing the foster care in the facility with payment for the performance of foster care and for the work associated with care of the foster children in the facility (hereinafter the "foster parent's remuneration"),
- c) to cover costs related to the repair and maintenance of the building and its equipment when this exceeds 100 CZK,
- d) to enable the spouse and children of the foster parent to live in the facility as well as a person who was in the care of the foster parent until coming of age, at the request of the foster parent,
- e) to pay for the travel expenses of the foster parent and the foster children to an agreed amount,

- f) to provide the foster parent, at his/her request, with permanent or temporary help if the foster parent has four or more children in his/her care or if at least one of the foster children requires special care,
- g) to ensure that the conditions that have been laid down for the provision of foster care in facilities by law or through agreement are complied with,
- h) to cooperate with the foster parent in acquiring specialized knowledge and understanding.

(3) At the request of the foster parent, the founder may allow persons other than those referred to in paragraph 2, clause d) to stay in the facility, provided this does not conflict with the interests of the foster children; provided this person does not stay in the facility for longer than 5 days, the founder's approval is not required.

(4) The foster parent is liable for any damage caused to the founder of the facility in which he/she provides foster care. The founder of the facility is liable for any damage caused to the foster parent during the provision of foster care in the facility. For the purpose of compensation for damages, the provisions laid down on the Labour Code regarding compensation for damages are used, with the exception of the provision on compensation for damages for abandoned items.

Article 46

Foster parent's remuneration

(1) For the purposes of special legal regulations ⁴¹⁾, the foster parent's remuneration is deemed to be a salary.

(2) The salary represents 6.5 times the amount required to cover the personal needs of the foster parent while caring for between one and three children. For each additional child, the remuneration rises by 0.6 times the aforementioned sum and for the care of a disabled child or a child requiring special individual care, the remuneration rises by 0.3 times this sum for each child. The net remuneration after deducting income tax, health insurance, social security payments and state unemployment contribution may not amount to less than the amount the foster parent can claim pursuant to a special legal regulation ⁴²⁾.

(3) If a married couple ⁴³⁾ are providing joint foster care in the facility, each of them has the right to a half of the remuneration laid down on paragraph 2, unless they agree to divide the remuneration otherwise.

(4) The remuneration for the provision of foster care is also paid when the foster parent is on temporary sick leave, however this is paid for a maximum of one month.

⁴¹ For example Act no. 583/1992 Coll, on Income Tax, as amended

⁴² Article 40 of Act no. 117/1995 Coll, as amended by Act no. 242/1997 Coll.

⁴³ Article 45a paragraph 2 of the Family Act

(5) The average part of the monthly remuneration for the provision of foster care is set at a multiple of one-thirtieth and the number of days the foster care was actually provided in a calendar month.

(6) Remuneration for foster care is paid one month in arrears on the date set by the founder.

(7) If the foster care in the facility is terminated during the course of the calendar month, the remuneration for the performance of this foster care shall be paid in full for that month.

(8) If the number of children in the facility changes during the course of the calendar month, the remuneration for that calendar month shall be based on the higher number of children; if the remuneration for the provision of foster care increases pursuant to the second sentence of paragraph 2, the full amount should be paid for that month, even if the conditions are only fulfilled for part of the month.

Article 47

(1) Foster care can be provided in the residence of the foster parent under the same conditions as apply to foster care in a facility. When providing foster care in the residence of the foster parent, the provisions of Article 45, paragraph 2, clause d) do not apply; the provisions laid down in Article 45, paragraph 2, clause c) only apply where the items equipping the residence are the property of the founder or where the founder contributed to their purchase.

(2) For the purposes of Articles 44 to 46, the foster parent is also deemed to be
a) a person to whom children are entrusted for care on the basis of a decision by the municipal authority of a municipality with extended powers pursuant to Article 19, paragraph 1, clause), or
b) a guardian who personally cares for a child,
on condition the care of this child is provided in a facility.

For the purposes of Articles 44 to 46, the following are also deemed to be children placed in foster care

a) a child who was placed into care on the basis of a decision by the municipal authority of a municipality with enlarged powers pursuant to Article 19, paragraph 1, clause b), or
b) a child who is personally cared for by a guardian,
on condition the care of this child is provided in a facility.

(4) For the purposes of Article 45, paragraph 2, clauses a) and b) and Article 46, a child who has come of age and who can claim benefits to cover the needs of a child, and also a child who cannot claim benefits to cover the needs of a child because he/she receives a pension from the pension insurance fund that is the same level or higher than the benefit

referred to above ⁴⁴) are also deemed to be a child placed in foster care, on condition that the care of this child is provided in a facility.

PART FIVE
THE PROVISION OF SOCIO-LEGAL PROTECTION BY EMPOWERED PERSONS

Article 48

The provision of socio-legal protection by empowered persons

(1) Empowered persons may provide socio-legal protection on the basis of a decision to authorize them to perform these activities (hereinafter the "authorization").

(2) Empowered persons may, with regard to socio-legal protection,

- a) perform activities pursuant to Article 10, paragraph 1, clause a) and Article 11, paragraph 1, clauses a) to c),
- b) perform activities aimed at protecting children from harmful influences and preventing their emergence, pursuant to Articles 31 and 32,
- c) establish socio-legal protection facilities as referred to in Article 39,
- d) provide foster parents in facilities where they act as founders with educational and counselling support for the performance of their foster care and monitor their performance of foster care,
- e) take on the preparation of natural persons approved as future adoptive parents or foster parents to receive a child into their family (Article 22, paragraph 6), which would otherwise be provided by the regional authority (Article 11, paragraph 2),
- f) to propose natural persons suitable to become foster parents in a facility referred to in Article 44,
- g) to locate a natural person suitable to become an adoptive or foster parent and notify the municipal authority of a municipality with enlarged powers of the details,
- h) to locate a child referred to in Article 2, paragraph 2, suitable for adoption or for placement in foster care and notify the municipal authority of a municipality with enlarged powers of the details,
- i) to provide natural persons suitable to become adoptive or foster parents, and adoptive and foster parents, with counselling related to the adoption of the child or its placement in foster care.

(3) Empowered persons are not authorized to provide socio-legal protection other than those activities listed in paragraph 2.

Article 49
Authorization

(1) The regional authority shall decide on the authorization, provided a competent commission has not been empowered with the authorization pursuant to Article 38, paragraph 2, clause a).

