

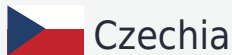
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Parental responsibility - child custody and contact rights

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1 What does the legal term “parental responsibility” mean in practical terms? What are the rights and obligations of a holder of parental responsibility?

The area of family law has undergone an extensive amendment and new rules apply as of 1 January 2026. For example, the amendment abolishes the concept of sole custody by one parent.

The term ‘parental responsibility’ is enshrined in [Act No 89/2012, the Civil Code](#). This term includes a set of parents’ rights and obligations, comprising:

- - caring for a child, including in particular caring for the child’s health, his/her physical, emotional, intellectual and moral development without physical punishment, mental suffering and other demeaning measures,
- - protection of the child,
- - maintaining contact with the child, including personal contact, indirect contact by means of distance communication, mutual provision of all material information concerning the child between the parents and provision of all material information concerning the parents to the child,
- - ensuring the child’s upbringing and education,
- - determining the child’s place of residence,
- - representing the child and managing his/her assets.

Parental responsibility originates with the birth of the child and ends when the child gains full legal capacity. The duration and scope of parental responsibility may only be changed by a court of law. Parental responsibility is exercised by parents in accordance with the interests of the child. Before making a decision that impacts the interests of the child, the parents will inform the child of everything necessary to enable him/her to come to his/her own opinion about the given matter and to inform his/her parents of it; this does not apply if the child is not able to properly accept the information or is not able to form his/her own opinion or is not able to inform his/her parents of his/her opinion. The parents will pay special attention to the child’s opinion and take the child’s opinion into account when making the decision. Parental responsibility relating to the person of the child is performed by the parents in a manner and to an extent corresponding to the child’s developmental level. If the parents are making a decision regarding the education or employment of the child, they will take into account his/her opinion, abilities and talents.

Until the child gains legal capacity, his/her parents have the right to guide the child using educational measures appropriate to his/her evolving abilities, including restrictions directed towards protecting the child’s morals, health and rights, as well as the rights of other persons and public order. The child must submit to these measures. Educational resources may only be used in a form and to an extent that is appropriate to the circumstances, does not endanger the health of the child or his/her development and does not prejudice the

human dignity of the child. It is understood that the human dignity of the child is affected by physical punishment, mental suffering or other demeaning measures.

It is understood that all minors who do not have full legal capacity are competent to perform legal acts appropriate to the intellectual and volitional maturity of minors of his/her age. Parents have the obligation and right to represent the child in legal proceedings for which the child is not legally competent. The parents represent the child jointly, however each of them may act separately; if one of the parents acts alone in a matter concerning the child vis-à-vis a third party, which is in good faith, it is understood that he/she is acting with the agreement of the other parent. A parent cannot represent a child if this could lead to a conflict of interests between him/her and the child, or between children of the same parents. In such a case a court will appoint a guardian for the child. If the parents cannot agree which of them should represent the child in legal proceedings, a court will decide – upon a petition by one of the parents – which of the parents will legally act on behalf of the child and in what manner.

The parents have the obligation and the right to manage the property of the child, in particular to administer it with due care. They must safely handle funds that may be considered not needed to cover expenditure connected with the child's property. During legal proceedings that relate to individual parts of the child's property, the parents will act as his/her representatives; a parent cannot represent a child if this could result in a conflict of interest between him/her and the child or between children of the same parents. In such a case a court will appoint a guardian for the child. If a parent violates the obligation to care for the child's property with due care, he/she will compensate the child for the damage incurred jointly and severally. If the parents do not agree on essential matters relating to the management of the child's property, a court will decide upon a petition by one of the parents. The parents need the agreement of a court for legal acts that relate to existing or future property of the child or separate parts of such property, unless they are common matters, or even though exceptional they relate to negligible property values.

The parents, as the legal representatives, may – for handling the affairs of the child, unless these are matters of personal status – sign an agreement for representation by a person with expert knowledge, or for example by another suitable person. If the child signs an agreement for representation, this will have no influence on the legal representation of the child by the parents. If the legal and contractual representatives cannot agree, a court will decide in accordance with the interests of the child.

