

ACT

No. 359/1999 Coll.

Of 9 December 1999

On the Social and Legal Protection of Children

Amendment:

[257/2000 Coll.](#)

[272/2001 Coll.](#)

[320/2002 Coll.](#), [518/2002 Coll.](#)

[222/2003 Coll.](#)

[315/2004 Coll.](#)

[52/2004 Coll.](#)

[436/2004 Coll.](#)

[57/2005 Coll.](#)

[501/2004 Coll.](#), [381/2005 Coll.](#)

[134/2006 Coll.](#)

[165/2006 Coll.](#)

[112/2006 Coll.](#)

[176/2007 Coll.](#)

[124/2008 Coll.](#)

[259/2008 Coll.](#)

[295/2008 Coll.](#)

[305/2008 Coll.](#)

[41/2009 Coll.](#)

[73/2011 Coll.](#)

[227/2009 Coll.](#)

[420/2011 Coll.](#)

[375/2011 Coll.](#)

[399/2012 Coll.](#), [401/2012 Coll.](#), [505/2012 Coll.](#)

The Parliament has decided to adopt the following statute of the Czech Republic:

TITLE ONE

OPENING PROVISIONS

Section 1

Social and Legal Protection of Children

(1) The social and legal protection of children (hereinafter “social and legal protection”) shall be understood to include primarily the following:

- (a) Protection of a child’s right to positive development and due upbringing;
- (b) Protection of a child’s justified interests, including the protection of his or her property;
- (c) Efforts aimed at reviving deteriorated functions of a family; and
- (d) Efforts aimed at providing for a substitute family environment for a child who cannot be brought up in his or her own family permanently or temporarily.

(2) Special legal regulations that also govern the protection of the rights and justified interests of children shall remain unchanged.

(3) This Act shall apply to legal relationships that are not governed by any directly-applicable regulation of the European Union in the area of foster care benefits⁵⁵⁾.

Section 2

- (1) For the purposes of this Act, a child shall be understood to be a minor¹⁾.
- (2) Social and legal protection shall be provided to a child:
- (a) With permanent residence in the territory of the Czech Republic;
 - (b) Who, pursuant to a special legal regulation^{1a)} governing the residence of foreigners in the territory of the Czech Republic, holds a permanent residence permit or has been registered to stay in the territory of the Czech Republic for a period of a minimum of 90 days;
 - (c) Who has filed a motion in the territory of the Czech Republic to initiate a proceeding for the provision of international protection;
 - (d) Who is entitled to permanent residence in the Czech Republic²⁾; or
 - (e) Who has resided in the territory of the Czech Republic with a parent who filed an application for a residence permit for the purpose of the provision of temporary protection in the Czech Republic, or who has resided in the territory of the Czech Republic on the basis of a granted residence permit for the purpose of a temporary protection in the territory of the Czech Republic pursuant to a special legal regulation^{2a)}.
- (3) Within the scope specified by this Act (Sections 37 and 42) social and legal protection shall also be provided to a child who does not hold a permanent residence permit for the territory of the Czech Republic or has not been registered to reside in the territory of the Czech Republic for a period of a minimum of 90 days pursuant to a special legal regulation^{1a)} governing the stay of foreigners in the territory of the Czech Republic, or is not entitled to reside permanently in the territory of the Czech Republic pursuant to a special legal regulation²⁾.

Section 3

- (1) The Office for the International Legal Protection of Children (hereinafter the "Office") seated in Brno shall be established. The Office shall be an administrative authority with nationwide competence and shall report to the Ministry of Labour and Social Affairs (hereinafter the "Ministry").
- (2) The Office shall be headed by a Director appointed and recalled by the Minister of Labour and Social Affairs.

Section 4

- (1) The social and legal protection shall be arranged by the social and legal protection authorities, which include:
- (a) Regional authorities;
 - (b) Municipal authorities of municipalities with extended powers;
 - (c) Municipal authorities and military district authorities; the provisions of this Act on municipal authorities shall also apply to military district authorities;
 - (d) The Ministry;
 - (e) The Office; and
 - (f) The Labour Office of the Czech Republic – regional branches and the branch for the Capital City of Prague (hereinafter the "Regional Branch of the Labour Office").
- (2) The social and legal protection of children shall be arranged by:
- (a) Municipalities within their separate powers;
 - (b) Regions within their separate powers;
 - (c) The Social and Legal Children's Protection Committee; and
 - (d) Other legal entities and individuals charged with the performance of social and legal protection (hereinafter the "Charged Person").

Section 4a

Definition of Terms

For the purposes of this Act:

- (a) Another person responsible for a child's upbringing shall mean an individual charged with the child's upbringing by a decision of the relevant authority;
- (b) A person taking care of a child (hereinafter the "Carer") shall mean another individual responsible for the child's upbringing:
 - 1. Such other individual being a foster carer;
 - 2. If such other individual was the child's foster carer or guardian until the child's full age for a period of time over which an unsupported child⁵⁶⁾ is entitled to a benefit to cover the child's needs;
 - 3. Where the child is temporarily placed in the care of a person who wishes to become a foster carer upon a judicial decision or a decision of a social and legal protection authority prior to the issuance of a judicial decision on the child's placement in foster care;
 - 4. Such other individual being the child's guardian if the individual personally takes care of the child; or
 - 5. If such other individual has a child placed in his or her care to whom he or she has no maintenance duties, for a period over which a judicial proceeding is conducted on appointing such individual a guardian;
- (c) A registered person shall mean an individual who has been kept in a register of persons who can provide temporary foster care.

TITLE TWO

FUNDAMENTAL PROVISIONS ON SOCIAL AND LEGAL PROTECTION

Section 5

The key aspect of social and legal protection shall be the interest and wellbeing of children, the protection of parenthood and the family and the right of parents and children for parental upbringing and care, while taking into consideration the child's wider social community.

Section 6

Social and legal protection shall focus primarily on children:

- (a) Whose parents:
 - 1. Have died;
 - 2. Fail to perform duties resulting from their parental responsibility³⁾; or
 - 3. Fail to perform or misuse the rights resulting from their parental responsibility;
- (b) Who were placed in the care of an individual other than their parents, where such individual fails to perform the duties resulting from the placement of the child in his or her care;
- (c) Who live an idle and immoral life involving primarily failure to attend classes or to work despite their lack of sufficient resources, consumption of alcohol or habit-making substances, exposure to a risk of developing addiction, or prostitution, who have committed a crime or, if below 15 years of age, have committed an act that would otherwise represent a crime⁴⁾, have repeatedly or continuously committed administrative infractions⁵⁾ or other acts against social cohesion;
- (d) Who have repeatedly run from their parents or other individuals or legal entities responsible for the child's upbringing;
- (e) Against whom a crime was committed that exposes their life, health, freedom, human dignity, moral development or property to danger, or against whom such crime is suspected;
- (f) Who have repeatedly been placed in institutions providing for continuous care for children on the

request of their parents or other persons responsible for the child's upbringing, or who have lived in such institutions for more than six months;

- (g) Who have been exposed to danger of violence between the parents or other persons responsible for their upbringing, and/or of violence among other individuals; or
- (h) Who, separated from their parents and/or other persons responsible for their upbringing, have applied for asylum, where these circumstances have existed for a period of time or in such intensity that they have an adverse impact on children's development or can result in children's negative development.

Section 7

- (1) Everybody shall be entitled to inform parents of their child's misconduct.
- (2) Everybody shall be entitled to inform a social and legal protection authority of a breach of the duties or misuse of the rights resulting from parental responsibility, of the fact that parents are not able to perform the duties resulting from their parental responsibility, or the facts provided in Section 6 (b) to (h); this is without prejudice to the duty arising from a special legal regulation⁶⁾.

Section 8

- (1) A child shall have the right to ask social and legal protection authorities and social and legal protection facilities, government authorities that are also responsible for the protection of rights and justified interests of children under special legal regulations⁷⁾, the Charged Persons, schools, schooling facilities and healthcare service providers for help in protecting his or her life and safeguarding his or her other rights; these authorities, legal entities and individuals and Charged Persons shall be obliged to provide the child with adequate assistance. A child shall have the right to ask for help even without the knowledge of his or her parents or other persons responsible for the child's upbringing.
- (2) A child who is able to articulate his or her own opinion shall have the right to express his or her opinions freely for the purposes of social and legal protection in discussing any matters relating to him or her, even without the presence of his or her parents or other persons responsible for the child's upbringing. The child's opinions shall be paid appropriate attention adequate to the child's age and intellectual maturity in discussing any matters relating to the child. In its acting, the social and legal protection authority shall take into consideration the child's wishes and feelings in a way adequate to the child's age and development so that his or her emotional and psychological development is not disrupted or put at risk.
- (3) A child who is able to consider the consequences and significance of decisions resulting from a judicial or administrative proceeding in which he or she participates, or other decisions relating to the child given his or her age and intellectual maturity shall receive information on any material aspects relating to the child from the social and legal protection authority.

Section 9

A parent or other person responsible for the child's upbringing shall have the right, in exercising their rights and performing their duties, to ask social and legal protection authorities, government authorities that are also responsible for the protection of rights and justified interests of children under special legal regulations⁷⁾, and/or the Charged Persons, for help; these authorities and Charged Persons shall be obliged to provide such help within the scope of their competence and authorisation, respectively.

Section 9a

- (1) When a situation occurs that puts a child's due upbringing and positive development at risk, where the parents or other persons responsible for the child's upbringing cannot or are not able to resolve the situation on their own, it shall be necessary to adopt a social and legal protection measure aimed at protecting the child and providing assistance to the parents or other persons responsible for the child's upbringing, pursuant to Title Three.
- (2) The social and legal protection measures shall follow one another and influence one another. In

performing and implementing the measures, preference shall be given to measures that provide for the due upbringing and positive development of the child in his or her family or, where the aforementioned is impracticable, in a substitute family environment, while applying social work methods and procedures corresponding to the latest scientific knowledge.

(3) Social and legal protection authorities, facilities for children requiring immediate assistance and the Charged Persons shall be obliged to follow the quality standards of social and legal protection, which represent criteria defining the level of quality of the provision of social and legal protection, in performing social and legal protection. The adherence to the quality standards of social and legal protection shall be assessed using a point system.

(4) The social and legal protection quality standards shall include the following:

- (a) The principles and point evaluation of the performance of social and legal protection;
- (b) The client social work standards;
- (c) The standards applicable to the staffing and organisation of the performance of social and legal protection; and
- (d) The technical and operating procedures applicable to the provision of social and legal protection.

TITLE THREE

SOCIAL AND LEGAL PROTECTION MEASURES

PART I

PREVENTIVE AND ADVISORY ACTIVITIES

Section 10

(1) A municipal authority shall be obliged to:

- (a) Look for children specified in Section 6 above;
- (b) Motivate parents to perform the duties resulting from their parental responsibility;
- (c) Discuss the elimination of weaknesses in a child's upbringing with the parents;
- (d) Discuss behavioural weaknesses with a child;
- (e) Monitor whether children are prevented from accessing places where they are exposed to danger in terms of due development and upbringing on the basis of inspection authorisations⁸⁾;
- (f) Provide parents, upon their request, with advisory in asserting the child's entitlements pursuant to special legal regulations⁹⁾, or mediate such advisory; and
- (g) Inform a municipal authority of a municipality with extended powers of facts suggesting that children specified in Section 6 are involved.

(2) Municipalities and regions within their separate powers shall create conditions for cultural, sporting and other leisure-time and educational activities of children.

(3) A municipal authority of a municipality with extended powers shall be obliged to:

- (a) Monitor negative aspects influencing children and identify the reasons therefor;
- (b) Take measures to limit the effects of the negative aspects on children;
- (c) Regularly assess the situation of a child and his or her family, namely in terms of whether the child falls within the categories specified in Section 6, considering the type and scope of measures needed to protect the child, and provide help to the parents or other persons responsible for the child's upbringing;
- (d) Produce an individualised child protection plan on the basis of the assessment of the child's and

his or her family's situation under (c) above; the plan shall explain why the child is at risk, specify measures to provide for the child's protection, to assist the family of the vulnerable child and to support the family's functions, and determine a time schedule for the implementation of the measures in cooperation with the parents or another person responsible for the child's upbringing, the child and specialists involved in resolving the child's and his or her family's problems;

(e) Hold case conferences to resolve specific situations of vulnerable children and their families in cooperation with the parents and another person responsible for the child's upbringing, other contacted persons, namely representatives of schools, schooling facilities, healthcare service providers, social authorities, the police, prosecuting attorneys, substitute family care professionals, social service providers and the Charged Persons; Section 38 (7) shall similarly apply to participation in a case conference.

(4) Government authorities, the Charged Persons, schools, schooling facilities and healthcare service providers, and/or other facilities for children, shall be obliged to inform the municipal authority of a municipality with extended powers of facts suggesting that children specified in Section 6 are involved, without any undue delay after they learn about the facts. When the entity or person filing a notice under the first sentence so requests, the municipal authority of a municipality with extended powers shall inform them whether it found or not based on the facts provided in the notice that a child specified in Section 6 is involved, within a deadline of 30 days from the date on which the authority received the notice. In accepting a child in the facility, the promoter of the facility provided in Section 39 (1) (c) shall be obliged to inform the municipal authority of a municipality with extended powers, in whose administrative district the child permanently resides, of such fact without any undue delay. Where the permanent residence is not known, the promoter shall inform the municipal authority of a municipality with extended powers, in whose administrative district the facility accepting the child is located. In performing the duty under the first and third sentence, the confidentiality duty pursuant to a special legal regulation shall not be relied on.

(5) The individualised child protection plan (a) shall highlight measures that will enable the child to stay in the care of his or her parents or other persons responsible for the child's upbringing; (b) shall be prepared from the moment social and legal protection commences to be provided, no later than one month after the child's entry in the register of the municipal authority of a municipality with extended powers; (c) shall be regularly updated, namely in situations where a corrective measure is imposed or treatment or protection in a special institution is adjudicated or where the child is placed in a facility for children requiring immediate assistance, in foster care or another form of substitute care.

Section 10a

(1) The healthcare service provider shall be obliged to inform a municipal authority of a municipality with extended powers immediately that a mother abandoned her child after his or her birth and left him or her in the provider's healthcare facility.

(2) Everybody who takes a child into their care with an intention of accepting the child in their permanent care with the approval of the parent or another person responsible for the child's upbringing and without a decision of the relevant authority shall be obliged to inform the municipal authority of a municipality with extended powers of such fact.

(3) In performing the duties pursuant to subsections 1 and 2, Section 10 (4), final sentence, shall similarly apply.

Section 11

Advisory

(1) The municipal authority of a municipality with extended powers shall:

(a) Assist parents in resolving upbringing or other problems related to caring for a child;

(b) Provide parents with advisory in their child's upbringing and education and in taking care of a physically disabled child or mediate such advisory;

(c) Organise lectures and workshops focused on resolving upbringing, social and other problems

related to caring for a child and his or her upbringing within its advisory activities;

- (d) Provide individuals capable of becoming adoptive parents or foster carers with advisory related to a child's adoption or placement in foster care, namely with regard to the child's upbringing; and
- (e) Provide assistance in asserting the child's entitlement to alimony and in enforcing the maintenance duty, including assistance in filing motions with courts, while cooperating primarily with authorities providing help to people without resources, the obligated persons, investigative, prosecuting and adjudicating bodies and courts.

(2) The regional authority shall:

- (a) Provide for the training of individuals capable of becoming adoptive parents or foster carers to accept a child in their family and provide these individuals with advisory related to a child's adoption or placement in foster care, including special training to accept a child in temporary foster care; the training needed for an applicant's entry in an adoption or foster care register and in the register of individuals able to provide temporary foster care shall take a minimum of 48 hours and 72 hours, respectively. The regional authority shall be authorised to reduce the time needed for the training of applicants who passed the training in the past;
- (b) Provide for the preparation of children living in the family of persons capable of becoming adoptive parents or foster carers; the children's preparation shall be adequate to their age and intellectual maturity, and in the necessary scope;
- (c) Arrange for advisory provided to adoptive parents and foster carers in connection with adopting a child or accepting a child in foster care, namely with regard to upbringing.

(3) The regional authority may also provide for the training and advisory under subsection 2 in cases of guardianship, if the guardian takes personal care of a child, or in cases of a child placed in upbringing pursuant to Section 45 of the Family Act.

(4) The regional authority shall be obliged to provide for a consultation on the performance of foster care at least on an annual basis. In addition to professionals specialising in resolving upbringing and social problems, the consultations shall be attended by foster carers permanently residing in the territory of the relevant region; the consultations can also be attended by children placed in such foster carers' care and other individuals living in the foster carers' household.

(5) The preventive and advisory activities under Section 10 (1) (b), (c) and (f) and the advisory activities under subsection (1) (a) and (b) shall also be provided to other persons responsible for the child's upbringing.

Section 12

(1) The municipal authority of a municipality with extended powers shall be entitled to oblige parents to take professional advisory, if the parents:

- (a) Fail to provide the child with counselling despite the fact that the child needs such help and the municipal authority of a municipality with extended powers recommended such help before;
- (b) Are unable to resolve problems associated with their child's upbringing without professional help, namely where disputes exist on the regulation of the child's upbringing or contact with the child;
- (c) Failed to use professional advisory needed to resolve the family's problems and to avoid the need for placing the child in substitute care, or failed to implement recommendations to cooperate with the Charged Persons, professional advisory providers or a mediator.

(2) The municipal authority of a municipality with extended powers shall be obliged to provide a parent with help after a child is placed in a special treatment institution (Section 28) or in a facility for children requiring immediate assistance (Section 42), primarily involving assistance in settling the family situation, which would enable the child's return to the family, in resolving social problems, including the family's material resources, in cooperating with social security authorities, Regional Branches of the Labour Office and other government and other bodies, and shall also mediate professional advisory to the parent for that purpose.

(3) The municipal authority of a municipality with extended powers can also impose the duties specified in subsection 1 on and provide assistance pursuant to subsection 2 to other persons responsible for the child's upbringing.

Corrective Measures

Section 13

Heading omitted

(1) Where required for a child's proper upbringing, the municipal authority of a municipality with extended powers can:

- (a) Reprove in an appropriate way the child, parents, other persons responsible for the child's upbringing, and/or those impairing the child's proper care;
- (b) Order the child's supervision and perform the supervision with the help of the social and legal protection authority, the school, and/or other institutions and persons, primarily from the place of the child's residence or workplace;
- (c) Impose limitations on the child, parents or other persons responsible for the child's upbringing that will prevent negative influences from affecting the child's upbringing, namely restricting certain activities, preventing the child from visiting certain places, events or facilities inappropriate for the child and his or her development; or
- (d) Impose an obligation on the child, parents or other persons responsible for the child's upbringing to take professional advisory or impose a duty to attend a first meeting with a registered mediator in the scope of three hours or therapy; this is without prejudice to the provision of Section 12 (1).

(2) In deciding on corrective measures pursuant to subsection 1, the municipal authority of a municipality with extended powers shall take into account that the discussion of weaknesses pursuant to Section 10 (1) (b) to (d) did not result in a remedy.

(3) The municipal authority of a municipality with extended powers can ask the relevant municipal authority to monitor whether the corrective measures on which it decided have been followed.

Section 13a

(1) Where required by the child's interest and when the corrective measures pursuant to Section 13 (1) did not result in remedy, a court can take the child from the care of the parents or another person responsible for the child's upbringing for a limited period of time, while ordering the child's placement, for a maximum of three months, in:

- (a) A reformatory centre or a facility for children requiring immediate assistance; or
- (b) A facility of a healthcare service provider or a home for the physically disabled.

(2) When it is not possible to provide the child with the needed protection and help with the use of another corrective measure or a social and legal protection measure, and it is not possible to provide for substitute care for the child, namely temporary foster care, a court can decide on the child's placement in a facility for children requiring immediate assistance pursuant to subsection 1 (a), if the child:

- (a) Has been left without any care or his or her life or health has been exposed to serious danger;
- (b) Has been left without care adequate to his or her age;
- (c) Has been physically or mentally abused or maltreated; or
- (d) Has lived in an environment or a situation that exposes his or her fundamental rights to serious danger.

(3) In the decision, the court shall specify a facility where the child is to be placed pursuant to subsection 1, taking into account the child's interest and the opinion of the municipal authority of a municipality with extended powers. The court shall see that the child is placed as close as possible to

the address of the parents or other persons who are close to the child.

(4) In connection with resolving disputes of parents on their child's upbringing, the court can decide on the child's stay in a facility of the healthcare service provider pursuant to subsection 1 (b) only when required by the child's physical condition and provided that:

- (a) It has been proved that there is an urgent need for the child's placement in that facility with due regard for the child's interest and his or her further emotional, mental and intellectual development;
- (b) The application of other measures is not sufficient to protect the child;
- (c) The court has limited the period of the child's stay in the facility of the healthcare service provider; and
- (d) At the same time, a duty is imposed on the parents to use professional advisory to provide for an improvement of relationships in the family.

(5) The court can extend the period of the corrective measure's application pursuant to subsection 1 in very extraordinary cases, namely if the parents or another person responsible for the child's upbringing have sought to improve their situation in a supportable way so that they can take the child into their personal care. The total period of the continuous application of the corrective measure pursuant to subsection 1 shall not exceed six months.

(6) The periods of a child's stay in a reformatory centre, a facility for children requiring immediate assistance, a facility of the healthcare service provider or in a home for the physically disabled, which was ordered on the basis of a preliminary ruling pursuant to Sections 76 or 76a of the Rules of Civil Procedure or a corrective measure pursuant to subsection 1, shall be summed up for the purpose of assessing the overall period of the continuous application of the corrective measure pursuant to subsection 5. A permitted temporary stay (visit) with the parents or other persons pursuant to Section 30 shall not influence the overall period of the corrective measure's application pursuant to subsection 5.

PART II

MEASURES TO PROTECT CHILDREN

Section 14

(1) Under the conditions provided in a special legal regulation¹¹⁾, the municipal authority of a municipality with extended powers shall file a motion with the court:

- (a) To decide on the fulfilment of an adoption condition that the parents show no interest in their child;
- (b) To restrict or cancel parental responsibility or to suspend the performance thereof;
- (c) To order a placement in a special treatment institution;
- (d) To extend or cancel the placement in a special treatment institution;
- (e) To place a child in a facility for children requiring immediate assistance, to extend the period of such placement, and to cancel the decision on the child's placement in such facility;
- (f) To place a child in temporary foster care, and to cancel the decision thereon; or
- (g) To order a corrective measure pursuant to Section 13a, to extend the period of such corrective measure's application, or to cancel it.

(2) Prior to filing a motion with a court pursuant to subsection 1 or where a motion was filed by a parent or another person responsible for the child's upbringing or by a prosecuting attorney pursuant to a special legal regulation, the municipal authority of a municipality with extended powers shall be obliged to:

- (a) Discuss with the parents or other persons responsible for the child's upbringing reasons why the motion should be or was filed with the court, to inform them of their rights and duties resulting from their parental responsibility and the consequences of their failure to perform such duties in a clear and supportable way; this shall not apply if the parent or another person responsible for the child's

upbringing is missing, unreachable due to a long-term residence abroad or if suffering from a disease that prevents such discussion;

- (b) Discuss in advance, at a case conference, reasons for filing the motion pursuant to subsection 1 and address the methods of resolving the reasons; this shall not apply when it is obvious that it would be impracticable or apparently meaningless to hold the case conference;
 - (c) Hold a case conference during a judicial proceeding on placing the child in substitute care, unless it was organised pursuant to paragraph (b) above prior to initiating such proceeding; the provision of paragraph (b), the sentence behind the semi column, shall apply similarly;
 - (d) Adopt social and legal protection measures arising from the assessment of the child's situation and the individualised child protection plan, namely to provide the parents or other persons responsible for the child's upbringing with advisory and help in bringing the child up or mediate such advisory and help, and/or to impose a duty to use professional help pursuant to Section 12; and
 - (e) Consider imposing corrective measures and assess the results of the application thereof.
- (3) The motion of the municipal authority of a municipality with extended powers shall include the following:
- (a) A report to the court pursuant to subsection 1 on discussing and adopting the measures pursuant to subsection 2 (a) to (d);
 - (b) An assessment pursuant to subsection 1 (c) to (g) that inadequate housing or insufficient resources of the child's parents or persons in whose care the child was placed are not the sole reasons for filing the motion, if these persons or parents are otherwise capable of providing a proper upbringing for the child and performing the duties arising from their parental responsibility.
- (4) Where the measures taken by the court pursuant to a special legal regulation¹⁰⁾ resulted in a correction of the child's behaviour, the parents' conduct or the conduct of other persons who interfered in the proper upbringing of the child, the municipal authority of a municipality with extended powers can file a motion with the court to cancel those measures.
- (5) The municipal authority shall initiate measures related to the child's upbringing pursuant to a special legal regulation¹²⁾ with the court. The municipal authority shall immediately notify the municipal authority of a municipality with extended powers of initiating the measures.
- (6) The municipal authority of a municipality with extended powers shall provide the court with assistance in implementing the decision on the upbringing of minors pursuant to a special legal regulation^{12a)}.
- (7) The municipal authority of a municipality with extended powers and persons involved in implementing the decision shall assist one another pursuant to subsection 6 to:
- (a) Achieve the enforcement of the duty imposed by the judicial decision; and
 - (b) Motivate the obligated party to comply with the judicial decision on his or her free will.
- (8) The municipal authority of a municipality with extended powers or persons involved in the implementation of the decision shall be obliged to provide the child with needed explanations of the situation in a way adequate to the child's age and intellectual maturity, unless impracticable due to the case's circumstances.
- (9) The assistance pursuant to subsection 6 shall also include the provision or mediation of professional help to the child, and/or to his or her parents or other persons responsible for the child's upbringing.
- (10) The municipal authority of a municipality with extended powers or persons involved in the implementation of the decision shall be obliged to act as quickly as possible in implementing the decision.

Section 15

(1) When a child has been left without care adequate to his or her age, namely due to the parents' death or the hospitalisation thereof, the municipal authority shall be obliged to provide such child with emergency care; in providing such care, the municipal authority shall prefer the child's relatives. The municipal authority shall immediately notify the municipal authority of a municipality with extended powers of such measure.

(2) The municipal authority of a municipality with extended powers shall consider whether the rights of the child have been sufficiently guaranteed and his or her justified needs met in the case provided in subsection 1, or whether it is necessary to take other measures to protect the child.

Section 16

When a child is left without any care or if his or her life or positive development have been exposed to serious danger or impaired, the municipal authority of a municipality with extended powers shall be obliged immediately to file a motion with the court to issue a preliminary ruling pursuant to a special legal regulation¹³⁾.

Section 16a

(1) The municipal authority of a municipality with extended powers shall be obliged to consider whether it is necessary to take measures aimed at protecting the child if the child was placed in the care of a person whose intention is to accept the child in their permanent or long-term care with the approval of a parent or another person responsible for the child's upbringing without a decision of the relevant authority. The municipal authority of a municipality with extended powers shall primarily be obliged to take such measures if the person who took the child into their care does not file a motion with the relevant authority without any undue delay for the child's adoption, placement in foster care or placement in the care of an individual who wishes to become a foster carer, for the child's placement in the upbringing of an individual other than the parent(s), or for another legal regulation of their relationship with the child pursuant to a special legal regulation^{13a)}.

(2) The municipal authority of a municipality with extended powers shall provide the person to whom the child was placed in care pursuant to subsection 1, the first sentence, with help in resolving problems associated with caring for the child, in filing motions with the relevant bodies to regulate the legal relationship of that person with the child, and in asserting entitlements, namely in the social area.

Section 17

The municipal authority of a municipality with extended powers shall:

(a) Perform the role of a guardian¹⁴⁾, and can also be appointed guardian to represent the child with respect to other countries; and

(b) Take emergency actions in the child's interest and represent the child when no guardian has been appointed for the child or until the appointed guardian assumes his or her role¹⁵⁾.

Section 18

The regional authority shall provide the court with an opinion pursuant to a special legal regulation¹⁶⁾ in a proceeding on the child's being placed in foster care or on adoption, if the regional authority mediated the child's being placed in foster care or the child's adoption (Section 24); the opinion shall be provided by the municipal authority of a municipality with extended powers in other cases.