⁴⁴ Articles 37 and 39 of Act no. 117/1995 Coll, as amended

(2) The authorization is conditional upon

- a) submission of a written application,
- b) proof of professional competence for all persons who will provide socio-legal protection by submitting documents confirming their educational achievements and a list of their previous employment and other working activities; proof of professional competence and the submission of the employment history does not affect foster parents in foster care facilities and persons referred to in Article 49A, paragraph 6,
- c) the integrity of all natural persons who will provide socio-legal protection,
- d) establishing suitable hygiene conditions for the provision of socio-legal protection, as confirmed proved by the presentation of a report from a competent body of the hygiene service,
- e) ownership or the right of use of a building or premises in which socio-legal protection will be provided, proved by the relevant documentation,
- f) the necessary material and technical conditions for the provision of socio-legal protection and the operation of a socio-legal protection facility,
- g) the submission of an annual report reviewing the activities and financial management, and, if the empowered person does not issue an annual report, the submission of another document describing its activities and financial management.

(3) For the purpose of deciding on the authorization, the regional authority or the commission request an opinion from the municipal authority of the municipality with extended powers in whose administrative district the applicant permanently resides or has a residence, headquarters or organizational offices, and in the event the applicant is developing his/her activities in the administrative district of another municipal authority of a municipality with extended powers other than where he/she permanently resides, an opinion is also requested from this municipal authority. The municipal authority of a municipality with extended powers principally reports on the applicant's previous activities.

(4) The application for authorization shall contain

- a) for a legal entity, the name, headquarters or organizational offices, identification number, registration certificate or copy of an entry into the relevant register pursuant to a special regulation ⁴⁵) and the name and surname of a person authorized to act in the name of the legal entity,
- b) for a natural person, the name, surname, place of permanent residence or residence and birth number,
- c) the scope of the socio-legal protection to be provided and a detailed description of the activities for which authorization is sought,
- d) the place the socio-legal protection is to be provided,
- e) the name, surname and birth number of all natural persons who will provide socio-legal protection,

⁴⁵ For example, Act no. 248/1995 Coll., on Not-for-Profit Companies and on amendments and additions to some Acts, Act no. 308/1991 Coll., on Freedom of Religion and the Status of Churches and Religious Societies, Act no. 83/1990 Coll., on Association of Citizens, as amended.

f) an extract from the Penal Register and a similar extract from the country in which the natural person has continuously resided for a period of three months over the past 3 years. The extract should not be more than 3 months old. Recognition of documents confirming the integrity of the applicant that were issued by the competent body of another Member State of the European Union, the procedure shall be regulated by special legal provisions^{45a}).

(5) The authorization shall be approved if the applicant can prove that he/she complies with all the conditions set forth in paragraph 2. The decision on the authorization shall state the scope of the socio-legal protection that can be provided. The regional authority or commission shall also decide whether to extend or amend the authorization to provide socio-legal protection if the empowered person wishes to perform activities different to those for which the authorization was granted. Paragraphs 2 to 4 also apply to the authorization of an extension or amendment to the provision of socio-legal protection.

(6) For the purposes of granting the authorization, an individual who has never been convicted of a deliberate criminal offence or convicted of a criminal offence committed through negligence relating to the performance of activities comparable with the activities performed when providing socio-legal protection shall be deemed to have integrity. If the applicant or other persons who are included in the application for authorization as persons who will provide socio-legal protection are accused of a criminal offence referred to in the previous sentence, the authorization proceedings shall be discontinued until such time as the final ruling has been made in these criminal proceedings.

(7) The empowered person may provide socio-legal protection if, before commencing his/her activities, he/she takes out insurance against liability for damages caused by the provision of the socio-legal protection. The insurance must be taken out for the entire period during which the empowered person shall provide the socio-legal protection under the terms of this Act. The empowered person is obliged to send a copy to the body that granted the authorization within 15 days of the day the insurance contract was concluded.

(8) The empowered person shall

a) inform the body that granted the authorization of any changes in facts that might affect the authorization or suspend the activities laid down in the authorization, within 15 days of their occurrence,

b) provide the body that granted the authorization with the documentation it needs and allow it access to the premises where the socio-legal protection will be provided, in order to verify their compliance with the conditions set out in paragraph 2,

c) to maintain records on its activities relating to the provision of socio-legal protection within the scope covered by the authorization and to submit these when so requested by the body that granted the authorization,

d) to produce an annual report on its socio-legal protection activities after one calendar year, or another document that contains a description of these activities and its financial

^{45a} Act no. 18/2004 Coll., on Recognizing Professional Qualifications and other Qualifications of Citizens of the Member States of the European Union and on Amendments to some Laws, as amended.

management if it does not issue an annual report and to send it at the latest by July 30th of the following year to the body that granted the authorization; the annual report may be published to the extent and on the conditions set forth in Article 57, paragraph 2, e) to announce the date and place of an educational recreational camp for children to the competent socio-legal protection body at least one month before it opens.

(9) The bodies that granted the authorization are obliged to provide the Ministry with information on the natural person or legal entity that was granted authorization, or which natural person or legal entity had its authorization withdrawn and for what reasons. The bodies that granted the authorization are obliged to fulfil this obligation within 8 days of the day on which the decision to grant or to remove the authorization came into force. On the basis of this information, the Ministry shall maintain a register of empowered persons. For the purposes of deciding on authorization, the Ministry shall provide the bodies that grant the authorization information from this register in electronic form to enable them remote access.

(10) The body that decided to grant the authorization is authorized to monitor the performance of socio-legal protection by the empowered persons. The empowered person is obliged to provide the bodies that grant the authorization with conditions enabling them to perform checks and shall cooperate with them during these checks. The regional authority in whose district the socio-legal protection facility has its headquarters is also authorized to monitor the performance of socio-legal protection pursuant to the first sentence; the empowered person must fulfil the obligations referred to in the second sentence for this regional authority. This regional authority is obliged to report any facts discovered during its control of the regional authority which is competent to grant the authorization.

Article 49a

Professional competence to provide socio-legal protection by empowered persons

(1) Persons who are professionally competent may provide socio-legal protection.