2 As a general rule, who has the parental responsibility over a child?

Parental responsibility is an obligation for both parents. Each parent has it unless he/she has been deprived of it. It is irrelevant whether the child's parents are married or not, and whether the child was born in wedlock or out of it.

Parents exercise parental responsibility in mutual agreement. If there is the danger of default during decision-making regarding a matter concerning the child, one of the parents may make the decision or give his/her consent alone; he/she must however inform the other parent about the state of affairs without delay. If one of the parents acts alone in a matter of the child in relation to a third party, which is in good faith, it is understood that he/she is acting with the agreement of the other parent. If the parents do not agree in a matter that is important for the child, in particular with respect to his/her interests, a court will decide, upon a petition by a parent; this will also apply if one parent is excluded from the decision-making about an important matter for the child by the other parent. Important matters are considered to be in particular the determination of the place of residence and the selection of education or the employment of the child, but not normal medical and similar procedures.

If one of the parents is dead or is not known, or if one of the parents does not have parental responsibility or his/her exercise of parental responsibility is suspended, the other parent will exercise parental responsibility; this will also apply if the parental responsibility or its exercise by one of the parents is restricted. If neither of the parents has full parental responsibility, if the exercise of both parents' parental responsibility has been suspended, and/or if the parents' parental responsibility is affected in one of the indicated manners, but each differently, a court will appoint a custodian for the child, who will have the obligations and rights of the parents or will exercise these obligations or rights instead of the parents. If parental responsibility is restricted or its exercise is restricted, a court will appoint a guardian for the child.

A court may decide to suspend parental responsibility if the parents are prevented from exercising their parental responsibility by a serious circumstance and if it can be considered that this is necessary in the interest of the child. Where this is in the interest of the child, the court will decide to suspend the exercise of parental responsibility if the exercise of it threatens to disturb the child's emotional or mental development and if the threat cannot be avoided by other means. If a parent does not exercise his/her parental responsibility properly and the interest of the child requires it, a court may restrict his/her parental responsibility, or restrict its performance, and at the same time determine the scope of such restriction. If a parent abuses his/her parental responsibility or its exercise, and/or neglects his/her parental responsibility or its exercise in a serious manner, a court may deprive him/her of his/her parental responsibility. If a parent commits an intentional crime against his/her child, or if a parent uses his/her child – who is not criminally responsible – to commit a crime, a court will evaluate in particular whether there are reasons to deprive the parent of his/her parental responsibility.

If a child is adopted, the rights and obligations arising from parental responsibility are transferred to the adopter at the moment the legal decision on adoption comes into force.

3 If the parents are unable or unwilling to exercise parental responsibility over their children, can another person be appointed in their place?

If a court decides to restrict the legal capacity of a parent, it will also decide on his/her parental responsibility. The exercise of parental responsibility by a minor who is a parent but who has not yet acquired full legal capacity through a declaration or marriage, is suspended until such time as he/she acquires full legal capacity; this will not apply in relation to the exercise of the obligations and rights of care for the child, unless a court decides in respect of the person of the parent that the exercise of this obligation and this right is suspended until such time as the parent acquires full legal capacity. The exercise of the parental responsibility of a parent whose legal capacity has been restricted in this area is suspended for the duration of the restriction of his/her legal capacity, unless a court decides that the parent, in view of his/her person, will retain the exercise of the obligation and right of care for the child and personal contact with the child.

In the absence of both the parents who should perform full parental responsibility vis-à-vis their child, a court will appoint a custodian for the child. A custodian has vis-à-vis the child fundamentally all the obligations and rights of his/her parent, yet does not have a support and maintenance obligation vis-à-vis the child. In exceptional cases the range of obligations and rights may be defined otherwise taking into account the person of the custodian or the situation of the child, as well as the reason why the parents do not have all the obligations and rights. A custodian must have full legal capacity and his/her way of life must guarantee that he/she is capable of properly performing this role. A court may also appoint two persons – who are as a rule married – to the role of custodian. Unless it is contrary to the interests of the child, a person indicated by the parents will be appointed as a custodian by the court, unless that person refuses. Otherwise a court will appoint a relative or a person close to the child or his/her family as custodian, unless a parent expressly excludes such person. If there is no such person, a court will appoint another suitable person as custodian. If no natural person can be appointed as custodian for the child, the court will appoint an authority for the social and legal protection of children until such time that the court appoints a different custodian for the child or until a custodian accepts the role. A custodian is responsible for the proper discharge of his/her office and is subject to constant supervision by a court. He/she will prepare a list of property both at the start and at the end of the role. He/she will regularly submit to the court reports about the child, his/her development, and accounts from the management of the property. Each decision by a custodian in other than regular matters must be approved by a court.