PART III

ACTIVITIES OF SOCIAL AND LEGAL PROTECTION AUTHORITIES IN PLACING A CHILD IN THE UPBRINGING OF INDIVIDUALS OTHER THAN THE PARENTS

Section 19

- (1) The municipal authority of a municipality with extended powers shall decide on a child's placement:
- (a) In the care of adoptive parents-to-be¹⁷⁾, if the child has been in temporary foster care, in an institution or in a facility for children requiring immediate assistance upon a judicial decision or the parents' request, unless the case specified in subsection 2 is involved; or
 - (b) In the care of an individual who wishes to become a foster carer¹⁸⁾, if the child has been placed in an institution, a facility for children requiring immediate assistance or in temporary foster care upon a judicial decision; similarly, a child who has not lived in an institution can also be placed in the care of foster carers-to-be with his or her parents' approval; the municipal authority of a municipality with extended powers informs the relevant court of the child's placement within 15 days after the date of the decision. The municipal authority of a municipality with extended powers shall be authorised to decide on a child's placement in the care of an adoptive parent-to-be or a foster carer-to-be, unless the case specified in Section 20 (3) is involved, only to an applicant mentioned in the notice of the regional authority pursuant to Section 24 (3).
- (2) The Office shall decide on a child's placement in the care of adoptive parents-to-be¹⁹⁾, if the child is adopted to or from a foreign country.
- (3) The municipal authority of a municipality with extended powers shall accept a parent's written approval of the child's adoption²⁰⁾.
- (4) When a child is placed in foster care or taken by a foster carer-to-be on the basis of a decision pursuant to subsection 1 (b), the Regional Branch of the Labour Office that provides the benefit to cover the child's needs shall file a motion with the court to determine alimony for this child, and when the obligated party fails to pay the stipulated alimony, it shall file a motion for the implementation of the decision.
- (5) The municipal authority of a municipality with extended powers or the Office can, at any time during the period over which the child was placed in the care of individuals other than the parents upon a decision pursuant to subsections 1 and 2, verify whether the facts crucial for the child's being placed in the care of individuals other than the parents or for the mediation of adoption or foster care have changed, namely whether the parents or other persons close to the child are able and willing to accept the child into their care. When such facts are found, they shall conduct a new proceeding. If the child was placed into care following a previous mediation by the regional authority, they shall notify the regional authority of the initiation of the proceeding.
- (6) The municipal authority of a municipality with extended powers shall monitor the development of children who have been placed in the upbringing of individuals other than the parents, and the employees of the municipality with extended powers assigned to the municipal authority shall visit the family where the child lives, and/or other environment where the child resides, at least once every three months in the period of the first six months of the care substituting the parents' care, and afterwards in compliance with the child's interests as required, but not less frequently than once every six months, based on a special authorisation issued by the municipal authority of a municipality with extended powers, which includes the name of the employee, his or her other personal data and a specification of the activities the employee is authorised to perform.

PART IV

MEDIATION OF ADOPTION AND FOSTER CARE

Section 19a

- (1) Mediation of adoption and foster care shall involve the following:
- (a) Looking for children specified in Section 2 (2) who need to have care in a substitute family environment arranged, taking the form of foster care or adoption;
 - (b) Looking for individuals suitable to become adoptive parents or foster carers;
 - (c) Providing training to individuals capable of becoming adoptive parents or foster carers to accept a child in their family; and
 - (d) Selecting an individual suitable to become an adoptive parent or foster carer of a particular child for whom adoption or foster care are mediated, and arranging for a personal meeting of the child with the selected individual.
- (2) Mediation of adoption and foster care pursuant to subsection 1 (d) shall not be performed by authorities, legal entities or individuals other than the social and legal protection authorities specified in Section 4 (1).

Section 20

Mediation of Adoption and Foster Care by the Social and Legal Protection Authorities

(1) Adoption or foster care in the Czech Republic and the adoption of children from a foreign country into the Czech Republic shall only be mediated upon an application of an individual who is interested in adopting a child or accepting a child in foster care (hereinafter the "Applicant"). An application of a citizen of the Czech Republic or a foreigner who is entitled to social benefits in compliance with a directly-applicable regulation of the European Union⁵⁷⁾ or who holds a permanent residence permit for the territory of the Czech Republic or who has temporarily resided in the territory of the Czech Republic for a minimum of 365 successive days under a special legal regulation governing the residence of foreigners in the territory of the Czech Republic^{1a)}, shall be filed with the municipal authority of a municipality with extended powers.

(2) Mediation

- (a) of adoption and a child's placement in foster care in the Czech Republic shall be arranged by regional authorities;
- (b) of adoption of children from the Czech Republic to a foreign country or children from a foreign country into the Czech Republic shall be arranged by the Office.

(3) Mediation

- (a) of adoption shall not be arranged if:
 - 1. The parents provided their approval of a child's adoption in advance with regard to the particular adoptive parents; or
 - 2. The motion for adoption was filed by a spouse of the child's parent, or a surviving spouse of the child's parent or adoptive parent;
- (b) of foster care shall not be arranged if the motion for a child's placement in foster care was filed by an individual related to the child or an individual close to the child or his or her family.

Section 21

Procedures Applied by the Municipal Authority of a Municipality with Extended Powers in Mediating Adoption and Foster Care

(1) The municipal authority of a municipality with extended powers shall look for children as specified in Section 19a (1) and individuals capable of becoming adoptive parents or foster carers; such

children and individuals can also be looked for and recommended to the municipal authority of a municipality with extended powers by municipalities and the Charged Persons. The municipal authority of a municipality with extended powers shall establish a file on the child pursuant to subsection 4 for the purpose of mediating substitute family care on the basis of assessing the situation of the child and his or her family and on the basis of an individualised child protection plan; this file documentation shall always be established by the municipal authority of a municipality with extended powers after a motion is filed with the court pursuant to Section 14 (1) (a) to (f) or where a judicial proceeding was otherwise initiated, which may result in taking the child from the care of his or her parents or other persons responsible for the child's upbringing.

(2) The application for entry in the register of applicants for mediation of adoption or foster care filed with the municipal authority of a municipality with extended powers shall include data and shall have documents attached as provided in subsection 5 needed to maintain the file documentation.

(3) After receiving the application, the municipal authority of a municipality with extended powers shall consider the application based on the data contained therein and the documents attached thereto, and shall reject the application, if:

- (a) The conditions specified in Section 20 (1) to (3) have not been met; or
- (b) The municipal authority of a municipality with extended powers finds that the person applying for the mediation of adoption or foster care with regard to a child with habitual residence in the Czech Republic meets the condition of residence in the territory of the Czech Republic pursuant to Section 20 (1), but the person's habitual residence is located outside the territory of the Czech Republic; at the same time, the municipal authority of a municipality with extended powers shall inform the person that the application must be filed with the relevant authority of the state in which the person habitually resides.

(4) The municipal authority of a municipality with extended powers shall maintain the file documentation on the child specified in Section 19a (1); the file documentation shall include the following:

- (a) Personal data;
- (b) Certificate of citizenship²¹⁾, a certificate of a permanent residence permit for the territory of the Czech Republic or of registration for residence in the territory of the Czech Republic for a period of at least 90 days pursuant to a special legal regulation¹⁾ governing the residence of foreigners in the territory of the Czech Republic, or a certificate of the permanent residence authorisation for the territory of the Czech Republic pursuant to a special legal regulation²⁾, or a certificate of filing an application to initiate a proceeding on granting international protection;
- (c) Data on the social position of the child, his or her parents, siblings, and/or grandparents;
- (d) A certificate documenting that the child meets the adoption terms and conditions pursuant to a special legal regulation²²⁾;
- (e) Decisions of the relevant authorities on the child's upbringing, if any; and
- (f) A report on the child's physical condition and development.

(5) The municipal authority of a municipality with extended powers shall maintain file documentation on the Applicant; the file documentation shall include the following:

- (a) An application with the Applicant's data: name(s) and last name, date of birth and permanent residence;
- (b) Certificate of citizenship or a certificate of a permanent residence permit for the territory of the Czech Republic or of continuous temporary residence in the territory of the Czech Republic for a period of at least 365 days pursuant to a special legal regulation^{1a)} governing the residence of foreigners in the territory of the Czech Republic; where a European Union citizen is involved, the Applicant can also be requested to submit another certificate proving that the Applicant has continuously resided in the territory of the Czech Republic for a period of at least 365 days, unless the Applicant is a foreigner who is entitled to social benefits in compliance with a directly-applicable regulation of the European Union⁵⁷⁾;
- (c) A copy of the Applicant's criminal conviction records²³⁾ required by the municipal authority of a

municipality with extended powers; the application for the issuance of the copy of the Applicant's criminal conviction records and the copy of the criminal conviction records shall be submitted electronically in a way enabling remote access;

- (d) A certificate similar to the copy of the criminal conviction records issued in states where the Applicant had resided continuously for more than three months in the period from reaching the age of 15 years up to the moment of filing the application; the provision of Section 27 (3) shall apply similarly;
 - (e) A report on the physical condition submitted by the Applicant;
 - (f) Data on the economic and social position;
 - (g) A written statement of the Applicant whether he or she:
 - 1. Agrees to be also entered in the register of the Office for Mediation of Adoptions of Children from Foreign Countries once the deadline specified in Section 22 (8) (b) expires;
 - 2. Applies exclusively for the adoption of a child from a foreign country;
 - (h) A written approval that the social and legal protection authority mediating the adoption or foster care shall be authorised to:
 - 1. Determine additional data needed for the mediation, namely on whether the Applicant will provide the child with a suitable upbringing environment by his or her way of life; and
 - 2. Determine anytime whether the crucial facts provided in the file documentation have changed;
 - (i) A written consent to participate in the training of individuals to accept a child in the family;
 - (j) An opinion of the municipal authority of a municipality with extended powers on the application for the mediation of adoption or foster care; and
 - (k) A statement of the municipal authority, the regional authority, the Charged Person or the municipal authority of a municipality with extended powers, which is not competent to maintain the file documentation on the Applicant, where the Applicant entered into an agreement on the performance of foster care because he or she already has a child in his or her foster care.
- (6) The municipal authority of a municipality with extended powers shall immediately forward a copy of the file documentation on the child specified in Section 19a (1) and the file documentation on the Applicant to the regional authority.
- (7) The municipal authority of a municipality with extended powers shall decide to discontinue the proceeding on the entry in the register of applicants for mediation of adoption or foster care if the person applying for the mediation:
- (a) Withdraws his or her application before the file documentation is forwarded to the regional authority; or
 - (b) Fails to provide data and submit the documents needed to maintain the file documentation even following a notice from the municipal authority of a municipality with extended powers.

Section 22

Maintenance of the Register for the Mediation of Adoption and Foster Care by the Regional Authority

- (1) The regional authority shall maintain a register of children specified in Section 19a (1) for the purpose of mediating adoption or foster care (hereinafter the "Children Register") and a register of applicants suitable to become adoptive parents and foster carers (hereinafter the "Applicant Register").
- (2) The Children Register shall include the following:
- (a) A copy of the file documentation pursuant to Section 21 (4);
 - (b) An expert opinion pursuant to Section 27, if needed, with regard to:
 - 1. The child's age;
 - 2. The specialised doctor's opinion; or
 - 3. Other significant matters;

- (c) The child's opinion provided by the regional authority (Section 8 (2)); and
- (d) Other documents needed to mediate adoption or foster care.

(3) The Applicant Register shall include the following:

- (a) A copy of the file documentation pursuant to Section 21 (5);
- (b) An expert opinion pursuant to Section 27;
- (c) Other documents needed to mediate adoption or foster care.

(4) Where the Applicant wishes exclusively to adopt a child from a foreign country (Section 21 (5) (g) (2)), the regional authority shall carry out an expert review pursuant to Section 27 and immediately send a copy of data included in the Applicant Register to the Office to enter the Applicant in the register for the mediation of adoptions from foreign countries.

(5) The regional authority shall suspend the proceeding on entering the Applicant in the Applicant Register for the mediation of adoption or foster care, if:

- (a) A criminal procedure has been conducted against the Applicant, his or her spouse, cohabitee, child or another person living in the common household with the Applicant^{9b)}, for a crime against the life, health, freedom, human dignity, moral development or property of the child or for another crime, the commitment of which may influence the Applicant's capability of providing the child with an appropriate upbringing, up to the issue of the final decision in such criminal procedure; or
- (b) The regional authority finds reasons on the part of the Applicant that prevent the Applicant from being professionally assessed pursuant to Section 27; the regional authority may suspend the proceeding for a necessary period of time.

(6) The regional authority shall decide on entering the Applicant in the Applicant Register immediately after a professional assessment of the Applicant pursuant to Section 27. If the regional authority finds serious reasons during the proceeding, which prevent the Applicant's entry in the Applicant Register, the regional authority may decide to reject the application even before the professional assessment of the Applicant is conducted in the scope specified in Section 27. In the decision on Applicant's entry in the Applicant Register, the regional authority shall impose a duty on the Applicant to notify the regional authority of any changes material for the mediation of adoption or foster care within 15 days after the origination thereof.

(7) The regional authority shall inform the following entities of whether the Applicant was entered in the Applicant Register:

- (a) The municipal authority of a municipality with extended powers; and
- (b) The municipal authority, the municipal authority of a municipality with extended powers, the regional authority or the Charged Person with whom the Applicant entered into an agreement on the performance of foster care, with the exception of cases where the Applicant entered into an agreement with the regional authority that decided on the Applicant's entry in the Applicant Register within 15 days after the effect of the decision on the entry in the Applicant Register.

(8) When the regional authority does not mediate adoption:

- (a) Within six calendar months after the child's entry into the Children Register; or
- (b) Within three years after the entering into legal force of the decision on the Applicant's entry into the Applicant Register, the regional authority shall make data from these registers accessible to the Office for the purposes of mediating adoption to and from foreign countries and shall also notify the municipal authority of a municipality with extended powers of these facts.

(9) The regional authority shall apply:

- (a) Section 8 (a) only if all circumstances indicate that it is impracticable to mediate foster care and adoption for the child in the Czech Republic or it cannot be presumed that the child could be taken into care by the child's relative or a person close to the child in the future; the regional authority shall be obliged to explain these facts; or

(b) Section 8 (b) only if the Applicant provided his or her consent pursuant to Section 21 (5) (g) (1).

(10) The regional authority may determine whether the facts crucial for the mediation of adoption or foster care changed at any time during the period in which the child and the Applicant are maintained in the Children Register or the Applicant Register, respectively; the regional authority shall primarily be authorised to carry out a new professional review of the child or the Applicant pursuant to Section 27.

Section 23

Rescinded

Section 24

Mediation of Adoption or Foster Care by the Regional Authority

(1) For the purposes of mediating adoption or foster care, the regional authority shall look for applicants for children maintained in the register kept by that regional authority from the Applicant Register maintained by the regional authority and from the Applicant Register kept by other regional authorities. In mediating adoption or foster care, the regional authority shall consider the results of the professional review of the child and the applicants pursuant to Section 27 to assess the situation of the child and his or her family and in implementing measures arising from the individualised child protection plan.

(2) When the regional authority finds that an Applicant suitable to become an adoptive parent or foster carer of a child who has been maintained in the Children Register kept by that regional authority has been entered in the Applicant Register maintained by that regional authority or in the Applicant Register kept by another regional authority, the regional authority shall inform the following of such fact in writing:

(a) The Applicant;

(b) The other regional authority, the municipal authority of a municipality with extended powers or the Charged Person, if the Applicant has entered into an agreement on the performance of foster care with them, because he or she has had a child placed in his or her foster care;

(c) The Office, if the child involved has been entered into the Children Register kept by the Office; and

(d) The municipal authority of a municipality with extended powers where such duty is not met by providing a notice pursuant to (b) above.

(3) The Applicant shall have the right to meet the child on the basis of a written notice of the regional authority pursuant to subsection 2 (a), and the person with whom the child lives shall be obliged to enable such meeting. The Applicant shall be entitled to meet the child and file an application for the child's placement in the care of adoptive parents-to-be or foster carers-to-be no later than within 30 days after the date on which the Applicant was delivered the written notice of the regional authority pursuant to subsection 2; the regional authority may extend this deadline in justified cases by a maximum of 30 days.

(4) The regional authority may initiate the mediation of adoption or foster care in cases where the children involved have been maintained in a Children Register kept by another regional authority or the Office; such other regional authority or the Office shall be obliged to deal with such suggestions.

Section 24a

Rescinded

Section 24b

Suspension of the Mediation of Adoption or Foster Care by the Regional Authority

(1) The mediation of the adoption or foster care shall be suspended, if:

- (a) The Applicant applies for such suspension; the mediation shall be suspended for a period of time indicated by the Applicant in the application; or
- (b) The Applicant received a written notice from the regional authority pursuant to Section 24 (2) that a child was found in the register for whom the Applicant is a suitable adoptive parent or foster carer; the mediation shall be suspended for a period of time from the date of the written notice's dispatch until the final date of the mediation by the regional authority pursuant to Section 24 (3), or until the date when the decision on the child's placement in care pursuant to (c) below was adopted; or
- (c) On the basis of a decision of the municipal authority of a municipality with extended powers, the child was placed in the care of an adoptive parent-to-be or an individual who wishes to become a foster carer; the mediation shall be suspended for the period of time of such care; or
- (d) The regional authority finds serious facts pursuant to Section 22 (10) that prevent the mediation of adoption or foster care during the period in which the regional authority mediates adoption or foster care for the Applicant pursuant to Section 24.

(2) The regional authority shall issue a decision on the suspension of the mediation of adoption or foster care pursuant to subsection 1 (d). The period of suspension of the mediation of adoption or foster care shall not be included in the deadlines specified in Section 22 (8).

(3) The Applicant shall be obliged to provide reasons why he or she is applying for the suspension of the mediation of adoption or foster care in the application specified in subsection 1 (a). The Applicant shall send the application to the regional authority. In the event of the suspension of the mediation of adoption or foster care, the regional authority shall inform the municipal authority of a municipality with extended powers and the Office, if the Applicant has been maintained by the Office, of such fact within 15 days from the date of the application's filing or from the entering into legal force of the decision on the suspension of the mediation of adoption or foster care.

(4) The date of entering into legal force of the decision on a child's placement into the care of adoptive parents-to-be or an individual who wishes to become a foster carer shall be notified as follows for the purposes of suspending the mediation of adoption or foster care:

(a) The municipal authority of a municipality with extended powers shall immediately notify the regional authority; and

(b) The regional authority shall notify the Office, if the child or Applicant has been maintained in the register of the Office, immediately after the regional authority was informed of such date by the municipal authority of a municipality with extended powers.

Section 24c

Removal from the Children Register or the Applicant Register Kept by the Regional Authority

(1) The regional authority shall:

(a) Remove a child from the Children Register maintained by the regional authority:

1. Upon a decision on the child's adoption or placement in foster care; or
2. If the regional authority finds serious reasons why adoption or foster care cannot be mediated for the child;

(b) Remove an Applicant from the Applicant Register maintained by the regional authority:

1. Upon a decision on a child's adoption or placement in foster care, if the Applicant does not apply for the adoption of another child or placement of the another child in his or her foster care; or
2. If the regional authority finds serious reasons why adoption or foster care cannot be mediated for the Applicant; or
3. The Applicant seriously violates the duty to inform of changes in the data crucial for the mediation of adoption or foster care; or
4. When so requested by the Applicant;

(c) Be entitled to remove the Applicant from the Applicant Register maintained by the regional authority, if, without a serious reason, the Applicant failed to participate in the training to accept a child in the family despite being invited to participate in such training.

(2) The regional authority shall issue a decision on the Applicant's removal from the Applicant Register only in cases specified in subsection 1 (b) (2) and (3) and in subsection 1 (c). In other cases, the regional authority shall notify applicants on their removal from the register in writing.

(3) The regional authority shall deliver a notice of the removal of the Applicant from the Applicant Register to the municipal authority of a municipality with extended powers, another regional authority, the municipal authority or the Charged Person specified in Section 21 (5) (k) within 15 days after the legal force of the decision on the removal.

(4) The municipal authority of a municipality with extended powers shall be obliged to inform the regional authority of the date of entering into legal force of the decision on adoption or placement into foster care for the purpose of removing the Applicant from the register.

Section 24d

Procedures Applied by the Ministry in Mediating Adoption or Foster Care

(1) The Ministry shall be authorised to file suggestions with the regional authority and the Office for the mediation of adoption or foster care; the regional authority or the Office shall be obliged to inform the Ministry of how they dealt with the suggestion.

(2) The regional authority shall be obliged to provide the Ministry with access to the Children Register or the Applicant Register for the mediation of adoption or foster care for the purpose of an inspection.

Section 25

Mediation of Adoption by the Office

(1) The Office shall maintain the following registers for the purposes of mediating adoption:

(a) A register of children specified in Section 2 (2) suitable for adoption in a foreign country;

(b) A register of children suitable for adoption in the Czech Republic who do not hold a permanent residence permit for the territory of the Czech Republic or who have not been registered for residence in the territory of the Czech Republic for a period of a minimum of 90 days pursuant to a special legal regulation¹⁾ governing the residence of foreigners in the territory of the Czech Republic, or who are not entitled to reside permanently in the territory of the Czech Republic pursuant to a special legal regulation²⁾;

(c) A register of applicants suitable to become adoptive parents of children specified in (b) above; and

(d) A register of individuals capable of becoming adoptive parents of children specified in paragraph (a) above, if those individuals do not hold a permanent residence permit for the territory of the Czech Republic or do not have temporary residence in the territory of the Czech Republic for a period of at least 365 successive days pursuant to a special legal regulation^{1a)} governing the residence of foreigners in the territory of the Czech Republic, and they are not foreigners entitled to social benefits in compliance with a directly-applicable regulation of the European Union⁵⁷⁾.

(2) The children specified in:

(a) Subsection 1 (a) shall be maintained in the register on the basis of a notice of the regional authority (Section 22 (8));

(b) Subsection 1 (b) shall be entered in the register on the basis of a notice of the government bodies of the Czech Republic or the government bodies or other organisations of a foreign country duly authorised in their country to perform duties in international adoption. The Office shall inform these bodies or organisations of the entry of a child specified in subsection 1 (b) in the register.

(3) The applicants specified in subsection 1 (c) and individuals specified in subsection 1 (d) shall be entered into the register on the basis of the Office's decision. A person suitable to become an adoptive parent of children specified in subsection 1 (b) shall not be entered in the register, if the person meets the condition of residing in the territory of the Czech Republic pursuant to Section 20 (1), but his or her

habitual residence is provably located outside the territory of the Czech Republic.

(4) The Office shall remove the following persons from the register:

- (a) A child, Applicant or a person specified in subsection 1 (d), if adoption was mediated, as at the date of the adoption decision;
- (b) An Applicant or person specified in subsection 1 (d), if:
 - 1. The Office finds serious reasons why adoption cannot be mediated;
 - 2. The Applicant or the specified person seriously violates the duty to provide data crucial for the register; or
 - 3. The Applicant or the specified person so requests;
- (c) A child, if required by a body or organisation specified in subsection 2 (b).

(5) The Office shall issue a decision on removal from the register only in cases of applicants and persons specified in subsection 1 (d), unless a decision on adoption is the reason for the removal. The Office shall send decisions on the removal of applicants and persons specified in subsection 1 (d) to the regional authority; the Office shall send the notice of the removal of a child specified in subsection 1 (b) to the bodies or organisations specified in subsection 2 (b) and the regional authority.

(6) Subsection 22 (2), (3), (6) and (10) shall appropriately apply to the maintenance of the register if a child specified in subsection 1 (a) or a person specified in subsection 1 (c) is involved.

(7) The Office shall suspend the mediation of adoption for periods of time specified in Section 24b (1), if children who have also been maintained in the Children Register for mediation of adoption to foreign countries, or in a register of children suitable for adoption in the Czech Republic (subsection 1 (a) and (b)) are involved, or if applicants specified in subsection 1 (c) are involved.

(8) For the purposes of the Office's keeping the register, the regional authority shall be obliged to:

- (a) Obtain the necessary data and complete the file documentation on the child suitable for adoption in a foreign country or on the Applicant suitable to become the adoptive parent of a child from a foreign country, upon the Office's request;
- (b) Upon the Office's request, review the situation of the child, if the child was adopted in the Czech Republic on the basis of mediated adoption from a foreign country, or who is to be adopted from a foreign country and lives in the Czech Republic in the care of the adoptive parents-to-be; and
- (c) Immediately inform the Office of the date of legal force of the adoption decision.

(9) The Office shall be obliged to inform the following entities of a child's adoption to a foreign country:

- (a) The municipal authority of a municipality with extended powers;
- (b) The births, deaths and marriages registry competent pursuant to a special legal regulation^{23a}); and
- (c) The regional authority issuing the notice based on which the Office entered the child in the register.

Section 26

Sections 24 (1) and (3) shall appropriately apply to mediations of adoptions by the Office, where children are adopted in the Czech Republic.

Section 27

Professional Assessment for the Purpose of Mediating Adoption and Foster Care

(1) The professional assessment for the purpose of mediating adoption and foster care shall include:

- (a) An assessment of the child and Applicant pursuant to subsection 2;
- (b) A review of the training for accepting a child into the family, including special training for accepting a child by a temporary foster carer (Section 11 (2));

- (c) A statement of the Applicant's children on accepting the adopted child or a child placed in foster care into the family, if they are capable of making such statement due to their age and intellectual capacity;
 - (d) An assessment of the ability of children living in the Applicant's household to accept a child into the family;
 - (e) A review of the integrity of the Applicant, his or her spouse, cohabitee, child and other persons living in the Applicant's household; a person convicted of a crime against the life, health, freedom, human dignity, moral development or property of the child, or of another crime, the commitment of which might influence the Applicant's competence to provide the child with proper upbringing, shall not be considered a person without a criminal record for this purpose;
 - (f) An assessment of the ability to take care of children requiring special care, and the ability to cooperate with parents of such children for applicants entered in the register of persons fit to perform temporary foster care.
- (2) For the purposes of mediating adoption and foster care the following shall be reviewed:
- (a) With respect to children:
 1. The level of physical and mental development of the child, including his or her specific needs and requirements; and
 2. The suitability of substitute family care and the forms thereof;
 - (b) With respect to applicants, the personal qualities, mental health, physical condition, which includes assessing whether the Applicant's condition in terms of mental, physical and sensual health does not prevent the Applicant from providing the child with long-term care; the preconditions for bringing a child up, motivation to apply for a child's adoption or placement in foster care, stability of the marriage and the family's situation, and/or other facts material for a child's adoption or placement in foster care. The regional authority shall carry out the assessment within 30 days after ascertaining all needed facts.
- (3) For the purpose of verifying integrity pursuant to subsection 1 (e), the social and legal protection authority shall request a copy of the Applicant's criminal conviction records pursuant to a special legal regulation^{28a)} or a certificate equivalent to the criminal conviction records issued in countries where the Applicant, his or her spouse, cohabitee, child or other persons living in the Applicant's household resided for longer than three months in the period from reaching 15 years of age until the filing of the application; these certificates shall not be more than three months old. Where a foreign country does not issue copies of criminal conviction records or an equivalent document, refuses to issue such copy to the Applicant or where obtaining such copy would be connected with a serious obstacle, the Applicant may replace a certificate from such country with his or her affidavit. The application for a copy of the criminal conviction records and the copy of the criminal conviction records shall be provided electronically in a way allowing for remote access.
- (4) The professional assessment shall be carried out by the regional authority, if the child or Applicant were entered in the Children Register or the Applicant Register by the regional authority, prior to entering them in the register, or if the child or Applicant has been kept in the Children Register or Applicant Register kept by the regional authority.
- (5) The regional authority shall be authorised to invite the Applicant and individuals specified in Section 25 (1) (d) to a personal meeting to assess their competence and the facts crucial for the child's placement. The regional authority shall cooperate with municipal authorities of municipalities with extended powers, municipalities, healthcare service providers, schooling facilities and other professional institutions, the Charged Persons and specialists in children's upbringing.
- (6) The region's employees assigned to the regional authority may visit the child or invite the child to a meeting for the purposes of preparing documentation for the professional assessment pursuant to subsection 2, if appropriate with regard to the child's age and abilities. The legal entities or individuals with whom the child lives shall be obliged to enable such visit, the participation of the child at such meeting and the assessment of the child.
- (7) Subsections 2 to 6 shall apply, as appropriate, to the preparation of the regional authority's statement pursuant to Section 18.