(2) For the purpose of providing socio-legal protection by empowered persons, professional competence is understood to mean

a) duly completed university studies in study programmes covering the educational and social sciences focusing on social care, social policies, social work, education, law, psychology, pedagogy or nursing and, in the field of medicine, focusing on general medicine and paediatrics,

b) duly completed studies in educational programmes realized at a college in the field of social work, education, charity and social care, charity and social activities, social law activities, dual disciplinary studies in education and theology and completed nursing diplomas or duly completed secondary school graduation programmes in these fields,

c) education to the stage required for a professional certificate in the area of socio-legal protection pursuant to a special regulation ^{45b}), and at least one year's experience,
d) graduation from educational courses in the field of care of the family and children lasting at least 100 hours and at least one year's experience in the case of a person who duly completed university or college education in a different area of study, or in the same area of study but with a different focus than that referred to in clauses a) and b),
d) completion of educational courses in the field of the family and children lasting at least 100 hours and at least one year's experience, in the case of persons who have duly completed university or college education in a different area of study, or in the same area of study but with a different focus than that referred to in clauses a) and b),
e) completion of educational courses in the field of the family and children lasting at least 100 hours and at least one year's experience, in the case of persons who have duly completed high school or basic school, or
f) completion of preparations organized for volunteers from a volunteer organization accredited by the Ministry of the Interior pursuant to a special regulation ^{45c}) if this preparation focuses on providing assistance for the care of children, juveniles and families in their free time.

(3) Work in the area of care of families and children is deemed to constitute experience pursuant to paragraph 2.

(4) Professional competence can be proved by a certificate of studies and confirmation of specialized work from the bodies or persons for whom the specialized work was performed.

(5) Recognition of specialized qualifications and experience or other competences that nationals of European Union Member States or their family members ^{45d}) have acquired in other Member States of the European Union is regulated by special legal provisions ^{45a}).

(6) Persons who have not achieved professional competence pursuant to paragraph 2 may also share in providing socio-legal protection if they perform these activities under the supervision of a person who has acquired professional competence pursuant to paragraph 2. A person who has not acquired professional competence is required to attend a training course in the area of care for families and children pursuant to paragraph 2 clause d) or e) within a year of providing socio-legal protection.

Article 50

Withdrawal of authorization

The socio-legal protection body that granted the authorization shall decide to withdraw the authorization,

^{45b} Act no. 312/2002 Coll., on the Officials of Regional Authorities and on Amendments to some Acts, as amended by Act no. 46/2004 Coll.

^{45c} Act no. 198/2002 Coll., on Volunteer Services and on Amendments to some Acts, as amended

^{45d} Art. 11, Council Regulation (EEC) no. 1612/68 dated October 15th 1968 on the Free Movement of Workers within the Community

- a) if the empowered person requests that the authorization be withdrawn,
- b) if sanctions were validly imposed on the empowered person for an administrative offence referred to in Articles 59 to 59k in the case of particularly serious breaches of obligation,
- c) if the empowered person fails to perform an activity he/she was authorized to perform and fails to report this fact within the required term (Article 49, paragraph 8, clause a)),
- d) if, after announcing the termination of activities for which he/she was authorized, the empowered person has not recommenced the activities for which he/she was granted authorization to perform within one year of this announcement, or
- e) if the empowered person was duly convicted of a criminal offence referred to in Article 49, paragraph 6.

(2) If the authorization was withdrawn pursuant to paragraph 1, clauses b) to d), the natural person or legal entity may reapply for authorization after a period of two years from the day on which the decision to withdraw the authorization came into force.

(3) The body that withdrew the authorization is obliged to provide care for the children for whom the empowered person provided socio-legal protection unless some other means have been established.

PART SIX COMMON PROVISIONS

Article 51

The obligation pertaining to socio-legal protection bodies to communicate information

(1) Socio-legal protection bodies, commissions and advisory committees are obliged to share information from the register and records they hold to a degree that is essential for the needs of these bodies.

(2) Socio-legal protection bodies that arrange adoptions or foster care also hold registers of children and registers of applicants in electronic form, thereby enabling remote access by other socio-legal protection bodies arranging adoptions or foster care in accordance with this Act.

(3) On request, the municipal authority

a) submits to the court reports on the situation of the child for whom the court has ordered disciplinary measures,

b) recommends persons suitable to become guardians to the court and informs the municipal authority of a municipality with extended powers of this recommendation,

c) sends the municipal authority of a municipality with extended powers reports on the situation of the child,

sends the public prosecutor reports on the situation of the child for whom the court, in civil proceedings petitioned by the public prosecutor, ordered protective custody pursuant to special legal provisions ⁴⁾

(4) On request, the municipal authority of a municipality with extended powers

- a) submits to the court reports on the situation of the child for whom the court has ordered protective custody,
- b) sends the public prosecutor a report on the situation of the child if the public prosecutor is holding proceedings relating to the child pursuant to special legal provisions²⁹⁾,
- c) sends the filed documentation held on the child and general information and the summary of data it has collected during its activities, with the exception of information concerning the child's property, to the regional authority and the Ministry,
- d) may provide the empowered person with information required to perform his/her activities.

(5) the socio-legal protection body is obliged

a) on request, to provide

1. the court and administrative offices with information they require for civil proceedings and administrative proceedings,
2. the bodies involved in criminal proceedings with information they require for criminal proceedings,
3. the social security offices and state social support bodies with information they require in order to decide on social benefits, to the extent corresponding to the requirements of the proceedings before these bodies,
4. the labour office with information required to for the proceedings to authorize the child's activities pursuant to special legal provisions^{47a)},
5. the state social welfare office with information required to establish the level of alimentation and to petition for a ruling, if the child's alimentation is in accordance with Article 19, paragraph 4,

(6) the facility referred to in Article 29, paragraph 1 with information on the relationships in the family of a child who was placed in this facility on the basis of a court order, and if foster care or adoption is being arranged for this child, also information on the procedure being followed,

(7) the prison in which the juvenile is being held with the information required for the punishment to achieve its purpose;

b) to inform the body involved in the criminal proceedings of any facts that might prove that a criminal offence had been committed against the child⁴⁸⁾, or that the child had been used to commit a criminal act, or that there is violent behaviour between the parents, other persons responsible for the child's upbringing and other natural persons in the same household as the child; to provide the Probation and Mediation Service, on request, with information to the extent required for criminal proceedings;

d) to inform the Labour Office that authorized the artistic, cultural, sporting or advertising activities of the child pursuant to special legal provisions^{47a)} of any facts that would justify commencing proceedings to prevent the child from performing these

^{47a} Articles 121 to 124 of Act no. 435/2004 Coll., on Employment

⁴⁸ Article 8 of the Criminal Code

activities; the socio-legal protection body is also obliged to monitor whether remedial action has been taken;

e) to provide the Public Defender of Rights with information requested during investigations pursuant to a special Act.

(6) Under the terms of this Act, the registers held are in the public administration computer system ^{47b}).