Furthermore, the interests of the child may be protected by a guardian. A court will appoint a guardian to a child, if there is a conflict of interests between the child and another person, if the legal representative fails to sufficiently defend the child's interests, if this is in the interests of the child for another reason, or where provided for by the law. An appointed guardian has the right to initiate proceedings whenever the interest of the child requires that a court or another public body decide on a matter of the child. The provisions on custodianship, custodians and persons under custodianship apply mutatis mutandis to guardianship, guardians and persons under guardianship. In its decision to appoint a guardian, a court will specify the reasons why the guardian is appointed, whether and how the term of his/her office is limited, what his/her rights and obligations are, also in relation to other persons, whether he/she needs court approval for any juridical acts, whether and how he/she reports to the court, and whether he/she is entitled to reimbursement of all or some of the costs and to receive remuneration. Before a guardian makes a juridical act on behalf of the child for which he/she was

appointed, he/she must obtain the opinion of a parent or custodian, if possible, as well as the opinion of the child, and also the opinions of other persons, where appropriate. A guardian who is not been appointed only to make specific juridical acts is relieved of office by a court also where the need which led to his/her appointment no longer exists.

Another possibility is to place the child in foster care. Fostering is personal care for another person's child; however, it does not involve accepting another's child as one's own as in the case of adoption. When raising the child, the foster carer exercises the rights and responsibilities of the parents in an appropriate manner. The foster carer is obliged and authorised to make decisions only concerning the child's day-to-day affairs, represent the child in those affairs and manage the child's assets. The foster carer must inform the child's parents of essential matters pertaining to the child. If circumstances so demand, a court will determine additional obligations and rights of the foster parent. The parents of the child will retain their obligations and rights arising from parental responsibility, including the right to be in personal and regular contact, and the right to information about the child, with the exception of obligations and rights that the law determines for the foster parent, unless the court – for reasons worthy of special consideration – decides otherwise. A foster parent does not have a support and maintenance obligation toward the child.

A foster parent must guarantee proper care, be resident in the Czech Republic, and must agree with the entrusting of the child into his/her foster care. As a rule, he/she is a relative, but may also be another person from whom an authority for the social and legal protection of children has arranged foster care (for this purpose a regional court maintains evidence of applicants suitable to become foster parents). A court may entrust a child into foster care for a temporary period (for example for the duration of a parent's stay in a treatment facility) as well as for an unspecified period of time. Foster care may thus address a crisis in the family or ensure care in an alternative family environment. To reduce the number of children placed into institutions or institution-type facilities, foster care takes precedence over institutional care. A foster parent receives foster care benefits from the State (a contribution towards the payment of the child's needs, a contribution upon taking the child into care, foster parent remuneration, foster care allowance, etc.).

[Act No 89/2012, the Civil Code](#), furthermore governs the entrustment of a child to another person in the event that neither of the parents or a custodian can personally care for the child. Such custody is not an alternative to foster care, or care that must precede adoption. It takes precedence over institutional care for the child. The carer must guarantee proper care, be resident in the Czech Republic and agree with the placement of the child into his/her personal care. The obligations and rights of the carer are defined by a court; otherwise foster care legislation is used as appropriate.