(8) The Ministry shall be authorised to carry out a new professional assessment of the Applicant for the purposes of an appellate proceeding.

PART V

TEMPORARY FOSTER CARE

Section 27a

(1) The regional authority shall maintain a register of persons who can provide temporary foster care for the purpose of providing a child with temporary foster care pursuant to a special legal regulation^{23b}. Persons shall be entered in the register upon an application submitted to the municipal authority of a municipality with extended powers. The municipal authority of a municipality with extended powers shall be obliged to forward the application immediately to the regional authority after completing it with the data and documents specified in subsection 3.

(2) Persons who are capable of providing temporary foster care to a child, namely in terms of the short-term nature of such care and the fact that the care is provided to the child soon after his or her birth, on the basis of a professional assessment shall be entered in the register of persons who can provide temporary foster care.

(3) The register shall include the following:

(a) The Applicant's personal data specified in Section 21 (5) (a);

(b) Documents specified in Section 21 (5) (b) to (f) and (i);

(c) A written consent that the regional authority shall be authorised to:

1. Find additional data needed for the entry in the register of persons who can provide temporary foster care at any time; and
2. Find at any time whether the facts provided in the application have changed;

(d) The opinion of the municipal authority of a municipality with extended powers on the application for the Applicant's entry in the register;

(e) A copy of the administrative decision pursuant to Section 47b showing the legal force, or a copy of the agreement on the provision of foster care pursuant to Section 47b;

(f) Data on the number and characteristics of children to whom the person in the register is capable of providing temporary foster care.

(4) The professional assessment of the Applicant shall be conducted on the basis of an application submitted pursuant to subsection 3; Section 27 shall similarly apply to the professional assessment of the Applicant.

(5) The regional authority shall decide on the Applicant's entry into the register specified in subsection 1 and on his or her removal from the register or on not entering the Applicant into the register. The regional authority shall send a copy of the decision mentioned in the previous sentence to the municipal authority of a municipality with extended powers. Sections 22 to 24c shall appropriately apply to the maintenance of the register of the Applicant's entry in the register and his or her removal therefrom.

(6) The regional authority shall deliver a copy of the list of persons entered in the register of persons who can provide temporary foster care, including the data specified in subsection 3, to municipal authorities of municipalities with extended powers in the regional authority's administrative district. The regional authority shall be obliged to complete such list immediately based on the changes made in the register pursuant to subsection 1 and to inform the municipal authorities of municipalities with extended powers of such completions.

(7) A court may place a child in the temporary foster care of persons in the register upon a motion from a social and legal protection authority for a period of time:

- (a) Over which a parent is unable to bring the child up due to serious reasons;
- (b) After the expiry of which the parent can grant his or her consent with adoption; or
- (c) From the date of the legal force of a judicial decision that the parents' consent with adoption is not necessary.

(8) Where a child was placed in foster care pursuant to subsection 7, the court shall be obliged to review at least once in three months whether the reasons for which the child was placed into foster care still exist. The court shall primarily request reports from the relevant social and legal protection authority for this purpose. The court shall always decide on a child's upbringing when the reasons for which the child was placed into foster care pursuant to subsection 7, cease to exist.

(9) Temporary foster care can be provided for a maximum of one year. This shall not apply if siblings of the child are placed into the foster care of the same foster carer later, but temporary foster care shall not be provided for a period of time greater than the period of time over which foster care is to be provided to the sibling who was placed into the temporary foster care of the same foster carer as the last one, pursuant to the first sentence.

PART VI

TREATMENT IN A SPECIAL INSTITUTION AND PROTECTIVE REHABILITATION

Section 28

After the legal force of a judicial decision on adjudicated treatment in a special institution, the municipal authority of a municipality with extended powers shall set up the date and place of the child's acceptance into the relevant special treatment institution, and shall call on the parents or other individuals responsible for the child's upbringing to deliver the child to the specified facility on the stipulated date, and/or can arrange the placement themselves upon the parents' approval. Where the parents or other individuals responsible for the child's upbringing fail to submit to the judicial decision, the municipal authority of a municipality with extended powers shall file a motion for the execution of the decision²⁴⁾.

Section 29

Monitoring the Execution of Special Treatment and Protective Rehabilitation

(1) The municipal authority of a municipality with extended powers shall monitor the observance of the child's rights in schooling facilities for the execution of special treatment and protective rehabilitation²⁶⁾ in homes for the physically disabled and in children's homes for children below three years of age²⁸⁾ and in similar institutions (facilities) where special legal regulations permit the establishment thereof by legal entities or individuals (hereinafter the "Residential Facilities"); the municipal authority of a municipality with extended powers shall primarily monitor the development of children's mental and physical skills and whether reasons for the child's stay in the Residential Facility still exist, and shall ascertain how the relationships between children and their parents develop. The municipal authority of a municipality with extended powers shall support the placement of all siblings in the same Residential Facility.

(2) An employee of a municipality with extended powers assigned to the municipal authority shall be obliged to:

- (a) Visit a child for whom special treatment or protective rehabilitation was adjudicated at least once every three months;
- (b) Visit the parents of the child for whom special treatment or protective rehabilitation was adjudicated at least once every three months; and
- (c) Visit a child specified in Section 10 (1) immediately after the employee learns about the child, and afterwards based on the child's needs, on the basis of a special authorisation issued by the municipal authority of a municipality with extended powers, which contains the name(s) and last name of the employee, his or her title, employer and which specifies the activity, which can be

performed by that employee.

(3) The employee of the municipality with extended powers assigned to the municipal authority shall be authorised to talk to the child without the presence of other persons, namely employees of the Residential Facility, and shall have a right to view the documentation on the child maintained by the Residential Facility.

(4) When the employee of the municipality with extended powers assigned to the municipal authority finds that the Residential Facility violated duties arising from this Act or special legal regulations, the employee shall be obliged immediately to inform the municipal authority of a municipality with extended powers and the promoter of such Residential Facility of such fact, and/or inform the body superior to the promoter, and the court, which adjudicated the special treatment or protective rehabilitation; this is without prejudice to the duty arising from a special legal regulation⁶⁾.

(5) When the employee of the municipality with extended powers assigned to the municipal authority informed of the violation of a duty by the Residential Facility, the relevant municipal authority of a municipality with extended powers shall monitor whether the identified weaknesses were eliminated and shall support the adoption of needed measures to result in the remedying thereof.

(6) Residential Facilities shall be obliged to:

(a) Provide the employee of the municipality with extended powers assigned to the municipal authority of a municipality with extended powers with access to the Residential Facility and the necessary deeds, documents or reports related to the child and his or her parents, if these are available to the Residential Facility;

(b) Enable the employee of the municipality with extended powers assigned to the municipal authority of a municipality with extended powers to be in contact with the child for whom special treatment or protective rehabilitation was adjudicated;

(c) Immediately inform the municipal authority of a municipality with extended powers of children who are suitable for adoption or placement in foster care;

(d) Immediately dispatch a written petition of the child addressed to a court, a municipal authority of a municipality with extended powers, another government body or the Charged Person without inspecting the content thereof;

(e) Request a written consent of the municipal authority of a municipality with extended powers with the child's stay pursuant to Section 30;

(f) Inform the municipal authority of a municipality with extended powers of the child's upcoming release from the Residential Facility; and

(g) Inform the municipal authority of a municipality with extended powers and the court, which adjudicated the special treatment or protective rehabilitation, on the child's escape from the Residential Facility and on the child's transfer to another Residential Facility.

(7) The Residential Facility specified in subsection 1 can also be visited by an employee of the region assigned to the regional authority or an employee of the government assigned to work at the Ministry. Subsections 3 to 6 shall apply similarly to the employee of the region assigned to the regional authority or the employee of the government assigned to work at the Ministry, and subsection 2 shall apply similarly to the duty to have a special authorisation for the visit of the Residential Facility. The authorisation shall be issued by the regional authority where an employee of the region assigned to the regional authority is concerned, and the Ministry where an employee of the government assigned to work at the Ministry is concerned.

Section 30

Child's Stay outside the Institution

(1) The Residential Facility's Director can allow the child placed in the Residential Facility upon a preliminary ruling or a judicial decision on adjudicated placement in a special treatment institution or for whom protective rehabilitation was ordered to stay with his or her parents or other individuals only upon the previous written consent of the municipal authority of a municipality with extended powers

and up to a maximum of 30 calendar days with respect to the first stay with such persons. With the exception of cases where protective rehabilitation was adjudicated upon a judicial decision, this period of time can be extended with regard to the stay with such persons on the basis of the written consent of the municipal authority of a municipality with extended powers. Where a child was placed in such Residential Facility upon a request of his or her parents or other statutory representatives, the stay with other individuals can only be allowed upon the previous written consent of the parents or other statutory representatives, if the obtaining of such consent is not prevented by a substantial obstacle.

(2) The written consent of the municipal authority of a municipality with extended powers pursuant to subsection 1 shall contain a specification of the persons with whom the child will stay, the length of the child's stay outside the institution for which the consent is issued and the place of the child's stay.

(3) When issuing the written consent to the child's stay outside the institution pursuant to subsection 1, the municipal authority of a municipality with extended powers shall primarily consider the family and social situation to which the child will be exposed and the individualised child protection plan, if prepared. When the child is to stay with individuals other than his or her parents, grandparents or siblings, their integrity shall be considered pursuant to Section 27 (1) (e). For the purposes of the issuance of the consent, the municipal authority of a municipality with extended powers can ask the regional authority for a professional assessment of the individual other than the parents with whom the child is to stay. Section 27 shall apply appropriately to the professional assessment. To document such person's integrity, the municipal authority of a municipality with extended powers can require a copy of the criminal conviction records pursuant to a special legal regulation^{28a)}; the municipal authority of a municipality with extended powers shall immediately inform the relevant person of the fact that it asked for a copy of the criminal conviction records. The application for a copy of the criminal conviction records and the copy thereof shall be submitted electronically in a way enabling a remote access.

(4) The regional authority shall be obliged to carry out the professional assessment of another individual pursuant to subsection 3.

(5) When the child's permanent residence differs from the permanent residence of the parents or other individuals with whom the child is to stay, the municipal authority of a municipality with extended powers can issue a written consent pursuant to subsection 1 only on the basis of an opinion of another relevant municipal authority of a municipality with extended powers (Section 61 (3) (c)).

PART VII

CARE FOR CHILDREN REQUIRING INCREASED ATTENTION

Section 31

(1) Care for children specified in Section 6 shall involve the provision of help in overcoming negative social conditions and upbringing aspects aimed at supporting the children in their integration into society, including job integration.

(2) Care for children primarily specified in Section 6 (c) and (d) shall be provided for by the municipal authority of a municipality with extended powers through social guardianship for children and youth (hereinafter "Social Guardianship"). Social Guardianship involves taking measures aimed at eliminating and mitigating defects in the child's mental, physical and social development or at preventing such defects from recurring or intensifying.

(3) Social Guardianship shall be provided by a probation officer for children and youth who is employed by the municipality with extended powers assigned to the municipal authority of a municipality with extended powers. The probation officer for children and youth shall show a special authorisation issued by the municipal authority of a municipality with extended powers in performing Social Guardianship. The special authorisation shall contain the name(s) and last name of the probation officer, his or her title and employer and a specification of activities he or she is authorised to perform.

Section 32

(1) In taking care of children specified in Section 6, the municipal authority shall:

- (a) Focus its attention on the leisure time activities of these children;
- (b) Focus its attention on children keen on contacting individuals or groups of individuals consuming alcohol or habit-creating substances or committing crimes;
- (c) Monitor the children for signs of violence and intolerance;
- (d) Pay attention to children from families in a poor social position;
- (e) Prevent other groups of children from being exposed to negative social and upbringing influences;
- (f) Offer leisure time programs to children, which respect the children's hobbies and abilities; and
- (g) Cooperate with schools, the Charged Persons, associations of citizens and other entities.

(2) In taking care of children specified in Section 6, the municipal authority of a municipality with extended powers shall:

- (a) Seek to prevent the recurrence of defects in the children's behaviour and acting with special attention paid to the perpetrators of crimes;
- (b) Remind regional authorities of the need to help children who completed their compulsory education in preparing for their career, namely with regard to children released from a special treatment institution, protective rehabilitation or from prison;
- (c) Cooperate with the Regional Branches of the Labour Office in mediating suitable jobs for these children;
- (d) Direct the care for these children based on care projects for groups of children at risk prepared by government bodies, municipalities, the Charged Persons and other legal entities and individuals; and
- (e) Help children address problems that may result in misbehaviour.

(3) Employees of the municipality with extended powers assigned to the municipal authority and employees of a municipality assigned to the municipal authority in taking care of children specified in Section 6 shall:

- (a) Be in personal contact with the child, his or her parents or persons responsible for the child's upbringing;
- (b) Select appropriate means to support children based on the type and nature of a defect in the child's behaviour and his or her social position; and
- (c) Resolve a child's problems in the environment where the child customarily dwells, if useful.

(4) Social Guardianship shall primarily focus on:

- (a) Analysing the situation in the area of social and pathological phenomena with respect to children and youth and suggesting preventive measures;
- (b) Participating in hearings of administrative infractions conducted against juveniles in compliance with the Administrative Infraction Act, in criminal proceedings against juveniles and in proceedings on acts punishable in other ways with respect to children below 15 years of age pursuant to a special legal regulation²⁹⁾;
- (c) Visit children with special treatment adjudicated due to serious upbringing problems, children with adjudicated protective rehabilitation, children remanded in custody and serving a punitive measure of imprisonment, and parents of these children;
- (d) Cooperate with the relevant Probation and Mediation Service Centre, namely in finding the situation of juveniles and children below 15 years of age for the purpose of criminal proceedings and hearings of acts punishable in other ways, respectively, and in implementing measures imposed on a child or a juvenile pursuant to a special legal regulation²⁹⁾;
- (e) Help children specified in (c) above after their release from protective rehabilitation or a special

treatment institution and after their release from the service of a punitive measure of imprisonment and support the reviving of their impaired social relationships, their integration into the family and the social community, and prevent the recurrence of illegal conduct; and

- (f) Arrange for follow-up care for the children specified in paragraph (c) above once they reach legal age, namely if the period of special treatment or protective rehabilitation is extended; in arranging for follow-up care, the probation officer for children and youth shall be obliged to cooperate primarily with the municipalities within their separate and delegated powers, the Regional Branch of the Labour Office, the social service providers and facilities for the execution of special treatment and protective rehabilitation.

Section 33

(1) The social and legal protection authority competent pursuant to the Judicial Act in matters related to youths²⁹⁾ shall be the municipal authority of a municipality with extended powers.

(2) The social and legal protection authority competent pursuant to the Administrative Infraction Act³¹⁾ shall be the municipal authority of a municipality with extended powers; an employee of the municipality with extended powers assigned to that municipal authority shall be obliged to attend verbal hearings of administrative infractions when the accused is a juvenile.

Section 34

(1) The municipal authority of a municipality with extended powers shall cooperate with prisons³²⁾ in resolving the social and upbringing problems of children specified in Section 6.

(2) The municipal authority of a municipality with extended powers shall comment on the following pursuant to a special legal regulation³³⁾:

- (a) The form and content of the child's preparation for a future job arranged by the prison;
- (b) Whether it is in the child's interest to be taken care of by a convicted or accused women in the prison; and
- (c) The extension of the period of suspension of a prison sentence for a convicted woman, if a child's visit is the reason therefor.

(3) An employee of the municipality with extended powers assigned to the municipal authority shall be obliged to visit a child at least once every three months, if the child:

- (a) Has been in custody or has served a prison sentence, to discuss with the child primarily the possibility of having a job or preparing for a future career or a job after the release from custody or expiry of the sentence; or
- (b) Has been taken care of by a convicted or accused woman in the prison.

(4) In paying a visit in a prison, the employee of the municipality with extended powers assigned to the municipal authority of a municipality with extended powers shall be authorised to study documentation related to the preparation of the convicted juvenile for a future career, to a child who has been taken care of by a convicted or accused woman, or on the care of the child by such woman.

(5) Prisons³²⁾ shall be obliged to provide the employee of the municipality with extended powers assigned to the municipal authority with access to the prison and to the documentation pursuant to subsection 4 and enable the contact of such employee with a child who has been in custody or has served a prison sentence, and with a child who has been taken care of by a woman sentenced to imprisonment or a woman in custody. Prisons and protective detention institutions shall be obliged to inform the municipal authority of a municipality with extended powers on a child's registering in the prison or institution for the commencement of imprisonment or preventive detention, respectively, and on when the child will be released from the service of imprisonment or protective detention. For the purpose of a visit of the employee of the municipality with extended powers assigned to the municipal authority, this authority shall issue a special authorisation for the employee, which contains the employee's name(s) and last name, title and employer, and specifies the activities that can be performed by this employee.

PART VIII

SOCIAL AND LEGAL PROTECTION WITH RESPECT TO FOREIGN COUNTRIES

Section 35

(1) The Office shall provide for social and legal protection with respect to foreign countries where the following children are involved:

- (a) Children specified in Section 2 (2);
- (b) Children who are citizens of the Czech Republic but do not permanently reside in the territory thereof; and
- (c) Children who are not citizens of the Czech Republic and do not hold a permanent residence permit for the territory thereof or have not been registered to reside in the territory of the Czech Republic for a period of a minimum of 90 days pursuant to a special legal regulation^{1a)} governing the stay of foreigners in the territory of the Czech Republic or who are not residing in the territory of the Czech Republic, if their parents or other individuals with the maintenance duty to these children reside in the Czech Republic.

(2) In arranging for social and legal protection with respect to foreign countries, the Office shall:

- (a) Perform the position of the accepting and dispatching body and the position of the central body in implementing international contracts and for the purposes of the reciprocity declaration pursuant to a special legal regulation^{33a)}, and perform other duties arising for the Czech Republic from international contracts on the social and legal protection of children³⁴⁾;
- (b) Perform the role of the child's guardian;
- (c) Require reports on the situation of children who are citizens of the Czech Republic but do not permanently reside in the territory thereof, from relevant bodies and other legal entities and individuals upon the request of parents living in the Czech Republic or the social and legal protection authorities;
- (d) Mediate the delivery of personal documents and other deeds to foreign countries and provide documents and other deeds from foreign countries;
- (e) Cooperate with government authorities or other organisations of a foreign country similar to the Office, if they are duly authorised to perform social and legal protection activities in their country, and with other authorities, facilities and legal entities, where useful;
- (f) Assist in searching for the parents of a child, if the parent(s) live(s) abroad, family members and persons with the maintenance duty, finding the material and financial situation to determine alimony, mediate the filing of motions aimed at enforcing the maintenance duty, namely motions to regulate the maintenance duty, upbringing and determination of paternity;
- (g) Find for the purposes of adoption to and from a foreign country what the social community and family situation of the child is;
- (h) Perform assignments arising from the mediation of adoption and negotiate with relevant bodies, individuals and legal entities where required by the performance of assignments arising to the Office from this Act;
- (i) Grant an approval of the adoption of a child to a foreign country;
- (j) Assist in searching for the family members of a child who filed an application for international protection, who was granted asylum or supplementary protection pursuant to a special legal regulation and who has resided in the territory of the Czech Republic without the accompaniment of a person over 18 years of age responsible for the child pursuant to the law effective in the territory of the country where the child is a national, or in the country of the child's latest residence, if the child is a person without a nationality^{34a)};
- (k) Cooperate in matters related to parental responsibility pursuant to a directly-applicable regulation of the European Communities^{34c)};
- (l) Perform the assignments of a central body pursuant to a directly-applicable regulation of the

European Union⁵⁸⁾; and

(m) Provide for the translation of deeds needed to implement competence in social and legal protection pursuant to international contracts and the directly-applicable regulations of the European Union.

(3) A permission of the Office for the Protection of Personal Data pursuant to a special legal regulation^{34b)} shall not be required for the delivery of personal data by the Office to other countries.

(4) For the purpose of implementing the Office's competence pursuant to subsection 2 (f), the relevant bodies and other individuals and legal entities shall be obliged to provide the Office with the assistance requested in the necessary scope; the provisions of the Rules of the Seizure Procedure on the assistance by third parties⁵⁹⁾ shall appropriately apply.

Section 35a

The municipal authority of a municipality with extended powers shall issue a certificate to the child's statutory representative or another person responsible for the child's upbringing for the purpose of exercising the child's entitlement to alimony from the obliged person living abroad, such certificate confirming that the child is alive and lives in the care of his or her statutory representative or another person responsible for the child's upbringing; the municipal authority of a municipality with extended powers shall issue such certificate upon the statutory representative's request.

Section 36

Arranging for the Return of Unaccompanied Children Residing Abroad

(1) An embassy of the Czech Republic shall be obliged to inform:

(a) A municipal authority of a municipality with extended powers; or

(b) The Ministry, if place of the child's permanent residence in the territory of the Czech Republic is unknown,

that a child specified in Section 2 (2) resides in the territory of a foreign country without the accompaniment of his or her parents or another person responsible for the child, and to arrange for the child's return to the Czech Republic. At the same time, the embassy shall inform when and by whom the child will be transported to the territory of the Czech Republic.

(2) The municipal authority of a municipality with extended powers shall be obliged to take measures needed to take the child over and to inform the embassy who will take the child over in the territory of the Czech Republic; the municipal authority of a municipality with extended powers can also agree upon the child being taken over in the foreign country.

(3) The following shall be obliged to take the child over upon his or her return:

(a) The child's parent or another individual responsible for the child's upbringing; the child shall be taken over by the municipal authority of a municipality with extended powers where the parent or other individual responsible for the child's upbringing is unable or unwilling to take the child over; or

(b) A facility able to accept a child on the run pursuant to a special legal regulation³⁵⁾ if the child was adjudicated special treatment or protective rehabilitation.

(4) The costs of taking the child over in the territory of the Czech Republic shall be borne by:

(a) The parent or other individual responsible for the child's upbringing who is obliged to take the child over;

(b) The Residential Facility specified in subsection 3 (b); or

(c) The municipal authority of a municipality with extended powers if the costs were not paid by the parent, the other person responsible for the child's upbringing or the Residential Facility. In these cases, the municipal authority of a municipality with extended powers can require the reimbursement of such costs from the above-mentioned persons or the Residential Facility.

(5) In the case specified in subsection 1 (b) the Ministry shall determine which municipal authority of a municipality with extended powers will take the measures pursuant to subsections 2 to 4.

PART IX

SOCIAL AND LEGAL PROTECTION IN SPECIAL CASES

Section 37

(1) The municipal authority shall be obliged to take measures to protect the life and health and provide for the satisfaction of fundamental needs within the crucial scope, including healthcare services²⁸⁾, for a child specified in Section 2 (3) if the child has been left without any care or if his or her life or positive development have been seriously challenged or impaired.

(2) The municipal authority shall immediately inform the municipal authority of a municipality with extended powers of the measures provided in subsection 1, the latter being obliged to take further necessary measures to protect the child and to inform immediately, if practicable, the embassy of the country where the child is a national of this fact; at the same time, the municipal authority shall be obliged to discuss with the municipal authority of a municipality with extended powers the method of providing for the child's contact with his or her parents or other persons responsible for the child. The municipal authority of a municipality with extended powers shall inform the Office of the facts specified in the first sentence.

(3) The necessary measures to be taken by the municipal authority of a municipality with extended powers, shall primarily include the following:

- (a) Filing a motion to order a preliminary ruling¹³⁾;
- (b) Filing a motion to appoint the child's guardian;
- (c) Filing a motion to adjudicate the child's special treatment in an institution³⁷⁾; and
- (d) Mediation of the child's placement in a safe haven.

PART X

SOCIAL AND LEGAL CHILDREN PROTECTION COMMITTEE AND ADVISORY BOARDS

Section 38

(1) The mayor of a municipality with extended powers shall establish a committee for the social and legal protection of children (hereinafter the "Committee") as a special body of the municipality³⁸⁾.

(2) The Committee shall:

- (a) Decide on issuing the authorisation to perform social and legal protection (Sections 48 and 49), only if a legal entity or individual asks for an authorisation to establish a facility specified in Section 39 (1) (d), and on withdrawing such authorisation (Section 50);
- (b) Propose and assess submitted social and preventive projects for the protection of abused, maltreated and neglected children and provide for the discussion of individual cases of abused, maltreated and neglected children at the Committee for the purpose of proposing measures to effectively help the child and his or her family;
- (c) Recommend measures that should be taken in the area of children's protection from social and pathological phenomena, and prepare programs of care for challenged groups of children;
- (d) Upon a request of the municipal authority's secretary, assess individual cases of performing social and legal protection, and issue opinions thereon;
- (e) Coordinate the performance of social and legal protection in the territory of the administrative district of the municipality with extended powers; and
- (f) Organise case conferences within the scope of competence pursuant to (a) to (e) above.

(3) The mayor of the municipal authority of a municipality with extended powers shall appoint and recall a chairperson of the Committee, the chairperson's deputy and other members of the Committee selected from members of the local councils and individuals who are involved in social and legal protection, namely educationalists, psychologists, healthcare professionals, representatives of the Charged Persons (Section 48), associations of citizens, churches and other legal entities or individuals. The Committee's chairperson shall not be required to prove his or her special professional competence in the area of the social and legal protection of children. The Committee's secretary shall be an employee of the municipality with extended powers assigned to the municipal authority in the social and legal protection department.

(4) The Committee shall be able to act and have a quorum when the Committee's chairperson or his or her deputy and a minimum of other two Committee members are present. The Committee shall decide by resolution upon a majority vote of members attending the Committee's meeting. In the event of a tied vote, the vote of the Committee's chairperson shall decide; when the chairperson is not present, the vote of his or her deputy shall decide.

(5) The following can be invited to attend the Committee's meeting:

(a) The child, where appropriate due to his or her age and abilities, together with the parents or other individuals responsible for the child's upbringing;

(b) The child's parents or other individuals responsible for the child's upbringing;

(c) A representative of:

1. The healthcare service provider, the school attended by the child, the schooling facility or special treatment institution or another facility;

2. The child's employer or the legal entity where the child prepares for his or her future career;

3. The Charged Persons; and

4. Associations of citizens, churches and other legal entities;

(d) Individuals, if they are:

1. Promoters of schools or other facilities specified in (c) (1) above;

2. Employers of the children or if they provide for the children's preparation for their future career;
and

3. The Charged Persons;

(e) A judge;

(f) A prosecuting attorney; and

(g) Other individuals;

if useful to clarify key matters.

(6) The persons specified in subsection 5 (c) to (g) shall always be invited to attend a meeting if they initiated such meeting.

(7) The attendance of the Committee members and persons specified in subsection 5 at the Committee's meetings shall be another act in the public interest³⁹⁾ when the Committee members and the persons specified in subsection 5 (c) to (g) shall be entitled to wage (salary) compensation. The Committee members and persons specified in subsection 5, who are not in any employment relationship or a relationship similar to employment but perform income-generating activity, shall be entitled to compensation of lost income for the period of performing the office of a Committee member at the level proved by them, but at a maximum of CZK 120 per hour or CZK 1,020 for one day. The Committee members and persons specified in subsection 5 shall be entitled to the reimbursement of travel expenses at the proven level; the transport method shall be determined by the Committee's chairperson. The municipal authority of a municipality with extended powers shall pay the reimbursement of travel expenses and the compensation of lost income.

Section 38a

(1) The chief executive officer of the regional authority shall establish an advisory board to perform the assignments of the region and the regional authority in the area of social and legal protection. The advisory board shall primarily:

- (a) Cooperate in developing projects and concepts of the region in the area of the provision and development of services for families with children, substitute family care, prevention of social pathological phenomena and the creation of preconditions for the cultural, sporting, other leisure time and educational activities of children;
- (b) Review the region's intentions to establish and operate social and legal protection facilities pursuant to Section 39 and other childcare facilities;
- (c) Consider, upon a request of the regional authority, applications for a change in the authorisation or the issuance of a new authorisation to perform social and legal protection of children when the Charged Person wishes to establish a new social and legal protection facility in the territory of the region or another site of the same social and legal protection facility; and
- (d) Discuss and review, upon a request of the regional authority, other issues related to the performance of assignments of the regional authority pursuant to this Act and the performance of social and legal protection in the territory of the region.