Article 52

(1) In relation to the performance of tasks pursuant to this Act, employees of the socio-legal protection body and employees of a municipality with extended powers employed at the municipal authority are authorized to visit the child and the family with whom he/she lives, at their residence and to establish at the child's place of residence, at the school, at the health care facility, at work or in different environments where the child spends his/her time how the parents or other persons responsible for the child's upbringing care for the child, the social conditions in which the child is living and how the child behaves.

(2) Employees of the socio-legal protection body and employees of a municipality with extended powers employed at the municipal authority are authorized to photograph and made visual and audio recordings of the child and the environment in which the child lives where this is necessary in order to protect the rights of the child ⁴⁹).

(3) Employees of socio-legal protection bodies and employees of a municipality with extended powers employed at the municipal authority perform the activities referred to in paragraphs 1 and 2 on the basis of a special authorization issued by this body, which bears the name or names and surname of the employee, their title and employee and a description of the activities which this employee is authorized to perform.

Article 53

Obligations of Government Bodies, other legal entities and natural persons and empowered persons

(1) When so requested by socio-legal protection bodies

a) Government bodies,

b) employers,

c) other legal entities, particularly schools, educational, medical and other similar facilities,

d) natural persons, if they are founders of schools and other facilities referred to in clause c),

e) empowered persons,

are obliged, under the terms of this Act, to share freely the information needed for the provision of socio-legal protection or for the purpose for deciding to grant authorization,

^{47b} Act no. 365/2000 Coll., on Public Administration Information Systems and on Amendments to some Acts, as amended

⁴⁹ Article 12 paragraph 2 of the Civil Code

unless prevented from so doing by a special regulation. They may not appeal to the obligation to maintain confidentiality pursuant to a special regulation ^{49a}), if information has to be communicated concerning suspected ill-treatment or abuse of a child or neglecting to care for him/her. However if this information relates to his/her state of health which is requested by a socio-legal protection body, a special regulation ⁵⁰) on payment for medical interventions in health care facilities applies.

(2) The parents are obliged

a) to cooperate with socio-legal protection bodies in protecting the interests and rights of the child,

b) to appear for personal interview when invited by the competent socio-legal protection body, to submit papers and other documentation and to provide essential information where it is required in order to provide socio-legal protection,

c) to allow employees of the socio-legal protection body and employees of the municipality with extended powers employed at the municipal authority to visit their residence, or other locations where the child lives, in accordance with the conditions set forth in Article 52, paragraph 3, if this is required to protect the life or the health of the child, or to defend his/her rights.

(3) The obligations set forth in paragraph 2 also apply to other persons responsible for the child's upbringing.

(4) For the purposes of arranging adoption or foster care, applicants to adopt a child or for his/her placement in foster care are obliged, within the framework of the professional review pursuant to Article 27, to submit to a medical examination, to provide information on their state of health and to communicate the name, surname and address of their GP and the name and address of the medical facility in which they are treated.

(5) The socio-legal protection body may impose a fine of 20,000 CZK on parents or other persons responsible for the child's upbringing if they do not fulfil the obligations referred to in paragraph 2, clauses a) to c). The fine may be imposed repeatedly. The fine may be imposed up to 6 months after the day on which the obligation was breached. The income from the fine is paid towards the state budget.

Article 54

Registers and Records

The municipal authority of a municipality with extended powers holds registers of children

a) referred to in Article 6, paragraph 1,

b) for whom it was appointed curator or guardian.

^{49a} Article 55 paragraph 2 of Act no. 20/1966 Coll., as amended

⁵⁰ Article 15 paragraph 9 of Act no. 48/1997 Coll., on Public Health Insurance and on Amendments and Additions to some other Related Acts

Article 55

- (1) The municipal authority of a municipality with extended powers maintains records on the children included in the register pursuant to Article 54 above.
- (2) The records contain, in particular, the personal details of the child, his/her parents, information on educational matters concerning these children, records of the results of investigations into the family, records of meetings with parents or other persons, copies of petitions to the court and other government bodies, written rulings by the courts, bodies involved in criminal proceedings and administrative bodies.
- (3) The records may also include recordings on technical data media, micrographic recordings, printed copies from the optic archive and printed or photographic products from other computer technology in the place of the original papers, from which they were created, unless it is clear from the nature of the matter that the original, or an officially verified copy of the paper should be preserved.
- (4) Apart from the records, the municipal authority of a municipality with extended powers also maintains other written matter that forms a basis for processing the records. This written matter is not handed over to any body, natural or legal person. It can only be submitted to the court and the public prosecutor in the event that the information it contains relate to a criminal prosecution.
- (5) Only a parent of the child, who has parental responsibility, or another person responsible for the child's upbringing or their representative on the basis of a written power of attorney, has the right to inspect the records held on the child, unless part is related to administrative proceedings. The content of the records will be read out to blind persons and the municipal authority of the municipality with enlarged powers shall allow the person accompanying to inspect the records if they so request. The parents, or another person responsible for the child's upbringing, or their representative on the basis of a written power of attorney have the right to make notes while inspecting the records and they may pay for copies of the documentation or its part; special legal provisions regulate the amount charged for making a copy of the records^{50a}) The Act on free access to information^{50b}) does not apply to the inspection of records.
- (6) The municipal authority of the municipality with extended powers is only authorized to use the information contained in the records relating to the child in the interest of the child to provide socio-legal protection. Within 15 days of the day on which the parent or the person responsible for the child's upbringing requested an inspection of the records, the municipal authority of the municipality with extended powers,
 - a) reports that it will allow the parents or the person responsible for the child's upbringing to inspect the records and determines the date for this inspection, in this case no decision is issued, or

^{50a} Act no. 634/2004 Coll., on Administrative Charges, as amended

^{50b} Act no. 106/1999 Coll., on Free Access to Information, as amended

b) decides to refuse the written request if it is against the interests of the child, or if the identity of the natural person who alerted the authorities to the facts referred to in Article 7 can be detected from the records.

(7) The municipal authority of the municipality with extended powers shall archive the information contained in the records that relate to

a) the child, for a period of 15 years following the calendar year during which the child was added to the register,

b) a child, who was adopted or placed in foster care, for a period of 15 years following the calendar year during which the child came of age,

c) applicants for adoption or foster care, for a period of 15 years following the calendar year during which the applicants were removed from the register.

(8) The provisions of paragraph 7 also apply to the maintaining of registers by the regional authority pursuant to Article 22 and to the Ministry pursuant to Article 23.