If the upbringing of the child or his/her physical, intellectual or mental state, and/or his/her proper development are threatened or disturbed to such an extent that is contrary to the interests of the child, and/or in the case of serious reasons for which the parents cannot ensure his/her upbringing, a court may order institutional care as a necessary measure. It will do so in particular in cases when earlier measures did not lead to remedy. During this, the court will always consider whether it is appropriate to give preference to entrusting the child to the care of a natural person. Institutional care can be ordered for a period of at most three years, while this may be extended (repeatedly) if the reasons for the ordering of the institutional care persist (always for a maximum of three years). If there are no longer reasons for which the institutional care was ordered, or if it is possible to provide something other than institutional care for the child, the court will cancel the institutional care without delay and at the same time decide on who the child will be entrusted to next according to the circumstances.

4 If the parents divorce or split up, how is the question of parental responsibility determined for the future?

A court decision or an agreement approved by the court on the situation of the child (i.e. on care and maintenance) is a necessary precondition for his/her parents' divorce. The exercise of parental responsibility after the parents' divorce is regulated by Sections 906 to 909 of [Act No 89/2012, the Civil Code](#).

If so agreed by the parents, the court will decide that the child remains in the custody of both parents without specifying the scope of custody of each of them. In such cases, the court will usually not decide on maintenance. If required by the parents, the court will specify the scope of their custody with regard to the child's interests and in such cases will also decide on maintenance.. Where the child's interests so require, the court may specify the conditions for the parent's custody of the child, in particular the place where the parent may or may not care for

the child, or persons who may or may not be present during the care. Where the child's interests so require, the court may provide for indirect contact between a parent and the child or the parent's right to information on the child during the period for which the other parent cares for the child, or determine the conditions of such contact, if appropriate.

The fact underlying the court's decision is that the child has the right to equal care by both parents, and the parents have the right to equal care for their child. Equal care means an equal involvement of both parents in the child's usual activities, i.e. this does not mean that the parents must care for the child on a 50/50 basis at all times. As already mentioned, the scope of care is specified with regard to the child's interest.

The court may also decide to approve an agreement between the parents on custody or maintenance, unless it is evident that the agreed manner of exercising parental responsibility is not in the child's interest.

If the unmarried parents of a minor who does not have full legal capacity do not live together, and if they cannot agree on the regulation of the care for such a child, a court will decide on this without a petition. It will follow similar rules for decision-making on care for the child as in the case of his/her parents' divorce.

If circumstances change and the parents fail to agree on the performance of the rights and obligations arising from parental responsibility, a court will decide on this even without a petition.

5 If the parents conclude an agreement on the question of parental responsibility, which formalities must be respected to make the agreement legally binding?

In case of the parents' divorce, the agreement between the parents on the manner of exercising parental responsibility must provide for custody and maintenance. Agreements of this nature are subject to the court's consent. The court shall approve the agreement between the parents unless it is clear that the arranged method of performance of parental responsibility is not in accordance with the interest of the child. The same will apply for an agreement between the parents if the parents of the child do not live together.

6 If the parents cannot come to an agreement on the issue of parental responsibility, what are the alternative means for solving the conflict without going to court?

The court guides the parents to reach an amicable settlement of the case. If the court finds it purposeful, it may recommend the parents to use expert counselling, participation in mediation under the Mediation Act, family therapy or meeting with a provider of expert counselling, in particular an expert in paediatric psychology. If the parents fail to reach an agreement, the court may also order the parents to use expert counselling tools.

Moreover, it is possible to use the services of marriage and family counselling centres that provide help through qualified psychologists and social workers.

In addition, an authority for the social and legal protection of children may persuade or educate a parent who does not respect the rights of the child or the other parent (e.g. to care, to regular contact) about legislation and the consequences of his/her behaviour. An authority for the social and legal protection of children may also impose on the parents the obligation to use expert counselling if the parents are unable to resolve the problems connected with the upbringing of the child without expert counselling, in particular during disputes about modifying the child's upbringing or visitation rights.