(2) The chief executive officer of the regional authority shall appoint and recall the chairperson of the advisory board, his or her deputy and other advisory board members. The advisory board's secretary shall be an employee of the region assigned to the regional authority in the social and legal protection department. The secretary shall be a member of the advisory board. The advisory board's chairperson shall not be required to prove his or her special professional competence in the area of the social and legal protection of children.

(3) The advisory board shall be composed of experts in social and legal protection, namely professionals in paediatrics, psychology or pedagogy, representatives of municipalities, the Charged Persons, social service providers, schools and schooling facilities, healthcare service providers, the police, the prosecuting attorney's offices, and employees of the regional authority and the municipal authority of a municipality with extended powers assigned to the social and legal protection department. The advisory board shall have at least five members. Section 38 (4) and (5) shall apply similarly to meetings of the advisory board and the decision-making process thereof.

(4) Section 38 (7) shall apply similarly to the attendance of members at the advisory board's meetings and the determination of reimbursements; travel expenses and lost income shall be reimbursed and compensated by the regional authority.

§ 38b

(1) The Ministry shall establish an advisory board to perform the Ministry's assignments in the area of social and legal protection. The advisory board shall have at least five members and shall have a quorum when a clear majority of members is present.

(2) The Minister of Labour and Social Affairs shall appoint and recall the chairperson of the advisory board, his or her deputy and other advisory board members. The advisory board's secretary shall be an employee of the government assigned to work at the Ministry who performs activities in the area of social and legal protection. The secretary shall be member of the advisory board.

(3) Section 38a (3) shall apply similarly to the composition of the advisory board, its meetings and the decision-making process. Section 38 (5) and Section 38 (7) shall apply similarly to the attendance of members at the advisory board's meetings and to the determination of reimbursement, respectively; travel costs shall be reimbursed and lost income compensated by the Ministry.

TITLE FOUR
SOCIAL AND LEGAL PROTECTION FACILITIES

Section 39

Heading Omitted

(1) Social and legal protection facilities shall include:

- (a) Facilities providing professional advisory related to caring for children;
- (b) Facilities engaged in social and educational activities;
- (c) Facilities for children requiring immediate assistance; and
- (d) Educational and recreational camps for children.

(2) Social and legal protection facilities can be established by individuals, legal entities or municipalities and regions within their separate powers on the basis of an authorisation to perform social and legal protection pursuant to Section 49.

Section 40

Facilities Providing Professional Advisory Related to Caring for Children

(1) Facilities providing professional advisory related to caring for children shall primarily provide recommendations regarding relationships between parents and their children and parents caring for children with physical disabilities. Within the professional advisory, parents or other persons responsible for children's upbringing shall be provided with or mediated advice related to children's upbringing and maintenance and other issues associated with their family, social and cross-generational problems arising from their taking care of the children.

(2) The facilities providing professional advisory related to the care for children can also provide or mediate advisory for individuals capable of becoming adoptive parents or foster carers.

Section 41

Facilities Engaged in Social and Educational Activities

Facilities engaged in social and educational activities shall primarily be designed for children specified in Section 6; they shall offer programs promoting the development of social skills, educational activities and leisure-time activities for these children.

Facilities for Children Requiring Immediate Assistance

Section 42

Heading Omitted

(1) Facilities for children requiring immediate assistance shall provide protection and help to a child who has been left without any care or in a situation where his or her life or ability to thrive have been challenged or where the child has been left without care adequate to his or her age (Section 15), if the child is physically or mentally abused or maltreated or has lived in an environment or in a situation where his or her fundamental rights are challenged. The help and protection provided to such child shall involve satisfying the child's fundamental life needs, including housing, the provision of healthcare services and psychological and other similar necessary help.

(2) A child shall be placed in a facility for children requiring immediate assistance on the basis of:

- (a) A judicial decision;

- (b) A request of the municipal authority of a municipality with extended powers;
- (c) A request of the child's statutory representative; or
- (d) The child's request.

(3) The number of children placed in a facility for children requiring immediate assistance shall not exceed 28 even if the facility is composed of several buildings. This number of children can only be exceeded if siblings are placed in the facility for children requiring immediate assistance. In justified cases, the Ministry of Labour and Social Affairs can, upon a request of the promoter of the facility for children requiring immediate assistance, grant an exception to the highest permitted number of children placed in a single facility for children requiring immediate assistance for a necessary period of time, the length of which shall be specified by the Ministry.

(4) One employee of the facility for children requiring immediate assistance can at the same time provide personal care to a maximum of four children placed in the facility.

(5) The period of a child's stay in the facility for children requiring immediate assistance shall not exceed:

- (a) Three months from the child's placement in the facility for children requiring immediate assistance on the basis of a request of the child's statutory representative; in the case of a repeated request of the statutory representative for the child's placement in a facility for children requiring immediate assistance, the child can be accepted to the facility's care for a period of another three months only upon the previous written approval of the municipal authority of a municipality with extended powers;
- (b) Six months if the child is placed in the facility for children requiring immediate assistance on the basis of a request of the municipal authority of a municipality with extended powers or upon the child's request, if the child's parent or another person responsible for the child's upbringing approved the stay; in exceptional cases, this period of time can be extended, if the parents or other persons responsible for the child's upbringing have demonstrably adjusted their situation with a view to taking the child in their personal care; the total period of the child's continuous stay in the facility shall not exceed 12 months; or
- (c) The period of time specified in the judicial decision on a corrective measure pursuant to Section 13a whereby the child's stay in the facility for children requiring immediate assistance was ordered, or the period of time over which the judicial decision on the child's placement in the facility for children requiring immediate assistance continues pursuant to Section 46 of the Family Act.

(6) Where a child is placed in the facility for children requiring immediate assistance on the basis of a request specified in subsection 2 (b) and (d), the municipal authority of a municipality with extended powers shall be obliged immediately to file a motion with a court for a preliminary ruling, if it is not practicable to obtain the consent of the parent or another person responsible for the child's upbringing with the child's stay in the facility for children requiring immediate assistance by the date by which the court is obliged to decide on the preliminary ruling^{39b)}.

(7) If a child is placed in a facility for children requiring immediate assistance on the basis of a judicial decision:

- (a) The employee of a municipality with extended powers assigned to the municipal authority shall be obliged to visit the child as needed, but at least once every three months;
- (b) The child's stay outside that facility with his or her parents or other individuals can be permitted similarly pursuant to Section 30; and
- (c) Section 29 shall similarly apply to the performance of duties of the facility for children requiring immediate assistance.

(8) A child can be placed in the facility for children requiring immediate assistance on the basis of a request of the child's statutory representative only if a written agreement was entered into between the facility and the child's statutory representative, which includes the following:

- (a) The facility's name and address and the address of the promoter's office;

- (b) The name and last name of the child, his or her date of birth, permanent address, and/or habitual residence;
- (c) The name and last name, date of birth, permanent residence, and/or habitual residence of the child's statutory representatives;
- (d) Data on the child's physical condition and the method of providing him or her with healthcare services;
- (e) Reasons for the child's placement in the facility for children requiring immediate assistance;
- (f) Date and time of the agreed-upon acceptance of the child into the facility for children requiring immediate assistance;
- (g) The approval of the statutory representative that the rules specified in the internal guidelines of the facility for children requiring immediate assistance shall apply to the child's stay in the facility;
- (h) The conditions and method of the child's personal, phone and written contact with other persons and the specification of these persons;
- (i) The payment method and amount of the contribution for the child's stay in the facility for children requiring immediate assistance; the amount of the contribution can be agreed upon at the maximum provided in Section 42c (1) based on the child's age; and
- (j) Signature of the agreement by a representative of the facility for children requiring immediate assistance and the child's statutory representative.

(9) The facility for children requiring immediate assistance shall be obliged to provide services and arrange for the facility's operation on a non-stop basis.

(10) The child shall also be provided with help and protection in the facility in cases specified in Section 37 (1) over a period of time before the court decides on the motion of the municipal authority of a municipality with extended powers for a preliminary ruling¹³⁾.

(11) The promoter shall be obliged to keep a register of children who were accepted into the facility; the register shall include the following:

- (a) The date of the child's acceptance in the facility;
- (b) The child's name and last name, if known;
- (c) The date of the child's birth, if known; where unknown, the child's approximate age shall be provided;
- (d) A record on the fulfilment of the duty specified in Section 10 (4), the third sentence; and
- (e) The date and time of the child's release from the facility.

(12) The facility for children requiring immediate assistance shall be obliged immediately to inform the promoter and the relevant social and legal protection authority of a child's acceptance into the facility.

§ 42a

(1) The facility for children requiring immediate assistance shall:

- (a) Provide for the full direct support of the child in the facility involving housing, food and clothing;
- (b) Provide upbringing and care;
- (c) Arrange for the provision of healthcare services²⁸⁾;
- (d) Provide counselling to the child, his or her parents or persons responsible for the child's upbringing;
- (e) Arrange for assistance with the children's preparation for school classes and with walking the children to school;
- (f) Create conditions for the operation of children's hobby groups;
- (g) Be obliged to provide the child with professional care through a social worker and psychologist;

(h) Be obliged to cooperate with the child's family and provide the family with help in making arrangements related to the child, arrange for their therapy, training in parental and other skills that the parent(s) or other persons responsible for the child's upbringing need in order to take care of the child, in compliance with the individualised child protection plan prepared by the social and legal protection authority; and

(i) Be obliged to issue internal guidelines of the facility for children requiring immediate assistance, which is based on the specification of the facility's activities provided by this Act.

(2) The facility for children requiring immediate assistance shall maintain the following on the children placed in the facility:

(a) A register containing:

1. The child's name and last name, if known;
2. The date of the child's birth, if known; where unknown, the child's approximate age shall be provided;
3. The child's permanent address; where unknown, other data on the child's residence prior to being accepted in the facility shall be provided;
4. The date and time of the child's acceptance in the facility and the date of his or her release therefrom; and
5. The reason for the child's acceptance into the facility;

(b) File documentation containing:

1. The data provided in the register under paragraph (a) (1) to (5);
2. A copy of the judicial decision on the child's placement in the facility, the request of the municipal authority of a municipality with extended powers on the child's placement in the facility, a certificate on the child's acceptance and a written agreement pursuant to Section 42 (8)
3. Records on the facility's cooperation with social and legal protection authorities and other bodies, legal entities and individuals;
4. Records on the help and medical treatment provided to the child, on measures taken with regard to the child, on provided medical care and the reasons therefor;
5. A copy of a report for the municipal authority of a municipality with extended powers on the child's living in a facility for children requiring immediate assistance; and
6. Other data needed to provide social and legal protection.

(3) The Director of the facility for children requiring immediate assistance shall be:

(a) Authorised to:

1. Prohibit or interrupt a visit of the parents or other persons in the facility in the event of their inappropriate conduct, which would have an adverse effect on the child's upbringing, where the child was placed in the facility on the basis of a judicial decision;
2. Be present at the opening of a letter or parcel by the child, if justified doubts exist that the shipment's content is improper from an educational perspective or might challenge children's health or safety, and to keep it in a safe place for a period of time up to the child's release from the facility, and to make a record thereof in the child's file documentation;
3. Accept cash and items challenging children's upbringing, health or safety, and/or things of value in justified cases, from the child for temporary depositing; a written record of the takeover and the reasons therefor verified by the Director, other professional employee and the child shall be included in the child's file documentation;
4. Permit children placed in the facility pursuant to Section 42 (2) (b) to travel without supervision outside the facility to the place of residence of the parents or other individuals;
5. Represent the child in everyday matters;
6. Order the child's examination to find whether the child is under the influence of alcohol or any other habit-creating substance;

(b) Obligated to:

1. Inform the child of his or her rights and duties;
2. Deliver the child to the care of an adoptive parent-to-be or a foster carer-to-be based on the decision of the relevant authority;
3. Initiate the cancellation of a child's placement in the facility for children requiring immediate assistance with the competent court, if the reasons for the child's stay in the facility ceased to exist, and to inform the relevant social and legal protection authority thereof;

4. Initiate the regulation of the contact between the child and the parents or other persons in the facility for children requiring immediate assistance with the competent court, if in the child's interest, and inform the relevant social and legal protection authority thereof;
5. Provide statutory representatives, other persons responsible for the child's upbringing or social and legal protection authorities with information on the child upon their request;
6. Discuss crucial measures with the child, respecting his or her age and intellectual capacity, and the child's statutory representatives, unless there is a danger in delay, and inform them immediately of the measures' implementation; where it is impracticable to reach the statutory representatives, the Director shall be obliged to initiate the appointment of a guardian with the court; and
7. Release the child once the Director learns about a judicial decision whereby the child's placement in the facility for children requiring immediate assistance was cancelled, but not earlier than the child is taken over by the person responsible for his or her upbringing.

(4) The Director of the facility for children requiring immediate assistance shall decide on the rights and duties in the area of the government administration of social and legal protection with regard to the rejection of a request of the parents or other persons responsible for the child's upbringing to permit the child's stay outside the facility for children requiring immediate assistance. The Director shall report to the regional authority, in the district of which the facility for children requiring immediate assistance is located. An appeal against the Director's decision shall not have a suspensory effect.

(5) The promoter of the facility for children requiring immediate assistance shall be obliged to appoint the Director's deputy, who shall have authorisations and duties pursuant to subsections 3 and 4 when filling in for the Director.

(6) The facility for children requiring immediate assistance can only perform activities in the building or on the premises that enable it to provide for the child's acceptance, housing and preparation for classes, catering and performance of leisure time activities.

(7) The relocation of a child placed in the facility for children requiring immediate assistance into another such facility shall only be possible:

- (a) On the basis of a judicial decision, if the child was placed in the facility for children requiring immediate assistance upon a judicial decision, after a previous notice of the transfer delivered to the relevant social and legal protection authority;
- (b) With the previous approval of the municipal authority of a municipality with extended powers and the parent or another person responsible for the upbringing of the child who was placed in the facility for children requiring immediate assistance pursuant to Section 42 (2) (b); or
- (c) With the previous written consent of the child's statutory representative, who entered into an agreement on the child's placement in the facility for children requiring immediate assistance pursuant to Section 42 (8).

(8) The provision of subsection 7 shall not apply only if it is not possible to provide the care of the child for serious operating reasons in the current facility for children requiring immediate assistance and the relocation of the child shall not be postponed. In such case, the facility for children requiring immediate assistance shall be obliged immediately to provide information on the child's relocation and the reasons therefor to the persons whose approval is needed for the relocation pursuant to subsection 7 (b) and (c), the relevant social and legal protection authority or the court, which is to award the decision pursuant to subsection 7 (a). An approval of the relevant social and legal protection authority and a judicial motion to issue a new decision shall be needed for the child's relocation to another facility for children requiring immediate assistance pursuant to subsection 7 (a).

(9) The same conditions that apply to the child's relocation to another facility for children requiring immediate assistance specified in subsections 7 and 8 shall also apply if the child is to be relocated to another site of the same facility for children requiring immediate assistance.

Contribution to Cover the Stay and Care

Section 42b

(1) The following shall have the duty to pay a contribution to cover the stay and care provided in the facility for children requiring immediate assistance (hereinafter the "Contribution") pursuant to Sections 42c to 42f, where a child was placed in such facility on the basis of a judicial decision or a request of a municipal authority of a municipality with extended powers:

- (a) The child's parents or the parent to whose care the child was placed upon a judicial decision, and/or another person obliged to support the child;
- (b) A minor parent placed in such facility together with his or her child; or
- (c) The recipient of the orphan's pension of an orphan without both parents.

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

(3) The Director of the facility shall decide on the Contribution pursuant to subsection 1. The regional authority shall decide on an appeal against the decision on the Contribution pursuant to subsection 1.

Section 42c

(1) The level of the Contribution for a calendar month shall amount to a maximum of 1.6 times the minimal life subsistence of the person considered second or further in the order determined for this child^{39f)}, unless otherwise provided below. The level of the Contribution in the individual cases shall be determined by the Director of the facility for children requiring immediate assistance.

(2) The child's age, which is crucial to determine the amounts pursuant to subsection 1 in line with the Act on Subsistence and Survival Minimums^{39f)}, shall be the age reached by the child in the calendar month, for which the Contribution is to be paid.

(3) If child benefit is paid to the facility for children requiring immediate assistance pursuant to a special legal regulation^{39d)}, the Contribution pursuant to subsection 1 shall be reduced by the level of such child benefit.

(4) The level of the Contribution of minor mothers placed in the facility for children requiring immediate assistance together with their child shall amount in a calendar month to 10% of the parental allowance provided pursuant to a special legal regulation^{39e)}.

(5) The level of the Contribution for a period shorter than a calendar month shall be determined based on the number of days. The daily payment of costs shall amount to one thirtieth of the Contribution for a calendar month.

(6) The Contribution shall be rounded up to whole Czech crowns.

Section 42d

(1) Upon a request of the persons specified in Section 42b (1) or upon a suggestion of the facility for children requiring immediate assistance, the Contribution shall be reduced or not required if the income of the persons or their family would drop below the total of the minimal life subsistence pursuant to the Act on Subsistence and Survival Minimums^{39f)} and the amount of normative housing costs pursuant to the State Social Support Act, after paying the Contribution. The Contribution shall not be further required if the person specified in Section 42b (1) or a person considered together with such person is paid a benefit for those being destitute of resources pursuant to a special legal regulation^{39g)}. The Contribution shall not be further required if it would be below CZK 100 after the deduction pursuant to the first sentence.

(2) The persons specified in Section 42b (1) shall be obliged to prove the level of their income or the income of their family for the purpose of reducing or not requiring the Contribution pursuant to subsection 1, and always to document after the expiry of six months from the latest proof of income that they meet the conditions for the reduction or not requiring of the Contribution. Furthermore, these

persons shall be obliged immediately to declare any changes in income that might influence the level of the Contribution determined pursuant to subsection 1. Where these duties fail to be met, the Contribution shall be increased to an amount determined pursuant to Section 42c (1) from the moment when the deadline for the documentation of the fulfilment of the conditions lapsed due to a failure to act, or retroactively from the moment when a change in income occurred.

(3) The income pursuant to subsections 1 and 2 and the persons considered together pursuant to subsection 1 shall be the income and the persons provided in the Act on Subsistence and Survival Minimums^{39f)}.

Section 42e

The level of the contribution from the orphan's pension^{39h)} of an orphan without both parents shall amount to the level determined in Section 42c (1) for a calendar month with reference to the child's age.

Section 42f

(1) The Contribution for a calendar month shall be paid by no later than the 15th day of the following calendar month. The facility shall be entitled to the Contribution from the first day of a child's stay in the facility, if the child was accepted in the facility before 3 pm.

(2) If the child stays outside the facility for at least two successive days, the monthly level of the payment shall be reduced by one thirtieth for each such day; the daily payment shall not be reduced, if the child leaves the facility after 3 pm or returns to the facility before 3 pm.

(3) The facility shall settle overpayments and underpayments within the 15th day of the calendar month following the termination of the child's stay in the facility. The facility shall inform the person who pays the Contribution of the settlement's results. The facility shall do so after the end of the calendar year during the child's stay in the facility.

Government Contribution for Promoters of Facilities for Children Requiring Immediate Assistance

Section 42g

(1) The promoter of the facility for children requiring immediate assistance shall be entitled to a government contribution for the stay and care provided to a minor child in the facility on the basis of a judicial decision or a request of a municipal authority of a municipality with extended powers. The entitlement to the government contribution for the stay and care provided to a minor child shall also arise when the municipal authority of a municipality with extended powers considers the child's placement in the facility justified. The municipal authority of a municipality with extended powers shall deliver a declaration on the placement's justification, which includes the initial date of the justified stay, to the facility for children requiring immediate assistance within eight days after the delivery date of a notice of the child's acceptance pursuant to Section 42 (12). Where the municipal authority of a municipality with extended powers finds that a further stay of the child in the facility is no longer justified, the municipal authority of a municipality with extended powers shall notify the facility and the promoter thereof.

(2) The promoter of the facility for children requiring immediate assistance shall be obliged to use the government contribution exclusively for the purposes of the facility for children requiring immediate assistance where the child has been placed.

(3) The government contribution shall:

(a) Be paid at CZK 22,800 a month for each child;

(b) Be reduced for one thirtieth for each day when the child stay outside the facility for children requiring immediate assistance, and the stay outside this facility lasts for two successive calendar days; the day when the child leaves the facility after 3 pm, or the day when the child returns to the facility before 3 pm shall not be included in the period of two successive days; and

(c) Be paid even after the legal force of the judicial decision on compulsory placement in a special treatment institution applicable to the child who has been placed in the facility for children requiring immediate assistance, if the child continues to be provided with care in this facility, up to the day of the child's acceptance in the relevant special treatment institution as specified by the municipal authority of a municipality with extended powers pursuant to Section 28.

(4) The entitlement to the government contribution shall cease to exist:

- a) On the day on which the judicial decision whereby the child was placed in the facility for children requiring immediate assistance was cancelled or the legal force thereof terminated, unless the case specified in subsection 3 (c) is involved; if the child continues to live in the care of the facility for children requiring immediate assistance after such day, the entitlement of the government contribution shall cease to exist as at the day when the child left the facility; or
- b) On the day when the municipal authority of a municipality with extended powers sends a notice to the facility for children requiring immediate assistance that the municipal authority no longer considers the child's placement in the facility justified, if the child was placed in the facility for children requiring immediate assistance upon a request of a social and legal protection authority, the statutory representative or the child.

(5) If the child meets the conditions for the determination of the government contribution at a lower level for part of a calendar month, and at a higher level for another part of the calendar month, the amount of the government contribution shall be determined at the higher level.

Section 42h

(1) The government contribution shall be paid monthly in Czech crowns after the end of the calendar month for which it is due no later than within 30 days from the enforceability of the decision on the government contribution or on a change in the level thereof. Prior to the expiry of this deadline, the regional authority shall immediately decide on the award of a portion of the government contribution to which the entitlement was proven, upon the promoter's request.

(2) The level of the government contribution shall be rounded up to whole Czech crowns.

(3) The government contribution shall be paid by the regional authority.

(4) The government contribution shall be paid to an account of the promoter of the facility for children requiring immediate assistance who asked for the government contribution.

Section 42i

(1) The entitlement to the government contribution shall originate on the day when the conditions specified by this Act are met.

(2) The entitlement to the payment of the government contribution shall originate on the day of filing an application for the award of the contribution with the relevant regional authority.

Section 42j

(1) Where the government contribution or a portion thereof was not applied for, the entitlement to the government contribution of the portion thereof for a calendar month shall cease to exist upon the expiry of one year from the first day of the calendar month following the calendar month for which the government contribution was due.

(2) Where the government contribution was unjustly:

- (a) Awarded in an amount lower than was the entitlement;
- (b) Paid or paid in an amount lower than was the entitlement;
- (c) Awarded from a date later than was the entitlement; or
- (d) Refused,

the government contribution shall be awarded or increased from the date, from which the government contribution or a portion thereof is due, but no greater than three years back from the date when this fact was found by the regional authority deciding on the government contribution, or from the date when the promoter of the facility for children requiring immediate assistance asked for an increase in the government contribution or for the awarding thereof.

(3) The government contribution unjustly:

(a) Awarded;

(b) Paid; or

(c) Paid in an amount higher than was the entitlement,

shall be withdrawn or the payment thereof shall be stopped or decreased as of the day following the day, on which the period expired, for which it was paid. The provision of Section 42k (3) shall be without prejudice.

(4) The deadlines pursuant to subsections 1 to 3 shall not run during a proceeding on the government contribution.

Section 42k

(1) The promoter of the facility for children requiring immediate assistance shall be obliged to notify the regional authority that awarded the government contribution in writing within eight days of changes in facts crucial for the existence of the entitlement to the government contribution, the amount or payment thereof, unless the facts specified in Section 42n are involved.

(2) Where the promoter of the facility for children requiring immediate assistance is called by the regional authority that decides on the government contribution to verify the facts crucial for the entitlement to the government contribution, the amount or payment thereof, the promoter shall be obliged to satisfy the call within a deadline of eight days, unless the regional authority specifies a longer deadline.

(3) The promoter of the facility for children requiring immediate assistance who failed to meet any of the duties imposed or accepted the government contribution or a portion thereof even though he must have presumed on the basis of the existing circumstances that the contribution was paid unjustly or in an amount higher than was the entitlement, or otherwise caused that the government contribution was paid unjustly or in an incorrect amount, shall be obliged to return the amounts received unjustly.

(4) The entitlement to the return of the government contribution paid unjustly or in an incorrect amount shall cease to exist upon the expiry of three years from the day when the government contribution was paid.

(5) The regional authority that paid the government contribution shall decide on the obligation to return the government contribution or a portion thereof pursuant to subsection 3. The amounts unjustly paid can also be withheld from a government contribution awarded later to the promoter of the facility for children requiring immediate assistance who is obliged to return portions of the government contribution unjustly awarded pursuant to subsection 3.

Section 42l

(1) The regional authority shall decide on the government contribution.

(2) The proceeding on the award of the government contribution shall be initiated on the basis of a written application filed by the promoter of the facility for children requiring immediate assistance on the form required by the Ministry.

(3) The government contribution application shall include the following:

(a) The name and address of the promoter of the facility for children requiring immediate assistance and the promoter's identification number (hereinafter the "Identification Number"), where the

promoter is a municipality or a region;

- (b) The name and address of the promoter of the facility for children requiring immediate assistance, his Identification Number, the date of the legal force of the decision on the authorisation to perform social and legal protection and specification of the authority, which issued the decision, where the promoter is a Charged Person;
- (c) The name and address of the facility for children requiring immediate assistance where children are placed, based on the stay of and care for whom the entitlement to the government contribution has been established;
- (d) The number(s) of the account(s) into which the government contribution is paid;
- (e) A list of the children in the facility for children requiring immediate assistance who establish the promoter's entitlement to the government contribution; the list shall contain the name and last name of the child, his or her birth number or date of birth, if no birth number was assigned, the child's permanent residence, date of acceptance and date of the termination of the child's stay in the facility for children requiring immediate assistance where the stay was terminated, and the name, last name and address of the child's statutory representative or another person responsible for the child's upbringing; and
- (f) A certificate documenting that the child has been placed in the facility for children requiring immediate assistance on the basis of a judicial decision or a request of a municipal authority of a municipality with extended powers or the statutory representative pursuant to Section 42 (2) (c), and a justification declaration pursuant to Section 42g (1).

(4) Where the government contribution is applied for due to the stay of and care for children in more than one facility for children requiring immediate assistance established by the same promoter, the data specified in subsection 3 (c), (e) and (f) shall be provided separately for each such facility.

Section 42m

(1) The promoter of the facility for children requiring immediate assistance can authorise another person to perform duties specified in Section 42k (1) and (2) and Section 42n on behalf of the promoter, and to file the government contribution application on the promoter's behalf. The promoter of the facility for children requiring immediate assistance shall inform the regional authority competent to decide on the government contribution of this fact within eight days from such authorisation.

(2) If the promoter of the facility for children requiring immediate assistance authorised another person pursuant to subsection 1 to file the application, the government contribution application must include the information on such authorisation and the name and last name of the authorised person.

Section 42n

(1) Where a government contribution was awarded, the promoter of the facility for children requiring immediate assistance shall be obliged, for the purpose of supporting the entitlement for the payment of the government contribution and the amount thereof for the calendar month, to inform the relevant regional authority whether any changes occurred in the calendar month for which the government contribution is to be paid in the number of children, the length of their stay in the facility and in the age structure of the children compared to the calendar month preceding this calendar month. The promoter shall be obliged to provide this information to the regional authority in writing no later than within the tenth day of the calendar month following the calendar month, for which the government contribution is to be paid.

(2) Where a change occurred in the number of children, the length of their stay in the facility for children requiring immediate assistance or in the age structure of the children, the promoter shall be obliged to provide the relevant regional authority with the data specified in Section 42l (3) (e), and if a new child was placed in the facility, the promoter shall also provide data specified in Section 42l (3) (f).

(3) The regional authority shall issue a decision on a change in the amount of the government contribution.