Article 56

Article 55 also applies to the management of records on children by other socio-legal protection bodies and on the handling of records of the municipal authority of a municipality with extended powers by these organs.

Article 57

(1) Employees of a socio-legal protection body, employees of a municipality with extended powers employed at the municipal authority and employees of socio-legal protection facilities are obliged to maintain confidentiality on facts they may have learned while providing socio-legal protection or in direct relation to them, unless the law (Article 51) dictates otherwise. Employees of a socio-legal protection body and employees of a municipality with extended powers employed at the municipal authority are obliged to maintain confidentiality on the person who alerted the socio-legal protection body to the facts set forth in Article 7, they are obliged to maintain confidentiality on the place of residence of parents who were victims of domestic violence in a family with a child, and are also required to maintain confidentiality on information concerning the persons to whom the child was entrusted into the care of future adoptive parents, as well as the place of residence of this child. The employees referred to in the first sentence are obliged to maintain confidentiality pursuant to the first and second sentences even after terminating their employment. The employees referred to in the first sentence can only be released from their obligation to maintain confidentiality by those in whose interests they have this obligation, in writing and including the purpose and scope.

(2) The obligation established in paragraph 1 also applies to empowered persons and other natural persons who learned of facts during their cooperation with socio-legal protection bodies and socio-legal facilities concerning which the employees referred to in paragraph 1 are obliged to maintain confidentiality.

The socio-legal protection bodies are authorized to process the requested personal data to the extent necessary to enable them to perform their tasks pursuant to this Act, even when this personal data is designated as sensitive pursuant to a special regulation^{50c}).

Article 58

(1) Costs arising in relation to the provision of socio-legal protection, unless otherwise stipulated, are borne by the state, with the exception of costs to establish and operate socio-legal protection facilities, which are borne by the founder of this facility, and with the exception of costs that were produced by an empowered person in relation to the provision of socio-legal protection.

(2) If it is a municipality, a region or an empowered person who has founded a facility catering for children who require immediate assistance, it can claim state funding pursuant to Article 42g to 42n.

(3) Socio-legal protection is provided free of charge, with the exception of children's attendance at educational recreational camps, children staying at facilities catering for children requiring immediate assistance and the administration of children's property⁵¹).

(4) When setting the cost for the child's stay at an educational recreational camp, the founder is regulated by a special regulation⁴⁰). The founder may set conditions according to which this cost may be partially or wholly ignored.

Article 58a

According to the terms of this Act, the competences ascribed to a regional authority, a municipal authority of a municipality with extended powers or a municipal authority are devolved competences.

PART SEVEN ADMINISTRATIVE OFFENCES

CHAPTER I MISDEMEANOURS

Article 59

(1) A natural person shall commit a misdemeanour if he/she

- a) as a person with whom a child resides, refuses to allow the child to meet the applicant pursuant to Article 24, paragraph 3 and Article 24a, paragraph 4,
- b) performs an activity referred to in Article 48, paragraph 2 without authorization,

^{50c} Act no. 101/2000 Coll., as amended

⁵¹ Article 37b of the Family Act

c) arranges an adoption or foster care pursuant to Article 19a, paragraph 1, clause d) despite being unauthorized and inconsistent with Article 19a, paragraph 2,
d) does not fulfil his/her obligations pursuant to Article 10a, paragraph 2 to inform the municipal authority of a municipality with extended powers that he/she took a child into his/her care with the intention of providing him/her with permanent care,
e) impedes the care provided by the adoptive parent or the upbringing of the adopted child by releasing or disseminating information concerning the adoption,
f) frustrates the child's protective custody or disrupts the care of the child who has been placed in the care of a person other than the parents or in foster care,
g) as a person responsible for a child, leaves the child without the proper care appropriate for his/her age, intellectual maturity or even state of health, thereby placing him/her in danger of serious detrimental to his/her health, or as a result of this the child might damage the health of another person or cause substantial harm to other people's property,
h) applies inappropriate measures with the intent of humiliating the child and offending his/her human dignity, or
i) intentionally impedes or frustrates the performance of the decision of the municipal authority pursuant to Article 13, which would place the child under supervision or restrict the child's movements.

(2) A fine of up to 50,000 CZK may be imposed for misdemeanours pursuant to paragraph 1, clauses a), b), d) to i) and a fine of up to 200,000 CZK may be imposed for misdemeanours pursuant to paragraph 1, clause c).

Article 59a

(1) The parent or other natural person responsible for the child's upbringing shall commit a misdemeanour if he/she

a) does not fulfil his/her obligation to seek the help of a professional counselling service, imposed under a decision by the socio-legal protection body pursuant to Article 12, or
b) does not collect a child who has been repatriated from abroad pursuant to Article 36, paragraph 3, despite the fact that no substantial difficulties prevented him/her from so doing.

(2) A fine of up to 20,000 CZK may be imposed for misdemeanours pursuant to paragraph 1.

Article 59b

(1) A natural person can commit a misdemeanour as an empowered person by

a) exceeding the scope of socio-legal protection laid down in the authorization or performing socio-legal protection in conflict with the conditions laid down in Article 49, or breaches the obligation laid down in the authorization,
b) violating the rights of a child living in protective custody facilities or fails to fulfil the obligations required for their protection when performing socio-legal protection within the scope of the socio-legal protection laid down in the authorization, or

c) seriously violating hygiene and anti-epidemiological regulations or violating these regulations repeatedly.

(2) A fine of up to 200,000 CZK may be imposed for misdemeanours pursuant to paragraph 1, clauses a) and b) and a fine of up to 50,000 CZK may be imposed for a misdemeanour pursuant to paragraph 1, clause c).

Article 59c

(1) A natural person as a person responsible for an institutional facility or a facility catering for children who require immediate assistance, who is neither a legal entity nor a natural person conducting business, commits a misdemeanour if he/she fails to ensure that this facility fulfilled its obligations pursuant to Article 29, paragraph 6.

(2) A fine of up to 50,000 CZK may be imposed for a misdemeanour pursuant to paragraph 1.

Article 59d

(1) A natural person as a founder of a school, educational, medical or other similar facility, or as an empowered person may commit a misdemeanour by failing to fulfil his/her obligation to provide, free of charge, the information needed to provide socio-legal protection or for the purpose of deciding whether to grant authorization pursuant to Article 53, paragraph 1.

(2) A fine of up to 50,000 CZK may be imposed for a misdemeanour pursuant to paragraph 1.