7 If the parents go to court, what issues can the judge decide upon relating to the child?

On condition of compliance with the designated conditions a court may, at the request of the parents, decide in particular about the following matters concerning the relations between parents and children:

- rights of personal nature (e.g. the right to determine the name and surname of a child, the date of birth of

- a child),
- adoption and related matters,
- care for the child,
- modification of contact with the child in the event of interference with parental responsibility,
- alternative forms of care for the child (e.g. custodianship, guardianship, entrusting the child to the care of another person, foster care, institutional care),
- maintenance and support obligations,
- representation and management of the child's property, consent to legal acts related to the child's property,
- on matters important for the child, where the parents cannot agree (important matters are considered to be in particular the determination of the place of residence and the selection of education or the employment of the child, but not normal medical and similar procedures).

8 If the court decides that one parent shall have sole custody of a child, does this mean that he or she can decide on all matters relating to the child without first consulting the other parent?

The amendment to family law effective from 1 January 2026 abolished the concept of sole custody by one parent in the Czech Republic. The amendment is based on the assumption that divorce has no influence on parental responsibility, which means that, even after divorce, both parents will always have custody of the child, although the scope of their custody may vary depending on what is in the child's interest.

The court still may rule that only one of the parents will have custody of the child. However, in such situations, the court must also decide to suspend or limit his/her parental responsibility or deprive the parent of his/her parental responsibility. According to the new legislation, it is thus impossible to award custody of the child to one of the parents only without simultaneously interfering with the parental rights of the other parent. In such exceptional cases, the court will also decide whether and to what extent the parent retains the right of contact, including not only personal contact, but also indirect contact by means of distance communication, and the right to information. For more details, cf. the answer to question 2.

9 If the court decides that the parents shall have joint custody of a child, what does this mean in practice?

The amendment to family law effective as of 1 January 2026 abolished the distinction between joint, shared and sole custody by parents in the Czech Republic. The child has the right to equal care by both parents, and the parents have the right to equal care for their child. If so agreed by the parents, the court will decide that the child remains in the custody of both parents without specifying the scope of custody of each of them. This type of care is intended for fully consensual parents and corresponds to the former joint care.

If parents do not agree that they wish to care for the child without specifying the scope of it, the court will determine the scope of care for each parent, taking into regard the child's interest. However, even in this case, both parents will take care of the child and their rights and obligations arising from parental responsibility will remain unprejudiced. Where necessary in the interests of the child, the court may specify the conditions for the parent's care of the child, in particular the place where the parent may or may not care for the child, or persons who may or may not be present during the care. Where necessary in the interest of the child, the court may provide for indirect contact between a parent and the child or the parent's right to information on the child during the period for which the other parent cares for the child, or determine the conditions of such contact, if appropriate.

10 To which court or authority should I turn if I want to lodge an application on parental responsibility? Which formalities must be respected and which documents shall I attach to my application?

A petition that relates to parental obligations and rights must be made at the district court (in Prague at a district court, in Brno at the Municipal Court) in whose jurisdiction the minor resides and, if he/she does not have a

permanent address, then at the district court in whose jurisdiction he/she is living. The court may, in matters relating to minors, also make decisions without a petition.

The requisites of a petition depend on the type of petition. It is however always necessary to indicate the names, surnames and addresses of the parties or dates of birth of the parties and their representatives, the depiction of the material facts, indication of the evidence on which the petitioner relies, and it must be clear from it what the petitioner is seeking and to which court the petition is addressed. In order to facilitate communication with the parties, the petition should also include the parties' contact telephone number or email address, if known to the petitioner.

A petition must contain all the important documents relating to the matter in question – e.g. birth certificate, marriage certificate, any previous court decisions related to the child and so on. The proposal should be submitted on paper in the required amount of copies so that one copy remains at the court and each participant receives a copy, if necessary.

11 Which procedure applies in these cases? Is an emergency procedure available?

[Act No 292/2013 on special court proceedings](#) provides for a special interim measure for a case in which a minor is in a situation of a lack of proper care irrespective of whether or not there is a person who has the right to care for the child, or if the life of the child, his/her normal development or any other important interest is seriously threatened or has been disrupted. In such cases a court issues an interim measure governing the relations of the child for an essential time by ordering that the child be placed in a suitable environment indicated in the decision. An interim measure may be ordered by the court only at the request of the authority for the social and legal protection of children; however, if the child is to be placed in the custody of his/her parents or in the custody of the child's relative or a person close to the child, the court may issue an interim measure even without a petition. Through such a preliminary ruling it is possible to place a child in foster care for a provisional period of time during which the parent cannot look after the child for serious reasons, or after its expiration the child can be placed into care before adoption, have the parents consent to adoption, or decide that the parents' consent to adoption is not needed. The court will decide on a petition for a preliminary ruling without delay, but at the latest within 24 hours of its submission. The decision will be enforced immediately after it is ordered, while the court will cooperate in relation to its performance with the applicable public authorities.