(4) The regional authority shall decide on suspending the payment of the government contribution if

the promoter of the facility for children requiring immediate assistance failed to perform the duties pursuant to subsections 1 and 2. If the promoter of the facility for children requiring immediate assistance fails to meet the duties specified in subsections 1 and 2 even after the expiry of two calendar months following the month in which the duty pursuant to subsections 1 and 2 was to be performed, the entitlement to the government contribution shall cease to exist. The government contribution can be awarded retrospectively for a period not longer than one year after the additional performance of the duties (Section 42j).

Section 43

Educational and Recreational Children’s Camps

(1) Educational and recreational children’s camps shall usually be established during school vacations and shall be designed primarily for children specified in Section 6. A stay in an educational and recreational camp shall be provided to a child on the basis of a request of the child’s statutory representatives or with the approval thereof.

(2) The purpose of the stay in an educational and recreational children’s camp is to help the children eliminate or mitigate their behavioural defects and to support the acquisition of necessary social skills and sanitary habits.

Heading Omitted

Section 44

Rescinded

Section 45

Rescinded

Section 46

Rescinded

Section 47

Rescinded

TITLE FIVE

FOSTER CARE

PART I

RIGHTS AND DUTIES IN PERFORMING FOSTER CARE

Section 47a

Rights and Duties of the Carer and the Registered Person

(1) For the purposes of this Act, foster care shall mean care for a child provided by the Carer, or the fact that an individual is a Registered Person.

(2) The Carer and the Registered Person shall have:

- (a) The right to permanent or temporary assistance in providing personal care for the placed child; this assistance shall primarily involve the provision of short-term care:
 1. Over a period in which the Carer or the Registered Person is declared temporarily incapable to work or is engaged in attending the next of kin;
 2. Upon a child's birth;
 3. When making important personal arrangements; and
 4. Upon the death of the next of kin;
- (b) The right to assistance in providing 24-hour care for the placed child or children that is adequate to the child's age, within the scope of at least 14 calendar days in a calendar year, if the placed child has reached at least two years of age;
- (c) The right to the mediation of psychological, therapeutic or other professional help at least once in six months;
- (d) The right to the mediation or provision of a free opportunity to improve knowledge and skills pursuant to paragraph (f) below;
- (e) The right to assistance in performing the duties under paragraph (h), including assistance in providing for a place for the authorised persons to be in contact with the child and in providing assistance during such contact;
- (f) The duty to improve knowledge and skills related to the care and upbringing of a child in the scope of 24 hours in 12 successive calendar months;
- (g) The duty to enable the monitoring of the implementation of the agreement on the performance of foster care pursuant to Section 47b (5) and cooperate with an employee charged with the monitoring of children's development pursuant to Section 19 (6);
- (h) The duty, in compliance with the individualised child protection plan, to maintain, develop and increase the child's feeling of belonging to the child's next of kin, namely the parents, and to enable the parents' contact with the child in foster care, unless otherwise provided by the court.

Agreement on the Performance of Foster Care

Section 47b

- (1) The municipal authority of a municipality with extended powers in the district of which the Carer or Registered Person permanently resides shall propose entering into an agreement on the performance of foster care to such person; the agreement shall specify the details of exercising the rights and duties established in Section 47a, and, at the same time, shall provide information on the possibility of entering into an agreement on the performance of foster care pursuant to subsection 4.
- (2) If an agreement on the performance of foster care is not entered into within 30 days from entering into legal force of the relevant body's decision on the placement of the first child into the care of the Carer or on entering the Registered Person into the register of persons capable of providing temporary foster care, the municipal authority of a municipality with extended powers in the district of which the Carer or Registered Person permanently resides shall regulate the details of exercising the rights and duties established in Section 47a by its decision.
- (3) The agreement on the performance of foster care or the decision of the relevant municipal authority of a municipality with extended powers must comply with the judicial decision on the child's placement into the care of the Carer or the Registered Person and the individualised child protection plan, if prepared. In issuing the decision or entering into the agreement on the performance of foster care, the child's interests and specific needs shall be taken into consideration together with the needs of the Carer and the Registered Person, if they relate to the provision of care for the placed child.
- (4) If the agreement on the performance of foster care is not entered into with the relevant municipal authority of a municipality with extended powers, the agreement on the performance of foster care can be entered into, upon the approval of the relevant municipal authority of a municipality with extended powers, between the Carer or the Registered Person and a municipal authority, a municipal authority of a municipality with extended powers, in the district of which the Carer or Registered Person does not permanently reside, a regional authority or the Charged Person. The municipal authority of a municipality with extended powers, in the district of which the Carer or Registered Person does not

permanently reside, the municipal authority, regional authority or Charged Person shall immediately inform the relevant municipal authority of a municipality with extended powers of this fact, and shall send a copy of the agreement on the performance of foster care to that municipal authority of a municipality with extended powers.

(5) The municipal authority of a municipality with extended powers, the municipal authority, regional authority or the Charged Person, if they entered into an agreement on the performance of foster care, or the municipal authority of a municipality with extended powers that issued the decision pursuant to subsection 2 shall be obliged to monitor the implementation of the agreement on the performance of foster care or the decision pursuant to subsections 1 or 2 through their employees, who shall be obliged to be in personal contact with the Carer or the Registered Person and the children placed in their care at least once every two months. The employee of the municipal authority of a municipality with extended powers, in the district of which the Carer or the Registered Person do not permanently reside, the municipal authority, regional authority or the Charged Person shall prepare a report on the performance of foster care once every six months, which shall be delivered to the municipal authority of a municipality with extended powers, in the district of which the Carer or the Registered Person permanently reside.

Section 47c

(1) The agreement on the performance of foster care shall continue for the period:

- (a) Of the foster care's continuance;
- (b) Of the continuance of the care by an individual who wishes to become a foster carer into whose temporary care a child was placed upon a judicial judgment or the decision of a social and legal protection authority prior to a judicial decision on the child's placement into foster care;
- (c) Over which the person is maintained in the register of persons capable of providing temporary foster care upon the decision of a regional authority;
- (d) Over which an individual is a guardian, if the individual takes personal care of the child; or
- (e) Over which a judicial proceeding is in progress on appointing an individual the guardian of a child to whom the individual does not have the maintenance duty.

(2) The municipal authority, municipal authority of a municipality with extended powers, regional authority or the Charged Person can terminate the agreement on the performance of foster care due to:

- (a) Serious or recurring violation of the duties that the Carer or Registered Person assumed in the agreement on the performance of foster care;
- (b) Recurring obstructions in monitoring the implementation of the agreement on the performance of foster care; or
- (c) The refusal to accept a child in temporary foster care without a serious reason on the part of the Registered Person.

(3) The Carer or the Registered Person can terminate the agreement on the performance of foster care without specifying the reason.

(4) The contracting party that terminated the agreement on the performance of foster care with the Carer or the Registered Person shall inform the municipal authority of a municipality with extended powers, in the district of which the Carer or Registered Person permanently reside, immediately of this fact. This shall not apply if the contracting party of the terminated agreement on the performance of foster care is the municipal authority of a municipality with extended powers in the district of which the Carer or Registered Person permanently resides.

(5) The municipal authority of a municipality with extended powers in whose district the Carer or Registered Person permanently resides shall be obliged to issue a decision regulating the details related to the exercise of the rights and duties established in Section 47a within 30 days after the municipal authority of a municipality with extended powers learns about the termination of the agreement on the performance of foster care pursuant to subsection 2.

(6) When the agreement on the performance of foster care is terminated by the Carer or Registered Person and is not replaced with a new agreement on the performance of foster care within 30 days from the date of delivery of the notice of termination to the other contracting party, the relevant municipal authority of a municipality with extended powers shall regulate details related to the exercise of the rights and duties established in Section 47a by issuing a decision pursuant to Section 47b (2).

(7) The notice period shall terminate no later than upon the expiry of 30 days from the date when the notice of termination was delivered to the other contracting party, but not earlier than a new agreement on the performance of foster care is entered into. If the municipal authority of a municipality with extended powers issued the decision pursuant to Section 47b (2), the notice period shall terminate on the date of entering into legal force of the decision.

Section 47d

Government Contribution for the Performance of Foster Care

(1) The municipal authority of a municipality with extended powers, on the basis of an administrative decision pursuant to Section 47b, or the municipal authority of a municipality with extended powers, the municipal authority, regional authority or the Charged Person who have entered into the agreement on the performance of foster care pursuant to Section 47b shall be entitled to a government contribution for the performance of foster care. This government contribution shall cover the costs spent on providing help to the Carers, Registered Persons or fostered children and on supervising foster care.

(2) The government contribution for the performance of foster care shall amount to:

- (a) CZK 48,000 per calendar year, if the effective administrative decision or agreement on the performance of foster care continued throughout the calendar year; or
- (b) An amount corresponding to one twelfth of the amount specified in paragraph (a) above for each calendar month or a part thereof within the calendar year, in which the effective administrative decision existed or the agreement on the performance of foster care continued.

(3) The Regional Branch of the Labour Office in whose district the registered office or permanent residence of the applicant is located shall decide on the awarding of the government contribution for the performance of foster care. The awarding of the government contribution for the performance of foster care shall be decided on the basis of the applicant's application. The applicant shall be obliged to:

- (a) Provide a list of all Carers and Registered Persons with whom he or she entered into the agreement on the performance of foster care or whose rights and duties he or she regulated in an effective administrative decision in the calendar year, and the period of time, for which the rights and duties were regulated;
- (b) Provide the name(s) and last name of the Carer or Registered Person together with their date of birth if necessary, and their address in the territory of the Czech Republic or abroad; and
- (c) Attach a copy of the agreement on the performance of foster care or the effective administrative decision to the application.

(4) The government contribution for the performance of foster care shall be awarded for a calendar year and paid within 60 days from the entering into legal force of the decision on the award thereof. If after 31 December of the calendar year, for which the government contribution for the performance of foster care was paid, the agreement on the performance of foster care continues or the effective administrative decision exists, the government contribution for the performance of foster care shall be paid for the next calendar year in advance at the amount in which the contribution was awarded as at 1 January of that year. In such case, the government contribution for the performance of foster care shall be paid by 15 February of that year.

(5) The recipient of the government contribution for the performance of foster care shall be obliged to provide the Regional Branch of the Labour Office that awarded the contribution with any facts crucial for the entitlement to this contribution within 15 days, namely the termination of the agreement on the performance of foster care or cancellation of the administrative decision.

(6) The Regional Branch of the Labour Office shall decide on a change in the government contribution or on stopping the payment thereof on the basis of a notice pursuant to subsection 5. When it is found that the municipal authority of a municipality with extended powers, the municipal authority, regional authority or the Charged Person were paid the government contribution for the performance of foster care after the termination of the agreement on the performance of foster care or the cancellation of the administrative decision, the contribution's recipient shall be obliged to return a portion thereof for the calendar months following the termination of the agreement on the performance of foster care or the cancellation of the administrative decision only if the agreement or administrative decision continued for a period of time shorter than six calendar months in the calendar year.

(7) The entitlement to the government contribution or to an increase thereof can be awarded retrospectively but not longer than for the period of three calendar months from the entering into legal force of the administrative decision or conclusion of the agreement on the performance of foster care.

(8) Subsection 4 shall similarly apply in adopting decisions on the government contribution pursuant to subsections 5 to 7.

PART II

FOSTER CARE BENEFIT

Section 47e

Categories of the Foster Care Benefit

Foster care benefits shall include the following:

- (a) A contribution to cover the child's needs;
- (b) The foster carer remuneration;
- (c) A benefit upon the child's acceptance;
- (d) A contribution for the purchase of a passenger motor vehicle; and
- (e) A benefit upon the termination of foster care.

Contribution to Cover the Child's Needs

Section 47f

(1) A minor unsupported child⁵⁶⁾ placed in foster care shall be entitled to a contribution to cover the child's needs. The contribution to cover the child's needs awarded in line with the entitlement provided in the first sentence shall be paid to the Carer.

(2) The entitlement to the contribution to cover the child's needs shall survive the moment of the child's reaching full age, but not longer than the child's reaching 26 years of age, if an unsupported child is involved who has permanently lived and paid the costs of his or her needs^{9b)} together with a person who was the child's Carer up to the child's full age, pursuant to the statute governing state social support⁵⁶⁾. The contribution to which a child is entitled pursuant to the first sentence shall be paid to the child from the payment of the contribution to cover the child's needs due for the calendar month following the month in which the child reached full age.

(3) The level of the contribution to cover the child's needs for a calendar month shall be as follows:

- (a) CZK 4,500 for a child below six years of age;
- (b) CZK 5,550 for a child from six to twelve years of age;
- (c) CZK 6,350 for a child from 12 to 18 years of age; and
- (d) CZK 6,600 for a child from 18 to 26 years of age.

(4) Where a child who depends on the help of another individual pursuant to the Social Service Act is

involved, the contribution to cover the child's needs shall be as follows:

Age of the child	Child with dependence level I (slight dependence) CZK	Child with dependence level II (medium dependence) CZK	Child with dependence level III (serious dependence) CZK	Child with dependence level IV (complete dependence) CZK
Below 6 years	4,650	5,550	5,900	6,400
6-12 years	5,650	6,800	7,250	7,850
12-18 years	6,450	7,800	8,300	8,700
18-26 years	6,750	8,100	8,600	9,000

Section 47g

(1) The entitlement to the contribution to cover the child's needs shall not continue over the period when the child is fully directly supported by a childcare facility or is in the care of another person on the basis of a judicial decision or a decision of another relevant body on the child's placement into care substituting the parents' care. The existence of full direct support shall be determined with reference to the State Social Support Act.

(2) If the child receives a pension from pension insurance, the child shall only be entitled to the contribution to cover the child's needs if the contribution is higher; the child shall be entitled to the contribution at the level of the contribution's excess over the pension.

Section 47h

Benefit upon the Termination of Foster Care

(1) An individual who was in foster care at the date of his or her reaching full age shall be entitled to a benefit upon the termination of foster as of the final date of this individual's entitlement to the contribution to cover the child's needs pursuant to Section 47f.

(2) The single contribution shall amount to CZK 25,000.

(3) The entitlement to the benefit upon the termination of foster care shall only arise once.

Foster Carer Remuneration

Section 47i

(1) The Carer and the Registered Person shall be entitled to foster carer remuneration. The Carer or Registered Person shall also be entitled to foster carer remuneration if the unsupported child⁵⁶⁾ placed in their care is not entitled to the contribution to cover the child's needs after reaching his or her full age only because the child is paid a pension from pension insurance, the level of which is identical to or higher than the above-mentioned contribution.

(2) When both spouses are Carers or Registered Persons, the foster carer remuneration shall only be awarded to one of them. The provision of Section 47n, the second sentence, shall apply similarly.

Section 47j

(1) The amount of the foster carer remuneration for a calendar month shall be as follows:

- (a) CZK 8,000 when one child is fostered;
- (b) CZK 12,000 when two children are fostered;
- (c) CZK 20,000:
 - 1. When at least three children are fostered;

2. When at least one child is fostered, if the child is a person depending on the help of another individual at level II (medium serious dependence) or at level III (serious dependence) or level IV (complete dependence); or
 3. When a Registered Person is involved, even if he or she does not foster any child; or
- (d) CZK 24,000 when the foster carer fosters at least one child who was placed in his or her temporary care, and this child is a person depending on the help of another individual at level II (medium serious dependence) or level III (serious dependence) or level IV (complete dependence).

(2) The foster carer remuneration pursuant to subsection 1 (c) (1) and (2) shall be increased by one half of the amount specified in subsection 1 (a) for each other child placed in the Carer's care. The foster carer remuneration pursuant to subsection 1 (c) (3) or (d) shall be increased by one half of the amount specified in subsection 1 (a) for each other child who is placed in the Registered Person's care other than temporary foster care.

(3) The foster carer remuneration pursuant to subsection 1 (a) and (b) shall only be awarded to a Carer or Registered Person who is a parent or grandparent of the placed child's mother or father in cases worth special attention, namely due to the social situation and resources of the Carer or Registered Person and their family, and considering the child's physical condition. For the purposes of deciding on the award of the foster carer remuneration, the Regional Branch of the Labour Office shall be obliged to require an opinion of the relevant municipal authority of a municipality with extended powers.

(4) The foster carer remuneration shall also be provided during the Carer's or Registered Person's temporary inability to work or ordered quarantine, but not longer than until the end of a calendar month following the calendar month in which the temporary inability to work started or the quarantine was ordered. When the child placed in the Carer's or Registered Person's care is fully directly supported in a child care facility or in care of another person on the basis of a decision of the relevant body on the child's placement in the care substituting the parents' care, the foster carer remuneration for fostering this child shall not be awarded.

(5) The foster carer remuneration shall not be awarded to the Registered Person for a period of time, over which the mediation of temporary foster care pursuant to Section 24b (1) (a) and (d) was suspended.

Section 47k

For the purposes of statutes governing income tax and contributions to social security insurance, healthcare insurance and accident insurance⁶⁰, the foster carer remuneration shall be considered income from a dependent activity.

Section 47l

Benefit upon the Child's Acceptance

(1) The Carer who accepted a child in foster care shall be entitled to a benefit upon the child's acceptance. The benefit upon the child's acceptance shall only be awarded to the Carer once, if the same child is involved.

(2) The level of the benefit upon the child's acceptance shall be as follows:

- (a) CZK 8,000 for a child below six years of age;
- (b) CZK 9,000 for a child from six to twelve years of age; and
- (c) CZK 10,000 for a child from 12 to 18 years of age.

(3) The benefit upon the child's acceptance shall be paid on a single basis.

Section 47m

Contribution for the Purchase of a Passenger Motor Vehicle

(1) A Carer who fosters at least three children or is entitled to foster carer remuneration due to fostering three children, including major unsupported children who establish the entitlement to foster carer remuneration for the Carer, shall be entitled to a contribution for the purchase of a passenger motor vehicle, if the Carer purchased a passenger motor vehicle (hereinafter the "Motor Vehicle") or arranged for the Motor Vehicle's overhaul and does not use this vehicle for income-generating activities.

(2) The level of the contribution for the purchase of a passenger motor vehicle shall be 70% of the acquisition cost of the Motor Vehicle or of supportable expenses for repairs, up to CZK 100,000. The total of these contributions provided to the Carer in the period of the last ten calendar years prior to the application date shall not exceed CZK 200,000.

(3) The contribution for the purchase of a passenger motor vehicle can be provided in a cash-free form even prior to the purchase of the Motor Vehicle. The Carer shall be obliged to prove the use of the contribution for the purchase of a passenger motor vehicle within six months from the provision thereof; if the Carer did not use this contribution to purchase a Motor Vehicle, he or she shall be obliged to return the contribution.

(4) If the Carer sold or donated the Motor Vehicle for the purchase or repair of which the contribution was provided, or started to use it for income-generating activities or stopped performing foster care within five years from the date when the contribution was provided, unless the Carer stopped performing foster care for serious medical reasons, the Carer shall be obliged to return a proportionate amount of the contribution for the purchase of a passenger motor vehicle corresponding to the period of the five years in which the above-mentioned conditions were not met.

Section 47n

Joint Foster Care of Spouses

In the case of joint foster care by spouses, the foster care benefit shall only be awarded to one of the spouses specified upon an agreement between the spouses. Where the spouses fail to reach an agreement, the relevant Regional Branch of the Labour Office shall decide which of the spouses shall be awarded the foster care benefit.

PART III

COMMON PROVISIONS ON FOSTER CARE BENEFITS

Section 47o

Categories of Authorised Individuals

(1) An individual shall only be entitled to foster care benefits if meeting the conditions stipulated in this Act when the individual:

- (a) Has been registered for permanent residence in the territory of the Czech Republic pursuant to a special legal regulation⁶¹⁾, if he or she is a Czech national;
- (b) Has been authorised to reside temporarily or permanently in the territory of the Czech Republic pursuant to a special legal regulation⁶²⁾, if he or she is a foreigner;
- (c) Is a minor foreigner placed in care substituting the parents' care in the territory of the Czech Republic;
- (d) Is a foreigner who holds a permanent residence permit with adjudicated legal status of a long-term resident in the European Community in the territory of another European Union member state, and was issued a long-term residence permit in the territory of the Czech Republic pursuant to a special legal regulation⁶²⁾;

- (e) Is a family member of a foreigner specified in paragraph (d) who was issued a long-term residence permit in the territory of the Czech Republic pursuant to a special legal regulation⁶²⁾;
- (f) Is a foreigner who has been provided with international protection in the territory of the Czech Republic pursuant to a special legal regulation⁶³⁾ or has applied for international protection, unless living in a safe haven of the Ministry of Interior;
- (g) Is a foreigner who has been awarded temporary protection in the territory of the Czech Republic pursuant to a special legal regulation⁶⁴⁾ or has applied for the award of temporary protection, unless living in a humanitarian centre; or
- (h) Is a foreigner or a family member thereof who is entitled to social benefits under a directly-applicable regulation of the European Union⁵⁷⁾, if he or she resides in the territory of the Czech Republic; the Act on Assistance to Persons in Material Distress^{39g)} defines residence. The condition of residence shall not apply to individuals specified in paragraph (h).

(2) In justified cases, the Ministry can issue a decision on a waiver of the permanent residence condition specified in subsection 1 (a) and (d). The decision on rejecting an application for the waiver of the permanent residence condition can not be appealed against nor can it be reviewed in a review procedure.

Section 47p

Origination of the Entitlement to Foster Care Benefit and the Payment Thereof

(1) The entitlement to foster care benefit shall arise on the date of meeting all conditions stipulated by this Act.

(2) The entitlement to the payment of foster care benefit shall arise on the basis of the enforceability of the decision of a social and legal protection authority or a court on a child's placement in the care of a person who wishes to become a foster carer, upon meeting the conditions stipulated by this Act for the origination of the entitlement to the foster care benefit and the payment thereof, and upon filing an application for the awarding of foster care benefit.

(3) Where the authorised person meets the conditions for the origination of the entitlement to foster care benefit specified in Section 47e (a) and (b):

(a) For only part of the calendar month, the above-mentioned benefits shall be awarded in the amount, in which they are due for the calendar month; or

(b) At a lower level for part of the calendar month and at a higher level for the other part of the same calendar month, the foster care benefit shall be awarded at the higher level for the calendar month.

(4) The entitlement to the payment of foster care benefit shall be conditioned upon the written approval of the authorised person of the government bodies and other legal entities and individuals informing social and legal protection authorities, if they decide on the foster care benefit or are responsible for paying or monitoring it, of facts proving that the child is unsupported⁵⁶⁾, of the dependence level of the person on the help of another individual pursuant to the Social Service Act, on data related to the registration for permanent residence, and other data that represent the essential facts of the application pursuant to Section 47w, within the scope necessary for adopting decisions on the foster care benefit and the level and payment thereof. If the unsupported child⁵⁶⁾ was entitled to foster care benefit prior to reaching legal age, he or she shall be entitled to the payment of the foster care benefit after reaching legal age, when the child grants the written approval pursuant to the first sentence.

Section 47q

Change in the Entitlement to Foster Care Benefit

(1) A foster care benefit unjustly awarded in an amount lower than due, unpaid or paid in an amount lower than due, rejected or awarded from a date later than due, shall be awarded or increased as of the date from which the benefit or increase therein are due, but no greater than three years back from the date on which the body deciding on the benefit so found or the date when the authorised person asked for the benefit's increase or award.

(2) A foster care benefit unjustly awarded, paid or paid in an amount higher than due shall be withdrawn or the payment thereof shall be stopped or decreased as of the first day of a calendar month following the calendar month, in which the foster care benefit was unjustly paid. This is without prejudice to the provision of Section 47z.

(3) If a fact crucial for the entitlement to the foster care benefit or the level thereof in the periods, for which the foster care benefit was awarded, were to change, the entitlement to foster care benefit or the level thereof should be reviewed as of the date when the change occurred and the foster care benefit shall be:

- (a) Awarded, paid or increased from the first day of the calendar month in which this change occurred;
- (b) Decreased from the first day of the calendar month following the calendar month in which the decision on the foster care benefit's decrease was issued; or
- (c) Withdrawn or the payment thereof shall be stopped from the first day of the calendar month following the calendar month in which the foster care benefit was paid. The provision of Section 47z shall be without prejudice.

Section 47r

Expiration of the Entitlement to Foster Care Benefit

(1) The entitlement to foster care benefit shall not expire by the lapse of time, unless otherwise provided in this Act.

(2) The entitlement to the payment of foster care benefit specified in Section 47e (a) and (b) shall expire one year from the date from which the benefit or a portion thereof are due, with the exception of cases specified in Section 47g (1).

(3) The entitlement to foster care benefit specified in Section 47e (c), (d) and (e) shall expire if not exercised within one year:

- (a) From the child's acceptance or from the date of entering into legal force of the judicial decision on the child's placement into foster care, if the benefit upon the child's acceptance is involved;
- (b) From the date of a Motor Vehicle's purchase or the payment for a Motor Vehicle's repair, if the contribution for the purchase of a passenger motor vehicle is involved; or
- (c) From the date of expiry of the entitlement to the contribution to cover the child's needs, if the benefit upon the termination of foster care is involved.

(4) The deadline specified in subsection 3 shall not apply in the case specified in Section 47q (1).

(5) The deadlines provided in subsections 2 and 3 shall not run during the period of proceedings on foster care benefit.

(6) When the authorised person is in custody, serving a prison sentence or in protective detention, the authorised person's entitlement to the benefit shall expire from the date following the end of the first calendar month of custody or the serving of the prison sentence or the protective detention. If the period of custody is followed by the serving of a prison sentence or protective detention, both periods shall be added together for the purpose of determining the calendar month pursuant to the first sentence.

(7) The provision of subsection 6 shall not apply if the entitlements relate to a period of time before the date from which the entitlement to the benefit pursuant to subsection 6 expires.

Section 47s

Passage of the Entitlement to Foster Care Benefit

- (1) The entitlement to foster care benefit cannot be assigned or put in a pledge.
- (2) Where the authorised person died after exercising the entitlement to foster care benefit, the authorised person's spouse, children, parents or a Carer, if he or she lived with the authorised person in the same household at the time of the authorised person's death, shall enter a further proceeding on the benefit and shall acquire the entitlement to the amounts due up to the date of the authorised person's death. The condition of the same household does not need to be met for children who are entitled to an orphan's pension after the deceased.
- (3) Where the benefit was awarded prior to the authorised person's death, the due amounts that were not paid by the date of the authorised person's death shall be paid successively to the persons specified in subsection 2.
- (4) The entitlement to foster care benefits shall not be subject to inheritance.

Section 47t

Payment Method Applicable to Foster Care Benefits

- (1) The contribution to cover the child's needs and the foster carer remuneration shall be paid monthly after the end of the calendar month for which they are due, but no later than by the end of the calendar month following such month.
- (2) The benefit upon the child's acceptance and the contribution for the purchase of a passenger motor vehicle shall be paid by the end of the calendar month following the month in which the benefit and contribution were awarded.
- (3) The foster care benefits shall be paid by the Regional Branch of the Labour Office competent to decide on the benefits.
- (4) The foster care benefits shall be paid in Czech crowns through a social system card via a transfer to an account specified by the recipient, in cash or by using the payment function of the social system card. Prior to the issuance date of the social system card, the foster care benefits shall be paid in Czech crowns via a transfer to an account specified by the benefit recipient or in cash. The payment method shall be specified by the benefit recipient. The authorised person shall be obliged to specify the payment method applicable to the benefit in the application. When the benefit recipient applies for a change in the payment method, the Regional Branch of the Labour Office shall be obliged to perform the change in the payment method applicable to the benefit from the calendar month following the month, in which the change application was delivered.
- (5) The foster care benefits shall not be paid to foreign countries.

Section 47u

Recipient and Special Recipient of Foster Care Benefit

- (1) The authorised person shall be the recipient of foster care benefit. Another individual, in the care of whom the authorised person was placed by the relevant body on the basis of the body's decision, shall be the recipient of foster care benefit on behalf of a minor authorised person.
- (2) The Regional Branch of the Labour Office shall appoint a special recipient of foster care benefits if the authorised person and/or another individual in the care of whom the authorised person was placed by the relevant body on the basis of the body's decision cannot receive the foster care benefits. The authorised person, and/or another individual in the care of whom the authorised person was placed by the relevant body on the basis of the body's decision must agree with the appointment of the special recipient; this person's consent shall not be required if, due to his or her physical condition as

commented on by the person's doctor, the person cannot provide such consent. A person whose interests are in conflict with the authorised person's interests cannot be appointed the special recipient.