Article 59e

(1)) A natural person as an empowered person or as a person responsible for a school, educational facility or other facility designed to be used by children, who is neither a legal entity nor a natural person conducting business, may commit an administrative offence by failing to fulfil his/her obligation pursuant to Article 10, paragraph 4 to inform the municipal authority of a municipality with extended powers without delay that he/she has learned of a child referred to in Article 6, paragraph 1 who is to be provided with socio-legal protection, or fails to ensure that the school, educational facility or other facility designated for children for which he/she is responsible had fulfilled this obligation.

(2) A fine of up to 50,000 CZK may be imposed for a misdemeanour pursuant to paragraph 1.

CHAPTER II ADMINISTRATIVE OFFENCES BY LEGAL ENTITIES AND NATURAL PERSONS CONDUCTING BUSINESS

Article 59f

- (1) A legal entity or a natural person conducting business commit an administrative offence if he/she
- a) as a person with whom a child resides, refuses to allow the child to meet the applicant pursuant to Article 24, paragraph 3 and Article 24a, paragraph 4, or
 - b) does not fulfil his/her obligations pursuant to Article 10a, paragraph 2 to inform the municipal authority of a municipality with extended powers that he/she took a child into his/her care with the intention of providing him/her with permanent care,
- (2) A legal entity commits an administrative offence if he/she
- a) performs an activity referred to in Article 48, paragraph 2 without authorization,
 - b) arranges an adoption or foster care pursuant to Article 19a, paragraph 1, clause d) despite being unauthorized and inconsistent with Article 19a, paragraph 2,
- (3) A fine of up to 50,000 CZK may be imposed for an administrative offence pursuant to paragraph 1 and paragraph 2, clause a) and a fine of up to 200,000 CZK may be imposed for an administrative offence pursuant to paragraph 2, clause b).

Article 59g

- (1) A legal entity or a natural person conducting business commit an administrative offence if he/she
- a) exceeds the scope of socio-legal protection laid down in the authorization or performing socio-legal protection in conflict with the conditions laid down in Article 49, or breaches the obligation laid down in the authorization,
 - b) violates the rights of a child living in protective custody facilities or fails to fulfil the obligations required for their protection when performing socio-legal protection within the scope of the socio-legal protection laid down in the authorization, or
 - c) seriously violates hygiene and anti-epidemiological regulations or violates these regulations repeatedly.
- (2) A fine of up to 200,000 CZK may be imposed for an administrative offence pursuant to paragraph 1, clause a) and b) and a fine of up to 50,000 CZK may be imposed for an administrative offence pursuant to paragraph 1, clause c).

Article 59h

- (1) A legal entity or a natural person conducting business as an institutional facility or a facility catering for children who require immediate assistance commit an administrative offence if they violate their obligations pursuant to Article 29, paragraph 6.
- (2) A fine of up to 50,000 CZK may be imposed for an administrative offence pursuant to paragraph 1.

Article 59i

(1) A legal entity or a natural person conducting business as an employer, school, educational, medical or other similar facility, or as an empowered person may commit an administrative offence by failing to fulfil his/her obligation to provide, free of charge, the information needed to provide socio-legal protection or for the purpose of deciding whether to grant authorization pursuant to Article 53, paragraph 1.

(2) A fine of up to 50,000 CZK may be imposed for an administrative offence pursuant to paragraph 1.

Article 59j

(1) A health care facility may commit an administrative offence when treating the injuries of a child in a case of suspected ill-treatment, abuse or neglect to provide care (Article 10, paragraph 5) by failing to send the record of the injury to the municipal authority of a municipality with extended powers pursuant to Article 10, paragraph 6.

2) A fine of up to 50,000 CZK may be imposed for an administrative offence pursuant to paragraph 1.

Article 59k

1)) A legal entity or a natural person conducted business as an empowered person or as a person responsible for a school, educational facility or other facility designed to be used by children, who is neither a legal entity nor a natural person conducting business, may commit an administrative offence by failing to fulfil his/her obligation pursuant to Article 10, paragraph 4 to inform the municipal authority of a municipality with extended powers without delay that he/she has learned of a child referred to in Article 6, paragraph 1 who is to be provided with socio-legal protection.

2) A fine of up to 50,000 CZK may be imposed for an administrative offence pursuant to paragraph 1.

CHAPTER III COMMON PROVISIONS

Article 59l

(1) A legal entity is not answerable for the administrative offence if it can prove that it made every possible effort to prevent the breach of the legal obligation.

(2) When determining the level of the fine imposed on a legal entity, account is taken of the seriousness of the administrative offence, particularly in terms of the manner in which it was committed and its consequences and in terms of the circumstances under which it was committed.

(3) The liability of a legal entity for an administrative offence expires if the administrative body has not commenced proceedings against it within one year of the day on which it learned of the offence and at the latest within 3 years of the day on which it was committed.

(4) The provisions of the Act on Liability and Sanctions for Legal Entities relate to liability for negotiations that occurred when business was conducted by a natural person⁵²) or was directly related to him.

(5) Under the provisions of this Act, the first level of administrative offences shall be heard by

a) the socio-legal protection body that included the applicant in the register of applicants, if it concerns an administrative offence pursuant to Article 59, paragraph 1, clause a) or pursuant to Article 59f, paragraph 1, clause a),

b) the regional authority, which would be competent to grant authorization, or if a commission were competent to grant authorizations, the municipal authority of a municipality with extended powers, whose mayor established the commission, if it is an administrative offence pursuant to Article 59, paragraph 1, clause c) or Article 59d, paragraph 2, clause a),

c) the competent regional authority for the child's permanent residence if it is an administrative offence pursuant to Article 59, paragraph 1, clause c) or pursuant to Article 59f, paragraph 2 clause b),

d) the competent municipal authority of a municipality with extended powers, depending on the child's permanent residence if it concerns an administrative offence pursuant to Article 59, paragraph 1, clause e) to h), Article 59a, paragraph 1, clause b), Article 59c, paragraph 1, or Article 59h, paragraph 1,

e) the regional authority that granted the authorization, or the municipal authority of a municipality with extended powers, whose mayor established the commission that granted the authorization, if it concerns an administrative offence pursuant to Article 59b, paragraph 1 or Article 59g, paragraph 1,

f) the socio-legal protection body, for which the obligation has to be fulfilled unless the administrative offences are due to be discussed by the competent bodies pursuant to clauses a) to e).

(6) The fines shall be collected by the socio-legal protection body which imposed them.