(3) Only an individual who agrees with the appointment can be appointed the special recipient by the Regional Branch of the Labour Office.

(4) Another individual in the care of whom the authorised person was placed on the basis of the relevant body's decision and the special recipient shall be obliged to use the benefit in favour of the authorised person. Upon the request of the authorised person or the Regional Branch of the Labour Office, the special recipient shall be obliged to produce a written settlement of the benefit paid to him or her, within one month from the delivery date of such request.

(5) The Regional Branch of the Labour Office shall cancel the decision on the appointment of the special recipient if the reasons for which the special recipient was appointed cease to exist or if the special recipient fails to perform the duties provided in subsection 4.

Section 47v

Procedure Regarding Foster Care Benefits

(1) The Regional Branch of the Labour Office shall decide on foster care benefits.

(2) A procedure on the awarding of foster care benefits shall be initiated upon a written application filed on a form required by the Ministry.

(3) A procedure on a change in the level of the awarded benefit or on a withdrawal thereof or on stopping the payment thereof shall be initiated upon a motion of the authorised person or by virtue of the office.

(4) If a contribution to cover the child's needs is involved, the Carer or Registered Person shall represent the minor child in the contribution procedure.

(5) When the foster carer remuneration is involved, the Regional Branch of the Labour Office shall make withholdings and levies from the awarded foster carer remuneration pursuant to special legal regulations⁶⁰. From the perspective of the taxation of dependent activity income and emoluments, the Labour Office of the Czech Republic shall perform the duties of a tax payer pursuant to special legal regulations⁶⁰.

Section 47w

Essential Elements of the Application

In addition to the essential elements stipulated by the Rules of Administrative Procedure, the benefit application shall include the following:

(a) Facts proving that the child is unsupported⁵⁶, if needed with regard to the entitlement to the benefit or the level thereof;

(b) The decision on the child's placement into foster care or the decision on the appointment of a guardian, and/or the judicial judgment or decision of a social and legal protection authority on a temporary placement of the child into the care of a person who wishes to become a foster carer, or a motion filed with a court to initiate a judicial proceeding on the appointment of the child's guardian, if the person appointed guardian takes personal care of the child towards whom he or she does not have a maintenance duty;

(c) A certificate proving the child's level of dependence on the help of another individual, when the entitlement to the contribution to cover the child's needs or the foster carer remuneration is involved pursuant to Section 47f and Section 47j (1) (c) (2) or (d), respectively;

(d) A certificate proving the level of a pension in the case of children who receive a pension from pension insurance, when the entitlement to the contribution to cover the child's needs is involved;

and

- (e) A certificate on the level of costs of purchasing a Motor Vehicle or a necessary overhaul of the Motor Vehicle, if the entitlement to a contribution for the purchase of a passenger motor vehicle is involved.

Section 47x

Appeals

The Ministry shall decide on appeals against the decision on foster care benefits issued by the Regional Branch of the Labour Office. The appeal shall not have a suspensory effect.

Section 47y

Duties of the Benefit Recipient and the Applicant

(1) The recipient of the foster care benefit or applicant shall be obliged to inform the relevant Regional Branch of the Labour Office in writing of changes in facts crucial for the continuance of the entitlement to the benefit and the level or payment thereof within eight days.

(2) Where the benefit recipient or applicant was called by the relevant Regional Branch of the Labour Office to prove facts crucial for the entitlement to the foster care benefit and the level or payment thereof, he or she shall be obliged to satisfy the call within eight days from the delivery date of the call, unless a longer deadline is stipulated by the relevant Regional Branch of the Labour Office; when the benefit recipient or applicant fail to do so within the specified deadline, the payment of the benefit can be suspended or the benefit can be withdrawn or not awarded, if the recipient or applicant were warned of such consequence in a supportable way.

Section 47z

Overpayments

(1) The recipient of the foster care benefit who received the foster care benefit or a portion thereof, even though he or she must have assumed from the current circumstances that they were paid to him or her unjustly or in an amount higher than due, or who caused in any other way that the foster care benefits were paid unjustly or in an incorrect amount, shall be obliged to return the amounts unjustly received.

(2) The entitlement to the return of a foster care benefit awarded unjustly or in an incorrect amount shall cease to exist upon the expiry of three years from the date when the foster care benefit was paid. This deadline shall not run during the proceeding on a corrective measure or on an action during the proceeding and the execution of a decision, or when withholdings are made from the foster care benefit or income to cover the overpayment, or when instalments are paid on the basis of an agreement on the recognition of a debt.

(3) The Regional Branch of the Labour Office that pays the foster care benefits or was the last one to pay them shall decide on the obligation to return the foster care benefit or a portion thereof pursuant to subsections 1 and 2.

(4) The returned and compelled finance pursuant to subsection 1 shall constitute state budget income.

Section 47za

Duty to Provide Data

(1) Government bodies, other legal entities and individuals, with the exception of recipients of foster care benefits and authorised individuals, shall be obliged to provide data crucial for the entitlement to foster care benefit, and the level or payment thereof, free of charge upon a call of the relevant

Regional Branch of the Labour Office or upon a request of the foster care benefit applicant; however, where data on the physical condition required by the relevant Regional Branch of the Labour Office are involved, special regulations⁵⁰⁾ shall apply to the payment for medical services provided by healthcare service providers.

(2) If the government bodies and persons specified in subsection 1 can disclose data crucial for the entitlement to the benefit and the level or the payment thereof under this Act only when released of the confidentiality obligation with respect to such data, they are deemed to have been released of the confidentiality obligation with respect to the data upon being informed by the Regional Branch of the Labour Office in writing that the person to whom the data relates has granted a written approval that the government bodies and other legal entities and individuals can disclose the data to the Regional Branch of the Labour Office.

TITLE SIX

PROVISION OF SOCIAL AND LEGAL PROTECTION BY THE CHARGED PERSONS

Section 48

Performance of Social and Legal Protection by the Charged Persons

(1) The Charged Persons shall provide social and legal protection on the basis of the decision on the authorisation to perform such activity (hereinafter the "Authorisation").

(2) With regard to social and legal protection, the Charged Person can:

- (a) Perform activities pursuant to Section 10 (1) (a) and Section 11 (1) (a) to (c);
- (b) Perform activities aimed at protecting children against negative influences and preventing the origination thereof pursuant to Sections 31 and 32;
- (c) Establish social and legal protection facilities specified in Section 39;
- (d) Enter into agreements on the performance of foster care pursuant to Section 47b;
- (e) Assume the provision of training of applicants for the mediation of adoption or foster care to accept a child into the family (Section 19a (1) (c)), which is otherwise provided by the regional authority (Section 11 (2)), train applicants for the mediation of adoption or foster care, provide counselling and assistance to these applicants, and provide individuals capable of becoming adoptive parents or foster carers and foster carers or adoptive parents with advisory related to a child's adoption or fostering;
- (f) Provide a Carer with whom they entered into an agreement on the performance of foster care (Section 47b) with educational and counselling care in performing foster care, and monitor the performance of foster care; if the Carer applies for this service, the Charged Person shall be obliged to provide the educational and advisory care;
- (g) Identify individuals capable of becoming adoptive parents or foster carers, and inform the municipal authority of a municipality with extended powers of such individuals; and
- (h) Identify children specified in Section 2 (2) who need to have care arranged in a substitute family environment taking the form of foster care or adoption, and inform the municipal authority of a municipality with extended powers of such children.

(3) The Charged Persons shall not be authorised to perform social and legal protection in a scope other than that specified in subsection 2.

(4) Persons participating in the performance of the activities specified in subsection 2 (e) shall be obliged to meet the professional competence requirements pursuant to Section 49a (2) (a) and (b). If the persons fail to meet the requirements provided in the first sentence, they shall be obliged to prove their experience in substitute family care of at least two years, and take accredited training for social workers pursuant to the Social Service Act⁶⁵⁾ in the scope of at least 200 hours.

Section 49

Issuance of Authorisations

(1) The regional authority shall decide on the Authorisation, unless the Committee pursuant to Section 38 (2) (a) is competent to decide thereof.

(2) The conditions for the Authorisation's issuance shall be as follows:

(a) The filing of a written application;

(b) Proof of professional competence for all persons who will be directly engaged in performing the social and legal protection, the submission of documents on the completion of their studies, and the submission of a list of their previous jobs and other work-related activities; the proof of professional competence and submission of the above-mentioned list shall not apply to the persons specified in Section 49a (5);

(c) Integrity:

1. Of all individuals who will be directly engaged in performing the social and legal protection; and
2. Of the legal entity that will provide the social and legal protection;

(d) The provision of appropriate sanitary conditions for the performance of social and legal protection as proven by a report of the relevant public health protection body, where the authorisation to establish and operate a social and legal protection facility as specified in Section 39 (1) (b) to (d) is involved;

(e) The owner's right or the right to use a building or premises where the social and legal protection will be provided, as documented by the relevant certificate;

(f) The necessary resources and technology to provide the social and legal protection and to operate a social and legal protection facility; and

(g) The submission of an annual report on the activities and financial management, and if the Charged Person does not issue annual reports, to submit another document describing the Charged Person's activities and rules of financial management.

(3) For the purpose of deciding on the Authorisation's issuance, the regional authority or Committee shall request an opinion of the municipal authority of a municipality with extended powers in the district of which the applicant permanently resides, resides or has a registered office or registered office of a branch, and when the applicant operates in the administrative district of a municipal authority of a municipality with extended powers other than the one where the applicant permanently resides or has a registered office, the regional authority or Committee shall also request an opinion of that municipal authority. The municipal authority of a municipality with extended powers shall primarily comment on the up-to-date activities of the applicant.

(4) In addition to the essential elements stipulated by the Rules of Administrative Procedure, the application for the Authorisation shall contain the following:

(a) For a legal entity, a registration certificate, and/or certificate of entry in the relevant register pursuant to special legal regulations⁴⁵⁾, and the name and last name of the person authorised to act on behalf of the legal entity;

(b) For an individual, the birth number;

(c) The scope of the provided social and legal protection and a detailed list of the activities for which the Authorisation is being applied for;

(d) The place of the performance of the social and legal protection;

(e) The name, last name and birth number of all individuals who will be directly engaged in providing the social and legal protection; and

(f) A copy of the records similar to the criminal conviction records maintained in countries where:

1. The individual continuously resided for more than three months in the past three years; and
2. The legal entity has a registered office or where it performed activities or was registered for at least three months in the past three years; this certificate shall not be older than three months.

(5) The Authorisation shall be issued if the applicant proves that he or she meets the conditions specified in subsection 2. If the applicant applies for the Authorisation to establish and operate a social and legal protection facility, which is to be established in the district of another regional authority, the regional authority shall be obliged to ask the regional authority in whose district the facility is to be established for the issuance of a binding opinion pursuant to subsection 7. The decision on the Authorisation shall specify the scope of the provided social and legal protection and the place where the activity can be performed. If the decision authorises the person to establish and operate a social and legal protection facility, with the exception of educational and recreational children's camps, the decision shall contain the name and address of the facility's registered office for which the Authorisation is issued.

(6) The regional authority or the Committee shall also decide on a change in the Authorisation to provide social and legal protection:

(a) If the Charged Person wishes to perform an activity other than the one for which the Authorisation was issued; or

(b) If the Charged Person wishes to perform the social and legal protection in a place other than the one specified in the decision on the Authorisation's issuance.

(7) If the Charged Person wishes to establish a new social and legal protection facility or another site of the same social and legal protection facility in the district of another regional authority, the regional authority shall decide on the change in the Authorisation or on the issue of a new Authorisation to perform the social and legal protection on the basis of a binding opinion of the regional authority in whose district the facility or site is to be established. The binding opinion of the regional authority shall be supported primarily with the needs for the provision of the social and legal protection in individual types of social and legal protection facilities in the territory of the region, considering other facilities designed to provide care and help to children in the territory of the region. Subsection 2 and 4 shall similarly apply to the issuance of the Authorisation for an expansion of or change in the performance of social and legal protection.

(8) For the purpose of the Authorisation's issuance, an individual and legal entity shall be deemed without a criminal record if they have not been convicted for an intentional crime or for a crime committed with negligence in connection with the performance of activities similar to the activities performed in providing the social and legal protection; if a criminal proceeding has been conducted against the applicant or individuals presented in the application for the Authorisation as individuals to be directly engaged in the provision of social and legal protection for a crime provided in the part of this sentence before the semi colon, the procedure on the Authorisation's issuance shall be suspended until the awarding of the final decision in such criminal proceeding. To verify integrity, the regional authority or the municipal authority of a municipality with extended powers, if the Committee is competent to decide on the Authorisation pursuant to Section 38 (2) (a), shall request a copy of the criminal conviction records pursuant to a special legal regulation. The application for the copy and the copy of the criminal conviction records shall be delivered electronically in a way enabling remote access.

(9) The Charged Person can perform the social and legal protection if he or she entered into an insurance policy for liability for damage caused by the performance of the social and legal protection prior to commencing the performance. The insurance must be contracted for the whole period of the provision of the social and legal protection by the Charged Person pursuant to this Act. The Charged Person shall be obliged to send a copy of the insurance policy to the body that issued the Authorisation within 15 days from the policy date.

(10) The Charged Person shall be obliged to:

(a) Inform the body that decided on the Authorisation on changes in the facts crucial for the Authorisation's issuance or suspension of the activities specified in the Authorisation within 15 days from the occurrence of the changes;

(b) Provide the body that decided on the Authorisation with the needed documents and with access to the premises where the social and legal protection is provided to review compliance with the conditions provided in subsection 2;

- (c) Keep records of the Charged Person's activities related to the provision of the social and legal protection within the scope corresponding to the granted Authorisation, and to submit the records upon a request of the body that decided on the Authorisation's issuance;
- (d) Prepare an annual report on the Charged Person's activities in the area of social and legal protection for the calendar year or another document describing these activities and rules of financial management, if the Charged Person does not issue an annual report, and to send the report or the document to the body that decided on the Authorisation's issuance no later than by 30 June of the following calendar year; the annual report can be published in the scope and under the conditions specified in Section 57 (2); and
- (e) Inform the relevant social and legal protection authority of the date and place of the educational and recreational children's camp no later than one month prior to the camp's opening.

(11) The bodies that issued the Authorisation shall be obliged to provide the Ministry with data on individuals or legal entities who were granted the Authorisation, and/or individuals or legal entities from whom the Authorisation was withdrawn and for what reasons. The bodies that issued the Authorisation shall be obliged to meet this duty within eight days from the date of entering into legal force of the decision on the Authorisation's issuance or withdrawal. The Ministry shall keep a register of Charged Persons on the basis of these data. The Ministry shall provide the bodies that issue the Authorisation with data from this register for the purposes of deciding on the Authorisation electronically in a way enabling remote access.

(12) The body that decided on the Authorisation's issuance shall be authorised to inspect the performance of the social and legal protection by the Charged Persons. The Charged Person shall be obliged to create conditions for the performance of the inspections by the bodies that issue the Authorisation and assist in the inspections. The regional authority, in whose district the social and legal protection facility is registered or the activities associated with the social and legal protection are carried out by the Charged Person, shall also be authorised to inspect the performance of the social and legal protection pursuant to the first sentence; the Charged Person shall perform the duties provided in the second sentence with respect to the regional authority. This regional authority shall be obliged to inform the regional authority, which is competent to issue the Authorisation, of the matters identified during the inspection.

Section 49a

Professional Competence of the Charged Persons to Provide Social and Legal Protection

- (1) The social and legal protection can be directly provided by persons with professional competence.
- (2) Professional competence for the purposes of the Charged Persons providing the social and legal protection shall mean the following:
 - (a) Duly-completed university studies in the pedagogical and social sciences focused on social care, social policy, social work, pedagogy, law, psychology, education or nursing, and in medicine focused on general and children's medicine;
 - (b) Duly-completed educational schemes provided by higher technical schools in the areas of social work, pedagogy, charitable and social care, charitable and social activities, social and legal activities, pedagogy combined with theology, and completed studies for certified nurses, or duly-completed high school studies in these fields;
 - (c) Education in the scope required to obtain a certificate on special professional competence in social and legal protection pursuant to a special legal regulation^{45b)}, and at least one-year experience; or
 - (d) The passing of accredited educational courses for social workers pursuant to the Social Service Act⁶⁵⁾ in the scope of at least 200 hours and experience with care of a child and family of at least two years where the following persons are involved:
 1. Those who duly completed their university or higher technical studies in other areas or in the same area but with a focus other than those mentioned in paragraphs (a) and (b);
 2. Those with a completed high school or elementary school education; or
 3. Those who passed a training for volunteers organised by an institution with an accreditation of

the Ministry of Interior pursuant to a special legal regulation^{45c)}, if the training focused on the help in taking care of children, youth and family in their spare time.

(3) Professional competence shall be proven with a certificate of completing the studies and a certificate of experience issued by the bodies or persons with whom the experience was gained.

(4) A special legal regulation^{45a)} shall be followed in recognising professional competence and experience or other types of competence gained by the nationals of the European Union member states or their family members^{45d)} in another European Union member state.

(5) Persons who did not gain professional competence can also participate in the direct provision of social and legal protection if they provide this protection under the supervision of a professionally-competent person and they are not involved in providing counselling to children, parents or other persons responsible for a child's upbringing, adoptive parents, foster carers and those interested in adopting or fostering a child. The persons mentioned in the first sentence shall be obliged to gain professional competence pursuant to subsection 2 within two years from commencing the direct provision of social and legal protection. The period of time over which the person without professional competence was not involved in the direct provision of social and legal protection shall not be included in the two-year deadline.

Section 50

Withdrawal of the Authorisation

(1) The social and legal protection authority that issued the Authorisation shall decide on the Authorisation's withdrawal:

- (a) When the Charged Person asks for the Authorisation's cancellation;
- (b) If a sanction was imposed on the Charged Person for an administrative infraction provided in Sections 59 to 59k involving a very serious breach of duties, upon a final judgment;
- (c) If the Charged Person fails to perform the activity for which the Authorisation was issued and fails to inform of this fact within the stipulated deadline (Section 49 (10) (a));
- (d) If, after providing notice of suspending its activities, the Charged Person did not resume the performance of the activity for which the Authorisation was issued within one year from such notice; or
- (e) When the Charged Person was convicted for a crime specified in Section 49 (8) upon a final judgment.

(2) Where the Authorisation was withdrawn pursuant to subsection 1 (b) to (d), the individual or legal entity can re-apply for the Authorisation's issuance only two years from the date when the decision on the Authorisation's withdrawal entered into legal force.

(3) The body that withdrew the Authorisation shall be obliged to arrange care for the children to whom the social and legal protection was provided by the Charged Person, unless the care has otherwise been arranged.

TITLE SEVEN

INSPECTING THE PROVISION OF SOCIAL AND LEGAL PROTECTION

Section 50a

The Regional Branch of the Labour Office shall inspect the provision of social and legal protection by the Charged Persons. The inspections shall focus on the quality of the provided social and legal protection as specified by the social and legal protection quality standards. The provisions of the Social Service Act⁶⁵⁾ on the process of performing inspections of social services shall similarly apply to the process of such inspections.

TITLE EIGHT

COMMON PROVISIONS

Section 51

Duties of the Social and Legal Protection Authorities in Disclosing Data

- (1) The social and legal protection authorities, the Committee and the advisory boards shall be obliged to provide one another with data from their registers and file documentation maintained thereby in the scope necessary to meet the needs of these entities.
- (2) The social and legal protection authority that mediates adoption or foster care shall also keep the Children Register and the Applicant Register electronically in a way enabling remote access for other social and legal protection authorities mediating adoption or foster care pursuant to this Act.
- (3) Upon request, the municipal authority shall:
- (a) Provide a court with reports on the situation of a child for whom the court decided on a corrective measure;
 - (b) Provide a court with recommendations of persons capable of becoming guardians and inform the municipal authority of a municipality with extended powers of these recommendations;
 - (c) Provide the municipal authority of a municipality with extended powers with reports on a child's situation; and
 - (d) Provide the prosecuting attorney's office with reports on the situation of a child for whom a court ordered protective rehabilitation pursuant to a special legal regulation²⁹⁾ upon a motion of the prosecuting attorney's office in a civil proceeding.
- (4) Upon request, the municipal authority of a municipality with extended powers shall:
- (a) Provide a court with reports on the situation of a child for whom the court decided on a corrective measure;
 - (b) Provide the prosecuting attorney's office with reports on a child's situation if the prosecuting attorney's office has conducted a proceeding related to the child pursuant to a special legal regulation²⁹⁾;
 - (c) Provide the regional authority and the Ministry with the file documentation on the child and generalised information and summarised data obtained by the municipal authority of a municipality with extended powers in performing its activities, with the exception of names;
 - (d) Provide the Charged Person with data that the Charged Person and social service providers need to provide the social and legal protection and social services, respectively; and
 - (e) Provide, on an optional basis, needed data to the healthcare service provider.
- (5) The social and legal protection authority shall be obliged to:
- (a) Provide, upon request:
 - 1. A court and administrative body with data needed for a civil proceeding and administrative proceeding;
 - 2. A body responsible for criminal proceedings with data needed for a criminal proceeding;
 - 3. A social security body, a body providing help to those destitute of resources and a state social support body with data needed to adopt decisions on social benefits in the scope corresponding to the needs of the proceedings before these bodies;
 - 4. The Regional Branch of the Labour Office with the data needed to manage and permit the performance of a child's activities pursuant to a special legal regulation^{47a)};
 - 5. The Regional Branch of the Labour Office with the data needed to file a motion with a court to determine alimony and a motion to execute a decision, where alimony for children specified in Section 19 (4) is involved;
 - 6. The facility specified in Section 29 (1) with information on the family situation of a child placed in this facility on the basis of a judicial decision and with information on the process of mediating

- foster care or adoption, if those were mediated for the child;
7. The prison where a juvenile has served a prison sentence with the information needed to achieve the sentence's purpose;
 8. The intervention centre with data on a person exposed to danger of violence available to the social and legal protection authority for the purpose of providing this person with help of the intervention centre pursuant to the Social Service Act⁶⁵; and
 9. The municipal police with data in the scope necessary for the performance of the municipal police's tasks;
- (b) Inform the body responsible for criminal proceedings of facts suggesting that a crime was committed against a child⁴⁸ or that a child was used to commit a crime or that violence occurs between the parents, other persons responsible for the child's upbringing and other individuals living in the household with the child, or that the maintenance duty is not performed with respect to the child;
 - (c) Provide the Probation and Mediation Service upon request with information in the scope needed for a criminal proceeding;
 - (d) Inform the Regional Branch of the Labour Office that permitted the performance of an artistic, cultural, sports or advertising activity of the child pursuant to a special legal regulation^{47a} of facts that justify the initiation of a proceeding on the prohibition of the child's activity; the social and legal protection authority shall also be obliged to monitor whether the situation was remedied; and
 - (e) Provide the Ombudsman with the information requested by him or her in carrying out an investigation pursuant to a special law.
- (6) The registers kept in line with this Act shall constitute public administration information systems^{47b}.

Section 52

- (1) Employees of the social and legal protection authorities, employees of a region assigned to a regional authority, employees of a municipality assigned to a municipal authority and employees of a municipality with extended powers assigned to a municipal authority shall be authorised, in connection with the performance of assignments pursuant to this Act, to visit a child and the family in which the child lives in their house or apartment and find how the parents or other persons responsible for the child's upbringing take care of the child, what the social conditions of the child are and what the child's behaviour is like in the location of the child's residence, at a school and a schooling facility, in a healthcare service provider's facility, at the employer or in other places where the child lives or spends time.
- (2) Employees of the social and legal protection authorities, employees of a region assigned to a regional authority, employees of a municipality assigned to a municipal authority and employees of a municipality with extended powers assigned to a municipal authority shall be authorised to take pictures and make visual and audio recordings of the child in the community where the child lives and spends time, if needed for the purposes of protecting the child and his or her rights⁴⁹.
- (3) Employees of the social and legal protection authorities, employees of a region assigned to a regional authority, employees of a municipality assigned to a municipal authority and employees of a municipality with extended powers assigned to a municipal authority shall perform the activities specified in subsections 1 and 2 on the basis of a special authorisation issued by the relevant authority, which contains the name(s) and last name of the employee, his or her title and employer and specifies the activity the employee is authorised to perform.

Section 53

Duties of Government Bodies, Other Legal Entities and Individuals, and the Charged Persons

- (1) Upon a notice from the social and legal protection authorities:
 - (a) Government bodies,
 - (b) Employers;
 - (c) Other legal entities, namely healthcare service providers, schools, schooling facilities and other

similar facilities;

- (d) Individuals, if they are healthcare service providers or promoters of schools and other facilities provided in paragraph (c);
- (e) The Charged Persons; and
- (f) Social service providers

shall be obliged to provide, free of charge, data needed to provide the social and legal protection or for the purposes of deciding on the Authorisation's issuance pursuant to this Act, unless a special legal regulation prevents this. The confidentiality obligation pursuant to a special legal regulation^{49a)} shall not be relied on if the data to be disclosed include data on the suspected maltreatment, abuse or neglect of a child. However, where data on the physical condition required by a social and legal protection authority are involved, a special legal regulation shall apply to the payment for healthcare services⁵⁰⁾.

(2) Parents shall be obliged to:

- (a) Cooperate with the social and legal protection authorities in protecting the child's interests and rights;
- (b) Attend a personal meeting upon a notice from the relevant social and legal protection authority, submit deeds and other documents and provide necessary information, if needed to provide the social and legal protection; and
- (c) Enable the visit of an employee of a social and legal protection authority and an employee of a municipality with extended powers assigned to a municipal authority in their house or apartment, and/or other place where the child lives, under the conditions specified in Section 52 (3), if needed to protect the child's life or health or his or her rights.

(3) The duties specified in subsection 2 shall also similarly apply to other persons responsible for the child's upbringing.

(4) For the purposes of mediating adoption or foster care, adoption or foster care applicants shall be obliged to submit themselves to a medical examination, to provide data on their physical condition and to declare the name and address of the healthcare service provider under whose care they are, as part of their assessment pursuant to Section 27.

(5) The social and legal protection authority can impose a procedural fine of up to CZK 20,000 on the parent or another person responsible for a child's upbringing if they fail to meet the duty provided in subsection 2 (a) to (c). The fine can be imposed repeatedly. The fine can be imposed within six months from the date when the duty was violated. The income from the fines shall constitute state budget income.

Section 53a

(1) The Ministry shall administer the social and legal children protection information system, which contains data on:

- (a) Foster care benefits and the level thereof, the applicants for and the recipients of these benefits;
- (b) Applicants for the mediation of adoption or foster care and on children entered into the Children Register for the purposes of the mediation of adoption or foster care; and
- (c) The Registered Persons.

All data maintained in the social and legal children protection information system shall be part of the Uniform Labour and Social Affair Information System⁶⁶⁾.

(2) The Ministry shall provide the Regional Branches of the Labour Office with data from the social and legal children protection information system provided in subsection 1 (a) in connection with a proceeding on foster care benefits in the scope needed to adopt a decision on the foster care benefits and to pay them.

(3) The Ministry shall provide regional authorities and municipal authorities of municipalities with

extended powers with data from the social and legal children protection information system provided in subsection 1 (b) and (c) in the scope necessary for the performance of their assignments pursuant to this Act in the area of substitute family care, mediation of adoption and foster care, temporary foster care and foster care.

(4) The Regional Branches of the Labour Office, regional authorities and municipal authorities of municipalities with extended powers shall be authorised to process the data needed to perform their assignments pursuant to this Act electronically in a way enabling remote access and, at the same time, providing for the protection of personal data. The Regional Branches of the Labour Office, regional authorities and municipal authorities of municipalities with extended powers shall be obliged to provide for the storage of all data from the information system that were obtained on the basis of data processing pursuant to subsection 1 and of all documents and files related to administrative proceedings on foster care benefits closed upon a final judgment, for a period of 15 calendar years following the calendar year in which such administrative proceeding was closed upon a final judgment or the last storage of data in the information system was performed.