(7) The procedure for collecting and recovering fines is regulated by special legal provisions^{52a}),

PART EIGHT PROCEEDINGS AND LOCAL COMPETENCE

Article 60

Unless this Act dictates otherwise, the procedure shall follow the Administrative Procedure Code.

Article 61

Local Competence

⁵² Article 2 of the Commercial Code

^{52a} Act no. 185/2004 Coll., on the Customs Administration, as amended

(1) The local competence of the regional authority, the municipal authority of a municipality with extended powers and a municipal authority is subject to the permanent residence of the child, unless it is set forth otherwise.

(2) The local competence of the regional authority is subject to

a) the location of the permanent residence of the natural person who wishes to become an adoptive parent or to take a child into foster care if it concerns cases referred to in Article 11, paragraph 2, clause a), Article 22, Article 24, paragraphs 2 and 3, Article 24b, paragraphs 1 and 3, Article 24 c, paragraph 1, clauses b) and c), Article 24c, paragraph 3 and Article 27,

b) the location of the permanent residence of the natural person suitable to become an adoptive parent or a foster parent and the location of the permanent residence of the adoptive parent or the foster parent, if it concerns cases referred to in Article 11, paragraph 2, clause b),

c) the location of the headquarters of the founder of the facility catering for children who require immediate assistance, if it concerns state funding for the founder of this facility,

d) the location of the permanent residence or the usual residence or the headquarters of an empowered person if it concerns granting authorization pursuant to Article 49, or removal of the authorization pursuant to Article 50.

(3) The local competence of the municipal authority of a municipality with extended powers is subject to

a) the location where the child is to be found if it concerns a child referred to in Article 10a, paragraph 1, article 15, paragraph 2, Article 16 and Article 37, paragraph 2,

b) the location of the permanent residence of the natural person who wishes to become an adoptive parent or to provide a child with foster care if it concerns cases referred to in Article 11, paragraph 1, clause d), Article 20, paragraph 2, Article 21, paragraph 1 and Article 27a, paragraph 2,

c) the location of the permanent residence of the natural person if it concerns a case referred to in Article 30, paragraph 5,

d) the location of the headquarters of the medical facility if it concerns sending the record on the child's injury (Article 10, paragraph 6); if the child does not have permanent residence in the administrative district of this municipal authority, this municipal authority will send a record of the child's injury to the municipal authority of a municipality with extended powers in whose administrative district the child is permanently resident,

e) the location where the parents are staying, if it is a case of obtaining the prior consent of the parents to the adoption of the child without any relation to a specific adoptive parent (Article 19, paragraph 3).

(4) The local competence of the commission is subject to the location of the permanent residence or the headquarters of the empowered person, if it is a case of granting authorization pursuant to Article 38, paragraph 2, clause a), or the withdrawal of authorization pursuant to Article 50.

(1) Were the municipal authority of a municipality with extended powers made the child's curator for the proceedings held in a different court than the competent court according to the child's permanent residence, this municipal authority of a municipality with extended powers has the right to request a municipal authority of a municipality with extended powers in whose district the court hearing is taking place that it represent the child, and transfer the child's records together with its opinion. The requested municipal authority of a municipality with extended powers is obliged to accommodate the requestor and is authorized to represent the child in the proceedings.

(2) Were the Office to be designated curator, it can request the municipal authority of a municipality with extended powers in whose district the court hearing is taking place to represent the child and transfer to it the necessary records, together with its opinion. The requested municipal authority of a municipality with extended powers is obliged to accommodate the requestor and is authorized to represent the child in the proceedings.

(3) The competent socio-legal protection body pursuant to Article 61, which is under obligation to visit the child in his/her family, or for the purposes of socio-legal protection, carry out an investigation on other persons, is authorized to request that a different socio-legal protection body, in whose district the child or another person are staying, carry out these visits. The socio-legal protection body is obliged to accommodate the requestor. The first sentence does not apply to visits to children placed in the care of other natural persons than the parents pursuant to Article 19, paragraph 5.

(4) The municipal authority of a municipality with extended powers, which has local competence pursuant to Article 61, is authorized to request the municipal authority of a municipality with extended powers in whose district the children's parent is staying, to cooperate in arranging the assistance of a counselling facility for the parents whose child has been placed in a facility for institutional care (Article 12, paragraph 2). The requested municipal authority of a municipality with extended powers is obliged to accommodate the requestor.

(5) Paragraphs 1 to 4 also apply to the participation of a municipal authority of a municipality with extended powers, where criminal proceedings are being held against the child or an administrative hearing at which the child is a party.

Article 63

The proceedings are instituted on the basis of a written petition submitted by the socio-legal protection body

- a) competent to accept petitions pursuant to Article 20, paragraph 1, if this concerns inclusion in the register of applicants (Article 22),
- b) competent to decide on placing the child in the care of the future foster or adoptive parents (Article 19, paragraphs 1 and 2),
- c) competent to decide on granting authorization pursuant to Article 49, with the exception of the case referred to in Article 38, paragraph 2, clause a),

d) whose special body is the commission referred to in Article 38, paragraph 2, clause a), if this concerns granting authorization to perform socio-legal protection and for which this commission is a competent body.

Article 64

(1) In proceedings to place the child into the care of the future adoptive parents, the child's parents do not participate in the proceedings if they have not attended the adoption proceedings pursuant to a special regulation⁵³). Only the applicant participates in the proceedings to include the applicant in the register of applicants for adoption or foster care .

(2) For issuing a decision on inclusion in the register of applicants (Article 22, paragraphs 5 and 6, Article 25, paragraph 3), the provisions of the Administrative Procedure Code do not apply to the term for issuing a decision⁵⁴. In the proceedings on giving consent to an intercountry adoption (Article 35, paragraph 2, clause i), the child's parents are not present at the proceedings if they were not even present during the adoption proceedings.

(3) Appeals against a decision to place the child in the care of his/her future adoptive parents and placing the child in the care of his/her future foster parents and appeals against the level of maintenance set to cover accommodation and care pursuant to Articles 42b to 42f does not have a suspensory effect.

PART NINE TRANSITIONAL AND FINAL PROVISIONS

Article 65 Transitional Provisions

(1) The registers and records relating to the socio-legal protection of the child before the Act comes into force are regarded as registers and records according to this Act. Within 9 calendar months of the date this Act comes into force, district offices and municipalities are obliged to complete the registers and records relating to socio-legal protection and adapt them to the requirements of this Act.