(5) The Ministry of Interior or the Police of the Czech Republic shall provide the Ministry and the social and legal protection authorities with the following for the purpose of executing state administration in the area of the social and legal protection:

- (a) Reference data from the basic register of population;
- (b) Data from the relevant institution's information system from the register of population;
- (c) Data from the relevant information system of foreigners; and
- (d) Data from the birth number register on individuals who have a birth number assigned but have not been maintained in the information systems provided in paragraphs (b) and (c).

(6) The provided data pursuant to subsection 1 (a) shall include the following:

- (a) Last name;
- (b) Name(s);
- (c) Address;
- (d) Date, place and district of birth; for a data subject born in a foreign country, the date, place and country of birth shall be provided;
- (e) Date, place and district of death; for the death of a data subject outside the territory of the Czech Republic, the date, place and country of death shall be provided; where a judicial decision on the declaration of a person's death was issued, the date specified in the declaration as the date of death, or the date that the data subject declared dead did not survive, and the date of entering into legal force of the decision shall be provided; and
- (f) Nationality/nationalities.

(7) The data provided pursuant to subsection 1 (b) shall include the following:

- (a) Name(s), last name, a change therein, if any, and the birth family name;
- (b) Date of birth;
- (c) Sex and a change thereof;
- (d) Place and district of birth; for a citizen born in a foreign country, the place and country of birth shall be provided;
- (e) Birth number and changes thereof;
- (f) Nationality;
- (g) Address of the permanent residence, including previous addresses of permanent residence;
- (h) The starting date of the permanent residence, and/or the date of cancellation of the data on permanent residence, or the closing date of permanent residence in the territory of the Czech Republic;

- (i) Incapacitation or limitation of legal capacity;
 - (j) Birth number of the father and mother, and/or another statutory representative; if one of the parents or another statutory representative do not have a birth number, his or her name(a), last name and date of birth;
 - (k) Family status, date of a change thereof and place of the solemnisation of marriage;
 - (l) Birth number of the spouse; if the spouse is a foreigner who has not been assigned a birth number, his or her name(s), last name and date of birth;
 - (m) Birth number of the child;
 - (n) For an adopted child, the original and new name(s) and last name of the child, the original and new birth number of the child, the date and place of the child's birth, birth numbers of the adoptive parents and the date of entering into legal force of the adoption decision or the decision on the adoption's cancellation;
 - (o) Date, place and district of death; for the death of a citizen outside the territory of the Czech Republic, the date, place and country of death shall be provided; and
 - (p) The date specified as the date of death in a judicial decision on the declaration of a person's death, or the date that the citizen declared dead did not survive.
- (8) The data provided pursuant to subsection 1 (c) shall include the following:
- (a) Name(s), last name, a change therein and birth family name;
 - (b) Date of birth;
 - (c) Sex and any changes thereof;
 - (d) Place and country of birth;
 - (e) Birth number and any changes thereof;
 - (f) Nationality;
 - (g) Type and address of residence;
 - (h) Number and validity of the residence permit;
 - (i) Opening date of residence, and/or closing date of residence;
 - (j) Incapacitation or limitation of legal capacity;
 - (k) Administrative or judicial banishment and the period of time for which entry to the territory of the Czech Republic has been prohibited;
 - (l) Family status, date and place of a change thereof, name(s) and last name of the spouse and his or her birth number of date of birth;
 - (m) Name(s) and last name of the child, if a foreigner, and his or her birth number; date of birth shall be provided if the birth number has not been assigned;
 - (n) Name(s) and last name of the father and mother, and/or another statutory representative, if foreigners, and their birth numbers; if one of the parents or another statutory representative do not have a birth number, his or her name(a), last name and date of birth;
 - (o) Date, place and district of death; for a death outside the territory of the Czech Republic, the country of death, and/or the date of death shall be provided;
 - (p) The date specified as the date of death in a judicial decision on the declaration of a person's death, or the date that the foreigner declared dead did not survive;
 - (q) For an adopted child who is a foreigner, the original and new name(s) and last name of the child, the original and new birth number of the child, the date and place of the child's birth, the birth numbers of the adoptive parents and the date of entering into legal force of the adoption decision or the decision on the adoption's cancellation; and
 - (r) Name(s) and last name of:
 1. The major unsupported child of the foreigner;

2. The minor foreigner who has been placed in the substitute family care of a foreigner or his or her spouse upon the decision of the relevant body, or who has been adopted by a foreigner or his or her spouse, or whose guardian or the guardian's spouse is a foreigner;
3. The single foreigner over 65 years of age, or irrespective of the age of a foreigner who is incapable of taking care of himself or herself for medical reasons, if the consolidation of a family with a parent or a child who are foreigners is involved;
4. The foreigner who is an unsupported direct relative in the ascending or descending line or who is such relative of a spouse who is a European Union citizen; and
5. The parents of a minor foreigner and his or her birth number; if foreigners without a birth number are involved, the name(s), last name and date of birth.

(9) The data provided pursuant to subsection 1 (d) shall include the following:

- (a) Name(s), last name and birth family name;
- (b) Day, month and year of birth;
- (c) Place of birth; for an individual born in a foreign country, the place and country of birth shall be provided; and
- (d) Birth number and any changes thereto.

(10) The data maintained as reference data in the basic register of population shall be derived from the relevant information system of the register of population, or the information system of foreigners if in the form preceding the existing situation.

(11) Only the data needed to complete the particular assignment shall be used from the data provided in the individual case.

Section 54

Maintenance of Registers and File Documentation

The municipal authority of a municipality with extended powers shall keep a register of children:

- (a) Specified in Section 6;
- (b) For whom the municipal authority of a municipality with extended powers was appointed guardian.

Section 55

(1) The municipal authority of a municipality with extended powers shall keep file documentation on children entered into the registers pursuant to Section 54.

(2) The file documentation shall primarily include the personal data of the children and their parents, data on the upbringing situation of these children, records of results of investigations in the family, records of discussions with the parents or other persons, copies of motions filed with courts and other government bodies, written judicial decisions and decisions of authorities responsible for criminal proceedings and administrative bodies.

(3) The file documentation can include recordings on technical data media, micrographic recordings, printed products of an optical archiving system and printed or photographic products of other computer technology media replacing the originals of the documents that served as a basis for the production, unless the nature of the matter requires the keeping of the original or a notarised copy thereof.

(4) In addition to the file documentation, the municipal authority of a municipality with extended powers shall also keep other written documents constituting a basis for the processing of the file documentation. These written documents shall not be delivered to any authority, legal entity or individual. They can only be submitted to a court and the prosecuting attorney's office if the data contained therein relate to criminal prosecution.

(5) Only the parent of a child bearing parental responsibility or another person responsible for the child's upbringing or a representative thereof on the basis of a written power or attorney shall be

authorised to view the file documentation on the child, unless the part relates to an administrative proceeding. A sightless person shall have the content of the file documentation read and the municipal authority of a municipality with extended powers shall make it possible for those accompanying such person, upon the person's request, to view the file. The parents or other persons responsible for the child's upbringing or a representative thereof shall have a right to view the file documentation and take extracts therefrom and make copies of the file documentation of parts thereof for a consideration on the basis of a written power of attorney; a special legal regulation^{50a)} shall apply in determining the consideration for the copies of the file documentation. The Act on Free Access to Information^{50b)} shall not apply to the viewing of the file documentation.

(6) The municipal authority of a municipality with extended powers shall only be authorised to use the data contained in the file documentation related to the child in the child's interest in providing for the social and legal protection. The municipal authority of a municipality with extended powers shall do the following within 15 days from the date when the parent or a person responsible for the child's upbringing asked for the viewing of the file documentation:

- (a) State that the parent or the person responsible for the child's upbringing shall be enabled to view the file documentation and set up a date for the viewing; no decision shall be issued in this case; or
- (b) Decide to reject the written request if it would be contrary to the child's interest or if it is possible to learn from the file documentation which individual gave notice of the facts specified in Section 7.

(7) The municipal authority of a municipality with extended powers shall be obliged to provide for the storage of all data contained in the file documentation that relate to:

- (a) The child for a period of 15 years following the calendar year in which the child was removed from the register;
- (b) The child adopted or placed into foster care for the period of 15 years following the calendar year in which the child reached full age; or
- (c) The applicants for the mediation of adoption or foster care for the period of 15 years following the calendar year in which the applicants were removed from the register.

(8) The provision of subsection 7 shall similarly apply to the maintenance of registers by the regional authority pursuant to Sections 22 and 27a.

Section 56

Section 55 shall similarly apply to the maintenance of records on the child by other social and legal protection authorities and to the handling of the file documentation of a municipal authority of a municipality with extended powers by these authorities.

Section 57

(1) Employees in the social and legal protection authorities, employees of a region assigned to a regional authority, employees of a municipality assigned to a municipal authority, employees of a municipality with extended powers assigned to a municipal authority, and employees of a social and legal protection facility shall be obliged to keep the facts they get to know in performing the social and legal protection or in a direct connection therewith confidential, unless otherwise provided in this Act. Employees of a social and legal protection authority and employees of a municipality with extended powers assigned to a municipal authority shall be obliged to keep the person who notified the social and legal protection authority of the facts provided in Section 7 confidential, shall be obliged to keep the place of residence of a parent who was exposed to domestic violence in a family with a child confidential, and shall also be obliged to keep any data on persons with whom the child was placed into the care of adoptive parents-to-be, and on the place of such child's residence confidential. The employees specified in the first sentence shall be obliged to maintain confidentiality pursuant to the first and second sentence even after their employment terminates. The employees specified in the first sentence can only be relieved of the confidentiality obligation by the person, in whose interest they have this obligation, in a written document identifying the scope and purpose.

(2) The obligation specified in subsection 1 shall similarly apply to the Charged Persons and other

individuals who became familiar with the data that the employees specified in subsection 1 are obliged to keep confidential in cooperating with the social and legal protection authorities and the social and legal protection facilities.

(3) The social and legal protection authorities shall be authorised to process the requested personal data in the scope necessary to perform the assignments under this Act, even if the personal data are classified as sensitive pursuant to a special legal regulation^{50a)}. This authorisation shall also apply to the Charged Persons in the scope and in a way necessary to perform the social and legal protection in compliance with the granted Authorisation.

Section 58

(1) Costs incurred in connection with the performance of the social and legal protection shall be borne by the state, if not otherwise provided and with the exception of the costs of establishing and operating social and legal protection facilities, which shall be borne by the facilities' promoter(s), and with the exception of costs incurred by the Charged Person in connection with the performance of the social and legal protection.

(2) When a municipality, region or Charged Person is the promoter of a facility for children requiring immediate assistance, they shall be entitled to the government contribution pursuant to Sections 42g to 42n.

(3) The social and legal protection shall be provided free of charge, with the exception of a child's stay in an educational and recreational camp, a child's stay in a facility for children requiring immediate assistance and the administration of a child's property⁵¹⁾.

(4) In determining the price for a child's stay in an educational and recreational camp, the promoter shall follow a special legal regulation⁴⁰⁾. The promoter can determine the conditions under which he or she will not require the payment of the price in full or partially.

Section 58a

The competences granted to a regional authority, municipal authority of a municipality with extended powers or a municipal authority under this Act shall constitute the exercise of delegated powers.

Section 58b

Authorising Provisions

(1) The government can order an increase in the foster care benefits if the Czech Statistic Office identified a growth of the aggregate consumer price index of at least 5% from the beginning of the month in which the legal regulation determining the effective level of the benefits entered into force.

(2) The Ministry shall stipulate in a decree:

- (a) The focus and scope of the assessment of the situation of a child and his or her family pursuant to Section 10 (3) (c);
- (b) The content of the individualised child protection plan pursuant to Section 10 (3) (d);
- (c) The content and scope of the training for individuals capable of becoming adoptive parents or foster carers to accept a child in the family pursuant to Section 11 (2) (a); and
- (d) The minimal scope of counselling provided permanently or temporarily to a Carer or Registered Person providing personal care for a placed child, and the content, focus and method of improving the knowledge and skills in the area of child care for the Carers and Registered Persons.

(3) In a decree, the Ministry shall stipulate the content of the quality standards for social and legal protection and the point evaluation thereof in providing the social and legal protection by:

- (a) The social and legal protection authorities;
- (b) The Charged Persons performing the activities specified in Section 48 (2) (d) to (f) on the basis of

- the Authorisation; and
- (c) The facilities for children requiring immediate assistance.

TITLE NINE

ADMINISTRATIVE DELICTS

PART I

ADMINISTRATIVE INFRACTIONS

Section 59

- (1) An individual shall be deemed to have committed an administrative infraction when he or she:
- (a) Fails to enable a meeting between a child and the Applicant pursuant to Section 24 (3) as the person with whom the child lives;
 - (b) Performs the activities specified in Section 48 (2) without the Authorisation;
 - (c) Mediates adoption or foster care pursuant to Section 19a (1) (d) without proper authorisation and contrary to Section 19a (2);
 - (d) Fails to perform the duty pursuant to Section 10a (2) to inform the municipal authority of a municipality with extended powers that an individual has taken a child into his or her care with the intention of accepting the child into permanent care;
 - (e) Complicates the care provided by an adoptive parent or the upbringing of the adopted child by revealing or spreading information on the adoption;
 - (f) Obstructs the performance of a child's protective rehabilitation or interferes with the upbringing of a child placed into the care of a citizen other than the parent or into foster care;
 - (g) As a person responsible for a child, leaves the child without a supervision adequate for his or her age, intellectual capacity, and/or physical condition, thus exposing the child to the risk of serious damage to his or her health, or the child causes damage to another person's health or causes material damage to another person's property as a consequence thereof;
 - (h) Uses an inadequate measure against the child with the intention of humiliating his or her human dignity;
 - (i) Intentionally complicates or obstructs the carrying out of a decision of a municipal authority of a municipality with extended powers on a corrective measure pursuant to Section 13 (1); or
 - (j) Misuses a minor child for physical work inappropriate for his or her age and physical and mental development.
- (2) Fines of up to CZK 50,000 and CZK 200,000 can be imposed for an administrative infraction pursuant to subsection 1 (a), (b) and (d) to (j) and for an administrative infraction pursuant to subsection 1 (c), respectively.

Section 59a

- (1) The parent or other individual responsible for the child's upbringing shall be deemed to have committed an administrative infraction if they:
- (a) Fail to meet the duty to use professional counselling or attend a first meeting with the registered mediator or a family therapy, the imposition of which was decided on by a social and legal protection authority pursuant to Section 12 or Section 13; or
 - (b) Fail to take the child over upon his or her return from a foreign country pursuant to Section 36 (3), even though they were not prevented by a serious obstacle.

(2) A fine of up to CZK 20,000 can be imposed for an administrative infraction pursuant to subsection 1.

Section 59b

(1) An individual shall be deemed to have committed an administrative infraction as the Charged Person when he or she:

- (a) Exceeds the scope of the social and legal protection specified in the Authorisation or performs the social and legal protection in contrast with the conditions specified in Section 49 or violates the duty stipulated in the Authorisation;
- (b) Violates the rights of children living in the social and legal protection facilities or fails to meet the duties necessary for the children's protection in the performance of the social and legal protection within the scope of the social and legal protection specified in the Authorisation; or
- (c) Seriously violates the sanitary and epidemiologic regulations or continuously violates such regulations.

(2) Fines of up to CZK 200,000 and CZK 50,000 can be imposed for an administrative infraction pursuant to subsection 1 (a) and (b) and for an administrative infraction pursuant to subsection 1 (c), respectively.

Section 59c

(1) An individual, as a person responsible for a Residential Facility or a facility for children requiring immediate assistance that is not a legal entity or an establishment of an individual engaged in a business, shall be deemed to have committed an administrative infraction by failing to provide for the facility's fulfilment of the duties pursuant to Section 29 (6).

(2) A fine of up to CZK 50,000 can be imposed for an administrative infraction pursuant to subsection 1.

Section 59d

(1) An individual, as a healthcare service provider, a promoter of a school, a schooling facility or other similar facility or as a Charged Person, shall be deemed to have committed an administrative infraction by failing to meet the duty to provide, free of charge, data needed for the provision of social and legal protection or for the purposes of deciding on the Authorisation's issuance pursuant to Section 53 (1).

(2) A fine of up to CZK 50,000 can be imposed for an administrative infraction pursuant to subsection 1.

§ 59e

(1) An individual, as a Charged Person or a person responsible for a school, a schooling facility or other facility for children that is not a legal entity or an establishment of an individual engaged in a business, shall be deemed to have committed an administrative infraction by failing to meet the duty pursuant to Section 10 (4) to inform a municipal authority of a municipality with extended powers without any undue delay that the individual had learnt of a child specified in Section 6 to whom social and legal protection should be provided, or by failing to arrange for this duty to be met by the school, schooling facility or other facility for children for which the individual is responsible.

(2) A fine of up to CZK 50,000 can be imposed for an administrative infraction pursuant to subsection 1.

PART II

ADMINISTRATIVE INFRACTIONS OF LEGAL ENTITIES AND INDIVIDUALS ENGAGED IN A BUSINESS

Section 59f

(1) A legal entity or an individual engaged in a business shall be deemed to have committed an administrative delict by:

- (a) Failing to enable a child's meeting with the Applicant pursuant to Section 24 (3) as a person with whom the child lives; or
- (b) Failing to perform the duty pursuant to Section 10a (2) to inform a municipal authority of a municipality with extended powers that he or she has taken a child into his or her care with the intention of accepting the child into permanent care.

(2) A legal entity shall be deemed to have committed an administrative delict by:

- (a) Performing the activity specified in Section 48 (2) without the Authorisation; or
- (b) Mediating adoption or foster care pursuant to Section 19a (1) (d) without authorisation and contrary to Section 19a (2).

(3) Fines of up to CZK 50,000 and CZK 200,000 can be imposed for an administrative delict pursuant to subsection 1 and subsection 2 (a), and for an administrative delict pursuant to subsection 2 (b), respectively.

Section 59g

(1) A legal entity or an individual engaged in a business shall be deemed to have committed an administrative delict as the Charged Person by:

- (a) Exceeding the scope of social and legal protection specified in the Authorisation or performing the social and legal protection in contrast with the conditions specified in Section 49 or by violating the duty stipulated in the Authorisation;
- (b) Violating the rights of children living in social and legal protection facilities or failing to meet the duties necessary for the children's protection in the performance of social and legal protection within the scope of the social and legal protection specified in the Authorisation; or
- (c) Seriously violating the sanitary and epidemiological regulations or continuously violating such regulations.

(2) Fines of up to CZK 200,000 and CZK 50,000 can be imposed for an administrative delict pursuant to subsection 1 (a) and (b) and for an administrative delict pursuant to subsection 1 (c), respectively.

Section 59h

(1) An individual engaged in a business or a legal entity, as a Residential Facility or a facility for children requiring immediate assistance, shall be deemed to have committed an administrative delict by failing to meet the duty pursuant to Section 29 (6).

(2) A fine of up to CZK 50,000 can be imposed for an administrative infraction pursuant to subsection 1.

Section 59i

(1) An individual engaged in a business or a legal entity, as an employer, a school, a schooling facility or other similar facility, a healthcare service provider, as a Charged Person or as a social service provider, shall be deemed to have committed an administrative delict by failing to meet the duty to provide, free of charge, data needed for the provision of social and legal protection or for the purposes

of deciding on the Authorisation's issuance pursuant to Section 53 (1).

(2) A fine of up to CZK 50,000 can be imposed for an administrative delict pursuant to subsection 1.

Section 59j

Rescinded

Section 59k

(1) An individual engaged in a business or a legal entity, as a Charged Person, a school, a schooling facility or other similar facility for children or as healthcare service provider, shall be deemed to have committed an administrative delict by failing to meet the duty pursuant to Section 10 (4) to inform a municipal authority of a municipality with extended powers without any undue delay that they have learnt of a child specified in Section 6 to whom social and legal protection should be provided.

(2) A fine of up to CZK 50,000 can be imposed for an administrative delict pursuant to subsection 1.

PART III

COMMON PROVISIONS

Section 59l

(1) A legal entity shall not be liable for an administrative delict if it proves that it made every effort that could reasonably be required to prevent the violation of the legal duty.

(2) In determining the level of the fine for the legal entity, the seriousness of the administrative delict should be taken into consideration, namely the method of commitment thereof, the consequences thereof and the circumstances under which it was committed.

(3) The liability of the legal entity for an administrative delict shall cease to exist if an administrative authority does not initiate a proceeding thereof within one year from the date when the authority learnt about it, but no later than within three years from the date when it was committed.

(4) The provisions of the Act on the Liability and Sanctioning of Legal Entities shall apply to the liability for acts that occurred in the individual's conducting his or her business⁵²⁾ or in a direct connection therewith.

(5) An administrative delict under this Act shall be heard by the following at the first instance:

(a) The social and legal protection authority that entered the Applicant into the Applicant Register, where an administrative delict pursuant to Section 59 (1) (a) or Section 59f (1) (a) is involved;

(b) The regional authority competent to issue the Authorisation, or when the Committee was competent to issue the Authorisation, the municipal authority of a municipality with extended powers, the mayor of which established the Committee if an administrative delict pursuant to Section 59 (1) (b) or Section 59f (2) (a) is involved;

(c) The regional authority competent with reference to the permanent residence of the child if an administrative delict pursuant to Section 59 (1) (c) or Section 59f (2) (b) is involved;

(d) The municipal authority of a municipality with extended powers competent with reference to the permanent residence of the child if an administrative delict pursuant to Section 59 (1) (e) to (j), Section 59a (1) (a), Section 59a (1) (b), Section 59c (1) or Section 59h (1) is involved, unless a committee for the execution of a delegated power was established pursuant to a special law⁶⁷⁾;

(e) The regional authority that issued the Authorisation, the regional authority in whose district the social and legal protection facility operated by the Charged Person is registered, or the municipal authority of a municipality with extended powers the mayor of which established the Committee that issued the Authorisation if an administrative delict pursuant to Section 59b (1) or Section 59g (1) is

involved; or

- (f) The social and legal protection authority toward which the duty is to be met, unless the authorities pursuant to paragraphs (a) to (e) are competent to hear the administrative delict.
- (6) Fines shall be collected by the social and legal authority that imposed them.
- (7) A special legal regulation^{52a)} shall be followed in collecting and enforcing the imposed fines.

TITLE TEN

PROCEEDINGS AND LOCAL JURISDICTION

Section 60

- (1) Applications pursuant to Section 21 (2), Section 47v and Section 49 shall be filed using the form required by the Ministry.
- (2) If a form is stipulated for the filing or for any other act under this Act, the filing or other act can also be performed:
 - (a) On a computer printout with the data, content and structure identical to the required form with the consent of the relevant social and legal protection authority; or
 - (b) In an electronic form with a guaranteed electronic signature attached based on a certificate issued by an accredited certificate service provider⁶⁸⁾, if the nature of the filing or other act indicates that it can be performed electronically; the relevant social and legal protection authority shall be obliged always to publish those forms electronically on the public administration portal⁶⁹⁾, if the Ministry published the relevant form electronically.

Section 61

Local Jurisdiction

- (1) The local jurisdiction of a regional authority, a municipal authority of a municipality with extended powers and a municipal authority shall be governed by the permanent residence of a child, unless otherwise stipulated below.
- (2) The local jurisdiction of a regional authority shall be governed by:
 - (a) The permanent residence of the individual who wishes to become an adoptive parent or accept a child into his or her foster care, if the cases specified in the following Sections are involved: 11 (2) (a), 22, 24 (1) and (3), 24b (1) and (3), 24c (1) (b) and (c), 24c (3) and 27;
 - (b) The permanent residence of the individual capable of becoming an adoptive parent or foster carer and the permanent residence of the adoptive parent or foster carer if the cases specified in Section 11 (2) (b) are involved;
 - (c) The place where the facility for children requiring immediate assistance is registered if the government contribution for the promoter of such facility is involved;
 - (d) The permanent residence or registered office of the Charged Person if the issuance, extension or modification of the Authorisation pursuant to Section 49 or the Authorisation's withdrawal pursuant to Section 50 is involved;
 - (e) The place where a building or premises are located where social and legal protection is to be provided and a social and legal protection facility is to be operated, if the issuance of an opinion pursuant to Section 49 is involved; or
 - (f) The permanent residence of a person entered in the register of temporary foster carers.
- (3) The local jurisdiction of a municipal authority of a municipality with extended powers shall be governed by:

- (a) The place where the child lives if a child specified in Section 10a (1), Section 15 (2), Section 16 and Section 37 (2) is involved;
 - (b) The permanent residence of the individual who wishes to become an adoptive parent or accept a child into his or her foster care, if the cases specified in the following Sections are involved: 11 (1) (d), 20 (1), 21 (1) and 27a (2);
 - (c) The permanent residence of the individual if the cases specified in Section 30 (5) are involved;
 - (d) The place where a parent lives if the parent's advance consent to a child's adoption without respect to particular adoptive parents (Section 19 (3)) is involved; or
 - (e) The permanent residence of the individual who has entered into an agreement on the performance of foster care or with respect to whom an administrative decision is to be adopted.
- (4) The local jurisdiction of a municipal authority shall be governed by the place where the child lives if a child specified in the following Sections is involved: 10 (1) (a), 15 (1) and 37 (1).
- (5) The local jurisdiction of the Committee shall be governed by the permanent residence or registered office of the Charged Person if the issuance of an Authorisation pursuant to Section 38 (2) (a) or the Authorisation's withdrawal pursuant to Section 50 are involved.
- (6) The local jurisdiction of the Regional Branch of the Labour Office in cases involving decisions on foster care benefits shall be governed by the permanent residence of the Carer or Registered Person, and in the case of a person who is entitled to a contribution to cover the child's needs up to his or her legal age or to a benefit upon the termination of foster care, the local jurisdiction of the Regional Branch of the Labour Office shall be governed by the permanent residence of the person; if an individual specified in Section 47o (1) (h) is involved, the local jurisdiction shall be governed by the individual's residence in the territory of the Czech Republic and where the local jurisdiction cannot be determined in this way, the local jurisdiction shall be governed by the registered office of the employer or the person's place of business in the territory of the Czech Republic.

Section 62

- (1) If a municipal authority of a municipality with extended powers has been appointed a child's guardian for the purposes of a proceeding conducted at a court other than the court competent with reference to the child's permanent residence, the municipal authority of a municipality with extended powers shall be authorised to ask the municipal authority of a municipality with extended powers in whose district the case has been heard for the child's representation, and to forward the child's file documentation together with its opinion to that municipal authority of a municipality with extended powers. The approached municipal authority of a municipality with extended powers shall be obliged to satisfy the request and shall be authorised to represent the child in the proceeding.
- (2) If the Office was appointed guardian, the Office can ask the municipal authority of a municipality with extended powers in whose district the case has been heard for the child's representation, and to forward the needed file documentation, together with its opinion, to that municipal authority of a municipality with extended powers. The approached municipal authority of a municipality with extended powers shall be obliged to satisfy the request and shall be authorised to represent the child in the proceeding.
- (3) The social and legal protection authority competent under Section 61 that is to visit the child in a family or conduct an investigation with other persons for the purpose of social and legal protection shall be authorised to ask another social and legal protection authority, in whose district the child or other persons reside, to conduct such visit. The social and legal protection authority shall be obliged to satisfy the request.
- (4) The municipal authority of a municipality with extended powers with the local jurisdiction pursuant to Section 61 shall be authorised to ask the municipal authority of a municipality with extended powers in whose district the child's parent resides for assistance in mediating the help of a counselling centre for the parent whose child was placed in a special treatment institution (Section 12 (2)). The approached municipal authority of a municipality with extended powers shall be obliged to satisfy the request.

(5) Paragraphs (1) to (4) shall apply as appropriate to the involvement of a municipal authority of a municipality with extended powers if a criminal proceeding against a child or an administrative proceeding involving a child is involved.

Section 63

Rescinded

Section 64

(1) The parents of a child shall not be participants in a proceeding on the child's placement into the care of adoptive parents-to-be if the parents shall not participate in an adoption proceeding pursuant to a special legal regulation⁵³). Only the Applicant shall be a participant in a proceeding on entering into the register of applicants for the mediation of adoption or foster care.

(2) The provisions of the Rules of Administrative Procedure on deadlines for the awarding of a decision⁵⁴) shall not apply to the issuance of a decision on entering into the Applicant Register (Section 22 (5) and (6) and Section 25 (3)). The parents shall not be participants in a proceeding on the issuance of the approval of a child's adoption to a foreign country (Section 35 (2) (i)) if they would not be participants in an adoption proceeding.

(3) An appeal against the decision on a child's placement into the care of adoptive parents-to-be and on a child's placement into the care of foster carers-to-be, and an appeal against a decision on the level of the contribution to cover the stay and care pursuant to Sections 42b to 42f shall not have a suspensory effect.

TITLE ELEVEN

TRANSITIONAL AND CLOSING PROVISIONS

Section 65

Transitional Provisions

(1) Registers and file documentation relating to social and legal protection and kept on a child prior to this Act's effect shall be considered registers and file documentation pursuant to this Act. District authorities and municipalities shall be obliged to adapt registers and file documentation to the requirements of this Act within nine calendar months from the date of entering into force of this Act.

(2) Legal entities and individuals providing social and legal protection on the basis of the existing regulations and in the scope corresponding to this Act as at the date of this Act's coming into effect shall be obliged to ask the Ministry or a district authority, in the event that a case specified in Section 49 (1), second sentence, emerges, to award a decision on the authorisation to perform social and legal protection within three months from the date of this Act's coming into effect. The legal entities and individuals specified in the first sentence shall be considered persons holding an authorisation to perform social and legal protection until the entering into legal force of such decision on the authorisation, but no longer than for 12 months from the date of this Act's coming into effect.

(3) If the persons specified in subsection (2) perform social and legal protection in a scope other than that permitted by this Act as at the date of this Act's coming into effect, they shall be obliged to terminate such activity within six calendar months from the date of this Act's coming into effect.

(4) The rights and duties applicable to the Headquarters for International Youth Protection as at the date of this Act's coming into effect shall pass to the Office. The rights and duties arising from the employment relationships of employees of the Headquarters for International Youth Protection shall pass to the Office.

(5) The deadline for the visit of a child placed into the care of another individual (Section 19 (5)), a child placed in a special treatment institution or protective rehabilitation (Section 29 (2)) or a child serving a prison sentence or in custody (Section 34) shall run from the date of this Act's coming into effect for a child placed into care or into an institution prior to the date of this Act's coming into effect.

(6) Temporary stays of children with the parents or other individuals (Section 30) that commenced prior to the date of this Act's coming into effect upon the approval of a social and legal protection authority shall be no longer than 14 calendar days from the date of this Act's coming into effect; this period of time can only be extended on the basis of the written approval of the social and legal protection authority.

(7) Children and Family Care Committees established under the existing legal regulations shall be considered social and legal children protection committees from the date of this Act's coming into effect (Section 38).

(8) Facilities for the performance of foster care established prior to the date of this Act's coming into effect shall be considered facilities for the performance of foster care pursuant to this Act from the date of entering into the agreement pursuant to this Act; special legal regulations effective prior to the date of this Act's coming into effect shall apply to the performance of foster care in the facility until the date of entering into the agreement pursuant to this Act, but no longer than for 12 months from the date of this Act's coming into effect.

(9) This Act shall apply in mediating adoption or foster care pursuant to Sections 20 to 27 even if the mediation application was filed prior to this Act's coming into effect. The Ministry shall decide on these applications for mediation of adoption pursuant to Section 22 (5) within three calendar months from the date of this Act's coming into effect.

Section 66

The following shall be rescinded:

1. Act No. 50/1973 Coll., on Foster Care.
2. Act No. 58/1984 Coll., amending the Act on Foster Care.
3. Act No. 118/1992 Coll., amending and completing the Act on Foster Care No. 50/1973 Coll., as amended by Act No. 58/1984 Coll.
4. Title Four of Act No. 169/1999 Coll., on Serving Prison Sentences and on the Amendment to Certain Associated Acts.

Section 67

This Act shall come into effect on 1 April 2000.

Klaus

Havel

Zeman

Selected Provisions of Amendments

[Article II of Act No. 272/2001 Coll.](#)

Transitional Provisions

1. The Ministry of Labour and Social Affairs shall decide on applications for the applicant's entry into the Applicant Register forwarded to the Ministry of Labour and Social Affairs by a district authority, on which the final decision had not been made by 31 December 2001, in compliance with the regulations effective prior to 1 January 2002. The applicant shall be entered into the Applicant Register maintained by the Ministry of Labour and Social Affairs from the date of the decision on the applicant's entry into the Applicant Register.

2. The period of time over which the applicant for the mediation of adoption or foster care was maintained in the Applicant Register of the Ministry of Labour and Social Affairs prior to 1 January 2002, shall be included in the period of time after the expiry of which the Ministry of Labour and Social Affairs will forward a copy of the data from the register to the Office for the International Protection of Children. The first sentence shall similarly apply to the Children Register kept by the Ministry of Labour and Social Affairs for the purpose of mediating adoption or foster care.

3. The Ministry of Labour and Social Affairs shall decide on applications for permission for the performance of the social and legal protection of children by individuals or legal entities, on which the final decision had not been made by 1 January 2002, in compliance with the regulations effective prior to 1 January 2002. The Ministry of Labour and Social Affairs shall deliver a copy of the decision on the authorisation to perform the social and legal protection of children, including a copy of the application and documents attached to such decision, to a regional authority competent with reference to permanent residence, if an individual applied for the authorisation, or the registered office, if a legal entity applied for the authorisation. The Ministry of Labour and Social Affairs shall deliver the copy of the decision, the application and documents to the regional authority within eight days from the entering into legal force of the decision.

[Article II of Act No. 518/2002 Coll.](#)

Transitional Provision

If an authorisation to perform social and legal protection was issued by the Ministry of Labour and Social Affairs prior to 1 January 2002, a regional authority competent with reference to the permanent residence or registered office of the Charged Person shall be competent to inspect the performance of social and legal protection provided pursuant to such authorisation, to impose fines and to withdraw the authorisation.

[Article IV of Act No. 315/2004 Coll.](#)

Transitional Provision

The promoter of a facility for children requiring immediate assistance who has a child placed in the facility as at the date of this Act's coming into effect shall be obliged to meet the duty to inform pursuant to Article III (1) without any undue delay and to establish a Children Register pursuant to Article III (4) by the end of the calendar month following the month in which this Act comes into effect.

[Article II of Act No. 134/2006 Coll.](#)

Transitional Provisions

1. A Charged Person who had an authorisation to perform social and legal protection of children issued by a regional authority prior to the date of this Act's coming into effect shall be obliged to do the following with regard to the regional authority within one year from the date of this Act's coming into effect:

(a) To prove his or her compliance with the requirement of professional competence of the persons

providing the social and legal protection of children;

- (b) To declare the place of performance of his or her activities or the name and registered office of all facilities where the social and legal protection of children is provided, if a Charged Person holding an authorisation to establish a social and legal protection facility is involved; and
- (c) To prove other facts needed to perform the social and legal protection of children pursuant to this Act, if proof thereof is required by a social and legal protection authority competent to issue the Authorisation.

2. A regional authority shall be obliged to consider whether the conditions for the performance of social and legal protection of children by a Charged Person as stipulated by this Act have been met within six months from the date of fulfilling the duties pursuant to note 1, and in the case of a person who holds an authorisation to establish and operate a facility for children requiring immediate assistance to issue a decision containing the name and registered office of all facilities where social and legal protection is performed and indicating which facilities meet and do not meet the conditions for the performance of the social and legal protection of children. If the Charged Person fails to meet the duties imposed pursuant to note 1, the regional authority shall be obliged to re-decide on the authorisation.

3. Proceedings on applications for the issuing of an authorisation to perform the social and legal protection of children, on which the final decision had not been made prior to the date of this Act's coming into effect, shall be completed in line with this Act.

4. A Charged Person who was issued an authorisation to perform the social and legal protection of children by the Ministry prior to the date of this Act's coming into effect shall perform the duties specified in note 1 toward the regional authority with the local jurisdiction under this Act; this regional authority shall be obliged to decide pursuant to note 2.

5. Notes 1 to 4 shall similarly apply to authorisations to perform the social and legal protection of children by Charged Persons on which the Social and Legal Children Protection Committee decides.

6. The duty to pay the contribution to cover a child's needs in facilities for children requiring immediate assistance shall originate on the date of this Act's coming into effect.

7. A municipality or region that established a facility for children requiring immediate assistance prior to the date of this Act's coming into effect shall be obliged to meet the duties arising to them with regard to the operation of such facility from Article I of this Act within six months from the date of this Act's coming into effect.

8. If the number of children in facilities for the performance of foster care established prior to the date of this Act's coming into effect is higher than permitted by Article I (84), foster care can continue to be provided only if a change in the number of the children can be made in compliance with Article I (84).

9. The relevant regional authority shall decide on applications for entry into the register of applicants for adoption or foster care, on which a final decision had not been made prior to the date of this Act's coming into effect, in compliance with the regulations effective prior to the date of this Act's coming into effect. If a duty to participate in training focusing on accepting a child into a family is imposed on the applicant in the decision on the entry into the Applicant Register, the regional authority shall be obliged to arrange such training for the applicant.

10. A municipal authority of a municipality with extended powers shall finalise the training of individuals capable of becoming adoptive parents or foster carers to accept a child in the family that had not been completed prior to the date of this Act's coming into effect.

11. The deadline for a visit of the parent whose child was accepted into a Residential Facility or a facility for children requiring immediate assistance upon an order of a special treatment prior to the date of this Act's coming into effect, shall begin to run from the date of this Act's coming into effect.

[Article II of Act No. 176/2007 Coll.](#)

Transitional Provisions

1. Proceedings on the contribution to cover the stay and care provided in a facility for children requiring immediate assistance that had not been completed upon a final decision prior to the date of this Act's coming into effect shall be completed in line with the legal regulations effective up to the date of this Act's coming into effect.
2. The level of the contribution to cover the stay and care provided in a facility for children requiring immediate assistance for the period up to the date of this Act's coming into effect shall be considered in line with the legal regulations effective up to the date of this Act's coming into effect.
3. The level of the contribution to cover the stay and care provided in a facility for children requiring immediate assistance that was due as at the date of this Act's coming into effect shall be determined pursuant to Article I (3) for the first time for the calendar month in which this Act came into effect.
4. The level of the government contribution to cover the stay and care provided to a minor child in a facility for children requiring immediate assistance that was due for the period up to the date of this Act's coming into effect shall be considered in line with the legal regulations effective up to the date of this Act's coming into effect.

[Article XIX of Act No. 420/2011 Coll.](#)

Transitional Provision

Proceedings on the applications of legal entities for the issuance of an authorisation to perform the social and legal protection of children that were initiated and not completed upon a final decision prior to the date of this Act's coming into effect shall be completed in line with the existing legal regulations.

[Article II of Act No. 401/2012 Coll.](#)

Transitional Provisions

1. A proceeding on the mediation of adoption or foster care pursuant to Act No. 359/1999 Coll., as effective up to the date of this Act's coming into effect conducted by the Ministry of Labour and Social Affairs shall be stopped. The Ministry of Labour and Social Affairs shall forward the file documentation to the regional authority competent with reference to the permanent residence of the applicant within one month from the date of this Act's coming into effect. The period of time over which the child was maintained in the Children Register and the period of time over which the applicant was maintained in the Applicant Register kept by the Ministry of Labour and Social Affairs shall be included in the period of the registers' maintenance by the regional authority after the date of this Act's coming into effect.
2. If the number of children in a facility for children requiring immediate assistance is higher or the period of the children's stay is longer than provided in Section 42 (3) to (5) of Act No. 359/1999 Coll., as amended from the date of this Act's coming into effect, the facility for children requiring immediate assistance shall be obliged to take measures so that the number of children in the facility does not exceed the number stipulated in Section 42 (3) and (4) of Act No. 359/1999 Coll., as amended from the date of this Act's coming into effect, by 31 December 2013, and so that the length of the children's stay in the facility does not exceed the length stipulated in Section 42 (5) of Act No. 359/1999 Coll., as amended from the date of this Act's coming into effect. If the number of children and the length of the children's stay in a facility for children requiring immediate assistance are not reduced and adjusted to comply with Section 42 (3) to (5) of Act No. 359/1999 Coll., as amended from the date of this Act's coming into effect, even within the above-mentioned deadline, the relevant social and legal protection authority shall be obliged to file a motion with a court to change corrective measures, and/or to take other advisable measures to reduce the number of children and adjust the length of their stay in the facility within five months from the expiry of the deadline ending on 31 December 2013.
3. The entitlement to the government contribution for promoters of facilities for children requiring immediate assistance in the amount determined pursuant to Act No. 359/1999 Coll., as effective until

the date of this Act's coming into effect shall cease to exist on the date of this Act's coming into effect. The government contribution for promoters of facilities for children requiring immediate assistance, to which an entitlement originated prior to the date of this Act's coming into effect and which was due pursuant to Act No. 359/1999 Coll., as effective before the date of this Act's coming into effect, and which had not been paid by the date of this Act's coming into effect, shall be paid in the amount that was due up to the date of this Act's coming into effect.

4. The relevant municipal authority of a municipality with extended powers shall be obliged to modify the scope of the rights and duties of the Carer or the Registered Person under Section 47b of Act No. 359/1999 Coll., as amended from the date of this Act's coming into effect, into whose substitute family care a child was placed prior to the date of this Act's coming into effect, by issuing an administrative decision or by entering into an agreement on the performance of foster care by no later than 30 June 2013. This duty shall not apply to the Carers who had entered into an agreement on the performance of foster care in a facility for the provision of foster care prior to the date of this Act's coming into effect and this agreement remains effective under note 5.

5. Written agreements on the performance of foster care in a facility between a foster carer and the promoter of a facility for the performance of foster care entered into pursuant to Act No. 359/1999 Coll., as effective before the date of this Act's coming into effect shall remain in force after the date of this Act's coming into effect. The rights and duties of the foster carer and the facility's promoter arising from such agreements shall only apply to children placed into foster care of a person who wishes to become a foster carer or in guardianship prior to the date of this Act's coming into effect. The agreement on the performance of foster care in the facility shall cease to be effective no later than on the day of the termination of foster care for the last child placed into such care prior to the date of this Act's coming into effect. An individual or a legal entity who were issued an authorisation to establish and promote a facility for the performance of foster care prior to the date of this Act's coming into effect can exercise the rights and duties of the promoter of the facility for the performance of foster care under the agreements on the performance of foster care in the facility entered into prior to the date of this Act's coming into effect on the basis of such authorisation. These Charged Persons can ask a regional authority to issue an authorisation to enter into agreements on the performance of foster care from the date of this Act's coming into effect. Upon an agreement between a foster carer and the promoter of the facility for the performance of foster care, an agreement on the performance of foster care in the facility for the performance of foster care can be changed to an agreement on the performance of foster care. The facility's promoter shall be obliged to pay the foster carer remuneration, which is due to the foster carer on the basis of the agreement on the performance of foster care in the facility for the performance of foster care entered into by the date of this Act's coming into effect, to the foster carer for the calendar month preceding the date of this Act's coming into effect for the last time.

6. Persons engaged in the direct provision of social and legal protection to children prior to the date of this Act's coming into effect shall be obliged to meet the conditions specified in Section 49a (2) of Act No. 359/1999 Coll., as amended from the date of this Act's coming into effect, within two years from the date of this Act's coming into effect.

7. Proceedings on applications for the issuance of an authorisation to establish and operate social and legal protection facilities on which a final decision had not been made prior to the date of this Act's coming into effect shall be completed by a regional authority in compliance with Act No. 359/1999 Coll., as amended from the date of this Act's coming into effect.

8. Individuals or legal entities who had an authorisation to perform the social and legal protection of children issued by a regional authority prior to the date of this Act's coming into effect shall be obliged to inform the regional authority that issued the authorisation of all places of the performance of the activities for which the authorisation was issued within two months from the date of this Act's coming into effect. These individuals or legal entities shall be obliged to inform the regional authority in whose district the social and legal protection facilities are registered of the name and address of the registered offices of all facilities in which the social and legal protection of children has been provided in this regional authority's district within two months from the date of this Act's coming into effect.

9. The regional authority in whose district a social and legal protection facility is operated by a legal entity or an individual to whom an authorisation to perform the social and legal protection of children

was issued by the regional authority prior to the date of this Act's coming into effect shall be obliged to consider whether the conditions for the performance of social and legal protection of children were met in the social and legal protection facility within six months from the date on which the Charged Person met the duty pursuant to note 8. This regional authority shall be obliged to issue a binding opinion containing the names and addresses of all facilities that met the conditions for the operation thereof, and/or the names and addresses of facilities that failed to meet the conditions for the performance of the social and legal protection of children; the regional authority shall immediately send the binding opinion to the regional authority that issued the authorisation.

10. The regional authority that issued the authorisation shall be obliged to issue a decision specifying the facilities where the social and legal protection of children can be performed and/or the facilities that failed to meet the conditions for the performance of social and legal protection within six months from the delivery date of the binding opinion but no later than within eight months from the date on which the duties pursuant to note 8 were met by a legal entity or an individual.

11. A region or municipality that was the promoter of a social and legal protection facility as at the date of this Act's coming into effect shall be obliged to ask the regional authority in whose district the facility is registered to issue an authorisation to operate a social and legal protection facility, and to document the fulfilment of conditions for the issuance of an authorisation pursuant to Section 49 (2) of Act No. 359/1999 Coll., as amended from the date of this Act's coming into effect, no later than within two months from the date of this Act's coming into effect. By the entering into legal force of the regional authority's decision on the issuance of the authorisation to perform the social and legal protection of children, the region or municipality can operate the social and legal protection facility without the authorisation if the facility meets the conditions for the provision of social and legal protection stipulated in Section 49 (2) (b) to (f), Section 49 (8) and (9) and Section 49a of Act No. 359/1999 Coll., as amended from the date of this Act's coming into effect.

12. Social and legal protection authorities, a legal entity or an individual who had an authorisation to perform the social and legal protection of children pursuant to Section 48 (2) (d) to (f) issued by a regional authority prior to the date of this Act's coming into effect, and facilities for children requiring immediate assistance shall be obliged to prepare quality standards by 31 December 2014. They shall be obliged to follow these quality standards in performing their activities no later than from that date.

13. Proceedings on the imposition of corrective measures that were not completed upon a final decision prior to the date of this Act's coming into effect shall be completed by the relevant municipal authority in line with the legal regulations effective from the date of this Act's coming into effect. If the municipal authority adopted a final decision on the imposition of a corrective measure prior to the date of this Act's coming into effect, the municipal authority of a municipality with extended powers with the local jurisdiction with reference to the child's permanent residence shall be competent to supervise the implementation of the corrective measure and to impose sanctions for complicating or obstructing the carrying out of the decision on the corrective measure's imposition or to cancel the imposed corrective measure.

1) Article 1 of Notice No. 104/1991 Coll., on the Convention on the Rights of the Child.
Section 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 the Residence of Foreign Nationals in the Territory of the Czech Republic and on the Amendment to Certain Statutes, as amended by Act No. 140/2001 Coll.

2) Section 87 of Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on the Amendment to Certain Statutes.

2a) Act No. 221/2003 Coll., on Temporary Protection for Aliens.

3) Section 31 and the following Sections of the Family Act No. 94/1963 Coll., as amended by Act No. 91/1998 Coll.

4) Section 86 of the Criminal Act No. 140/1961 Coll., as amended by Act No. 175/1990 Coll.

5) Section 2 of Act No. 200/1990 Coll., on Administrative Infractions.

- 6) Section 168 of the Criminal Act.
- 7) For example Section 178 of Act No. 99/1963 Coll., the Rules of Civil Procedure, as amended, Sections 2 and 43 of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended.
- 8) For example Section 46 of Act No. 202/1990 Coll., on Lotteries and Other Similar Games, as amended by Act No. 149/1998 Coll.
- 9) For example Act No. 117/1995 Coll., on State Social Support, as amended; Act No. 482/1991 Coll., on Social Need, as amended; Act No. 155/1995 Coll., on Pension Insurance, as amended; Act No. 100/1988 Coll., on Social Security, as amended.
- 10) Section 43 of the Family Act.
- 11) Sections 44, 46 and 68 (1) and (3) of the Family Act.
- 12) Section 178 of the Rules of Civil Procedure.
- 12a) Sections 272 to 273a of the Rules of Civil Procedure, as amended.
- 13) Section 76a of the Rules of Civil Procedure.
- 13a) Sections 45 to 45d, and Sections 63 to 82 of the Family Act, as amended.
- 14) For example Sections 37, 37b and 79 of the Family Act; Section 45 of Act No. 141/1961 Coll., on Criminal Judicial Proceedings (the Rules of Criminal Procedure), as amended; Section 16 of Act No. 71/1967 Coll., on Administrative Proceedings (the Rules of Administrative Procedure).
- 15) Section 79 (4) of the Family Act.
- 16) Sections 45b and 70 of the Family Act.
- 17) Section 69 (2) of the Family Act.
- 18) Section 45b (2) of the Family Act.
- 19) Section 69 of the Family Act.
- 20) Section 68a of the Family Act.
- 21) Section 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) Sections 68 and 68a of the Family Act.
- 23) Section 10 of Act No. 269/1994 Coll., on Criminal Records.
- 23a) Section 2 (1) (a) of Act No. 301/2000 Coll., on Registers, First Name and Family Name, and on Amendments to Certain Related Acts, as amended.
- 23b) Section 45a (2) of the Family Act.
- 24) Sections 272 to 273a of the Rules of Civil Procedure.
- 26) Section 23 and the following sections of Act No. 76/1978 Coll., on Schooling Facilities, as amended.
- 28) Act No. 372/2011 Coll., on Healthcare Services and Conditions for the Provision Thereof (the Healthcare Service Act).
- 28a) Act No. 269/1994 Coll., on Criminal Records, as amended.
- 29) Act No. 218/2003 Coll., on the Liability of Juveniles for Illegal Acts and Juvenile Justice on the Amendment to Certain Acts (the Act on Juvenile Justice).
- 31) Sections 74 (2), 81 (1) and 92 (1) of Act No. 200/1990 Coll.

- 32) Section 5 of Act No. 169/1999 Coll., on Imprisonment and on the Amendment to Related Acts.
Section 15 of Act No. 293/1993 Coll., on the Service of Custody.
- 33) Sections 61 (6), 67 (2) and (4) and 68 of Act No. 169/1999 Coll.
- 33a) Section 54 of Act No. 97/1963 Coll., on International Private and Procedural Law, as amended.
- 34) For example Regulation No. 33/1959 Coll., on the Convention on Recovery Abroad of Maintenance; Regulation No. 14/1974 Coll., the Convention on the Recognition and Enforcement of Rulings Concerning the Maintenance Duty to Children; Regulation No. 132/1976 Coll., the Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations; Notification No. 34/1998 Coll., the Convention of the Civil Aspects of International Child Abduction.
- 34a) Article 19 (3) of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.
- 34b) Section 27 of Act No. 101/2000 Coll., on the Protection of Personal Data and on the Amendment to Certain Acts, as amended by Act No. 177/2001 Coll.
- 34c) Articles 53 to 58 of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility.
- 35) Section 12 (5) of Decree No. 64/1981 Coll., on Schooling Facilities for the Execution of Special Treatment and Protective Rehabilitation.
- 36)
- 37) Section 46 of the Family Act.
- 38) Section 106 of Act No. 128/2000 Coll., on Municipalities (Local Government), as amended.
- 39) Section 124 of Act No. 65/1965 Coll., the Labour Code, as amended.
- 39b) Section 75 (4) of the Rules of Civil Procedure, as amended.
- 39d) Section 18 of Act No. 117/1995 Coll., on State Social Support, as amended.
- 39e) Section 32 of Act No. 117/1995 Coll., as amended.
- 39f) Act No. 110/2006 Coll., on Subsistence and Survival Minimums.
- 39g) Act No. 111/2006 Coll., on Assistance to Persons in Material Distress, as amended.
- 39h) Section 52 of Act No. 155/1995 Coll., on Pension Insurance.
- 40) Section 2 of Act No. 110/2006 Coll., on Subsistence and Survival Minimums.
- 45) For example Act No. 248/1995 Coll., on Benevolent Societies and on Amendments to Certain Statutes; Act No. 308/1991 Coll., on Freedom of Religious Belief and the Position of Churches and Religious Societies; Act No. 83/1990 Coll., on Association of Citizens, as amended.
- 45a) Act No. 18/2004 Coll., on the Recognition of Professional Qualifications and Other Competencies of Nationals of European Union Member Countries and on the Amendment to Certain Acts (the Act on the Recognition of Professional Qualifications), as amended.
- 45b) Act No. 312/2002 Coll., on Officers of Territorial Self-administering Units and on the Amendment to Certain Acts, as amended by Act No. 46/2004 Coll.
- 45c) Act No. 198/2002 Coll., on Voluntary Service and on Amendments to Certain Statutes (the Voluntary Service Act), as amended by Act No. 436/2004 Coll.
- 45d) Article 11 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community.
- 46) For example Section 38 of Act No. 20/1966 Coll.; Section 23 and the following sections of Act No. 76/1978 Coll., on Schooling Facilities, as amended; Section 73 of Act No. 100/1988 Coll., as amended; and Decree No. 182/1991 Coll., as amended.

- 47a) Sections 121 to 124 of Act No. 435/2004 Coll., on Employment.
- 47b) Act No. 365/2000 Coll., on Public Administration Information Systems and on the Amendment to Certain Acts, as amended.
- 48) Section 8 of the Rules of Criminal Procedure.
- 49) Section 12 (2) of the Civil Code.
- 49a) Section 55 (2) of Act No. 20/1966 Coll., as amended.
- 50) Section 15 (9) of Act No. 48/1997 Coll., on Public Health Insurance and on the Amendment to Certain Related Acts.
- 50a) Act No. 634/2004 Coll., on Administrative Charges, as amended.
- 50b) Act No. 106/1999 Coll., on Free Access to Information, as amended.
- 51) Section 37b of the Family Act.
- 52) Section 2 of the Commercial Code.
- 52a) Act No. 185/2004 Coll., on the Customs Administration of the Czech Republic, as amended.
- 53) Section 181 of the Rules of Criminal Procedure.
- 54) Section 71 (1) and (3) of the Rules of Administrative Procedure.
- 55) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems.
- Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems.
- Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union.
- Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations.
- 56) Sections 11 to 16 of Act No. 117/1995 Coll., on State Social Support, as amended.
- 57) Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union.
- 58) Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations.
- 59) Sections 33 to 34 of Act No. 120/2001 Coll., on Certified Bailiffs and Seizure Activities (the Rules of Seizure Procedure) and on the Amendment of Other Acts, as amended.
- 60) Act No. 586/1992 Coll., on Income Taxes, as amended.
- Act No. 187/2006 Coll., on Health Insurance, as amended.
- Act No. 155/1995 Coll., on Pension Insurance, as amended.
- Act No. 266/2006 Coll., on Accident Insurance of Employees, as amended.
- Act No. 589/1992 Coll., on Social Security Contributions and Contributions to the State Employment Policy, as amended.
- Act No. 592/1992 Coll., on the Insurance Premium for Public Health Insurance, as amended.
- 61) Act No. 133/2000 Coll., on the Register of Population and Birth Certificate Numbers and on the Amendment to Certain Acts (the Register of Population Act), as amended.

62) Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on the Amendment to Certain Acts, as amended.

63) 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 (the Asylum Act), as amended.

64) Act No. 221/2003 Coll., on Temporary Protection for Aliens, as amended.

65) Act No. 108/2006 Coll., on Social Services, as amended.

66) Section 4a of Act No. 73/2011 Coll., on the Labour Office of the Czech Republic and on the Amendment to Related Statutes, as amended by Act No. 366/2011 Coll.

67) Act No. 128/2000 Coll., as amended.

68) Act No. 227/2000 Coll., on Electronic Signatures and on the Amendment to Certain Other Statutes (the Electronic Signature Act), as amended.

69) Section 6f of Act No. 365/2000 Coll., on Public Administration Information Systems and on the Amendment to Certain Statutes, as amended.