(2) Legal entities and natural persons who, on the day this Act comes into force are providing socio-legal protection on the basis of the previous regulations and within the scope of this Act, are obliged, within 3 months of this Act coming into force, to request the Ministry, and if this is a case referred to in Article 49, paragraph 1, second sentence, the municipal authority to issue a decision on authorizing them to provide socio-legal protection. Until the decision on the authorization, but within a maximum of 12 months for the day this Act comes into force, the legal entities and natural persons referred to in the first sentence shall be deemed to be persons authorized to perform socio-legal protection.

⁵³ Article 181 of the Civil Procedure Code

⁵⁴ Article 71 paragraphs 1 and 3 of the Administrative Procedure Code

(3) If the persons referred to in paragraph 2 perform socio-legal protection in a different scope than is allowed by this Act at the date on which this Act comes into force, they shall be obliged to terminate this activity by 6 calendar months from the date this Act comes into force.

(4) The rights and obligations that the Centre for the International Protection of Juveniles had on the day this Act came into force, are transferred to the Office. The rights and responsibilities arising from the employment relations of the employees of the Centre for the International Protection of Juveniles are transferred to the Office.

(5) The deadline for visiting children placed in the care of other natural persons (Article 19, paragraph 5), a child placed in a facility that provides institutional or protective custody (Article 29, paragraph 2), and a child who is detained or imprisoned (Article 34), starts from the child placed in care or placed in a facility before the day this Act comes into force and runs from the day this Act comes into force.

(6) For a child's temporary stay with his/her parents or other natural persons (Article 30), which began, with the consent of the socio-legal protection body, to run before the day this Act came into force, the length of this stay can be a maximum of 14 calendar days from the day this Act came into force; this period may only be extended on the basis of the written consent of the socio-legal body for the protection of children.

(7) The Commission for the care of families and children, which was established on the basis of the previous regulations shall be known as the Commission for the Socio-Legal Protection of Children from the day this Act comes into force.

(8) Foster care facilities established before the day this Act came into force are deemed to be facilities for foster care pursuant to this Act from the day the agreement has been completed, according to the terms of this Act and at most 12 months from the day this Act came into force, and special regulations apply to foster care provided at a facility, which were valid before the day this Act came into force.

(9) When arranging adoptions or foster care pursuant to Articles 20 to 27, the procedure should follow this Act, even though the application and arrangements were made before it came into force. The Ministry shall decide on these applications and arrangements for adoptions pursuant to Article 22, paragraph 5, within 3 calendar months of this Act coming into force.

Article 66

The following Acts are repealed:

1. Act no. 50/1973 Coll., on Foster Care
2. Act no. 58/1984 Coll., which amends the Act on Foster Care
3. Act no. 118/1992 Coll., which amends and adds to act no. 50/1973 Coll., on Foster Care, as amended by act no. 58/1984 Coll.

4. Part of the fourth Act no. 169/1999 Coll., on Imprisonment and on amendments to some related Acts

Article 67

This Act comes into force on April 1st 2000.

Act no. 257/2000 Coll., on the Probationary and Mediatory Service and on amendments to Act no S/1969 Coll., on Establishing Ministries and other Central Administration Bodies of the Czech Republic, as amended, Act no. 65/1965 Coll., the Labour Code, as amended, and Act no. 359/1999 Coll., on the Socio-Legal Protection of Children (Act on the Probationary and Mediatory Service), came into force on January 1st 2001.

Act no. 272/2001 Coll., which amends Act no. 359/1999 Coll., on the Socio-Legal Protection of Children, as amended by Act no. 257/2000 Coll., came into force on January 1st 2002.

Act no. 320/2002 Coll., on amendments and repeal of some Acts in relation to the termination of the activities of the district authorities, came into force on January 1st 2003.

Act no. 518/2002 Coll., which amends Act no. 359/1999 Coll., on the Socio-Legal Protection of Children, as amended, Act no. 114/1988 Coll., on the Powers of the Authorities of the Czech Republic in Social Security, as amended, Act no. 582/1991 Coll., on the Organisation and Implementation of Social Security, as amended, and Act no. 320/2002 Coll., on amendments and repeal of some Acts in relation to the termination of the activities of the district authorities, as amended by Act no. 426/2002 Coll., came into force on January 1st 2003.

Act no. 222/2003 Coll., which amends Act no. 326/1999 Coll., on Residence of Aliens on the Territory of the Czech Republic and on Amendments to certain Acts, as amended, Act no. 359/1999 Coll., on the Socio-Legal Protection of Children, as amended, Act no. 325/1999 Coll., on Asylum and on amendments to Act no. 283/1991 Coll., on the Police of the Czech Republic, as amended (Asylum Act), as amended, and Act no. 48/1997 Coll., on Public Health Insurance and on amendments and additions to some related Acts, as amended, came into force on January 1st 2004.

Act no. 52/2004 Coll., which amends Act no. 169/1999 Coll., on Imprisonment and on amendments to some related Acts, as amended, and some other Acts came into force on July 1st 2004.

Act no. 315/2004 Coll., which amends Act no. 117/1995 Coll., on State Social Support, as amended, Act no. 94/1963 Coll., on the Family, as amended, and Act no. 359/1999 Coll., on the Socio-Legal Protection of Children, as amended, came into force on the day it was adopted (May 27th 2004).

Act no. 436/2004 Coll., which amends some Acts in relation to the adoption of the Act on Employment came into force on the first day of the third month following the day it was adopted (October 1st 2004).

Act no. 501/2004 Coll., which amends certain Acts in relation to the adoption of the Administrative Procedure Code, came into force on January 1st 2006.

Act no. 57/2005 Coll., which amends Act no. 325/1999 Coll., on asylum and on the amendment to Act no. 283/1991 Coll., on the Police of the Czech Republic, as amended (Asylum Act), as amended, and Act no. 359/1999 Coll., on the Socio-Legal Protection of Children, as amended, came into force on February 1st 2005.

Act no. 381/2005 Coll., which amends Act no. 349/1999 Coll., on the Public Defender of Rights, as amended, and certain other Acts, came into force on January 1st 2006.

Act no. 134/2006 Coll., which amends Act no. 359/1999 Coll., on the Socio-Legal Protection of Children, as amended, Act no. 94/1963 Coll., on the Family, as amended, Act no. 99/1963 Coll., on the Civil Procedure Code, as amended, Act no. 117/1995 Coll., on State Social Support, as amended, and Act no. 200/1900 Coll., on Misdemeanours, as amended, came into force on the first day of the second calendar month following the day it was adopted (July 1st, 2006).