The amendment effective from 1 January 2026 has explicitly excluded the possibility of applying the general civil interim measure pursuant to [Act No 99/1963, the Code of Civil Procedure](#).

This amendment also introduces a new concept of provisional arrangement of relations with a child. Both parents should be given the opportunity to be heard before a provisional decision is made. The court should issue the provisional decision without undue delay, but not later than within 3 months (depending on the urgency of the case). A decision on a motion for a provisional decision is not subject to appeal. The provisional decision is valid for a limited period of time as specified by the court, not exceeding 3 months. Its term may be extended by 3 months or the ruling may be changed. The provisional decision may also place the child in the custody of a future adopter or in pre-foster care.

12 Can I obtain legal aid to cover the costs of the procedure?

Under [Act No 549/1991, on court fees](#), proceedings relating to guardianship and care of courts for minors are exempt from fees. This means that a petitioner who submits a petition relating to parental obligations and rights is not obligated to pay court fees. The amendment effective from 1 January 2026 introduces a court fee of CZK 3 000 for lodging an appeal in certain matters relating to judicial care of minors (e.g. in matters of care, maintenance, as well as in matters important for minor children, where the parents are unable to reach an agreement). It aims to prevent the unnecessary lodging of appeals, the prolongation of proceedings and the exacerbation of parental conflicts. However, the court may decide on an exemption from the court fee at a party's request.

Under certain conditions it is possible to appoint a legal representative free of charge or for a reduced fee. A court will appoint a representative upon request from a participant regarding whom it can be anticipated that

the court will completely or partially waive his/her court fees, if this is necessary for example to protect his/her interests. If required to protect the interests of the participant, he/she will be appointed a lawyer. The appointment of a representative must be justified by the situation of the participant (in practice this may be adverse financial circumstances or an adverse social situation, while it is always necessary to take into account the specific circumstances of the case) and there must be no arbitrary or manifestly unsuccessful enforcement or protection of rights.

In cross-border disputes, it is possible to use free legal aid provided in accordance with Council Directive 2003/8/EC of 27 January 2003, which lays down the necessary forms and requirements for granting legal aid. The Directive is implemented in the Czech legislation by [Act No 629/2004 on the provision of legal aid in cross-border disputes within the European Union](#). For more information, visit the website of the Ministry of Justice of the Czech Republic at: <https://msp.gov.cz/web/msp/preshranicni-pravni-pomoc-v-eu>.

[Act No 85/1996 on the legal profession](#) lays down the conditions under which it is possible to request the free appointment of a legal counsel directly by the Czech Bar Association.

13 Is it possible to appeal against a decision on parental responsibility?

Yes, it is possible to appeal against a decision relating to parental responsibility. District courts are courts of first instance for the management of the rights and obligations arising from parental responsibility. Regional courts (or the Municipal Court in Prague) decide on appeals against decisions of courts of first instance. An appeal against a court's decision may be lodged within 15 days from receipt of the written decision by the court whose decision is being appealed and, unless prohibited by law (e.g. it is not possible to lodge an appeal against a court decision approving agreement between the parents on child care). An appeal is also considered to be lodged on time even after the expiry of the fifteen-day period if the appellant was following incorrect information from the court of appeal.

It should be emphasised that some decisions may be provisionally enforceable – they can thus be enforced even though an appeal has been lodged against them. Judgments ordering regular maintenance are provisionally enforceable (a time limit of 15 days from service of the judgment is set in the context of provisional enforcement where an obligation to pay maintenance arrears is imposed); the same goes for judgments extending the duration of an educational measure through which a child was temporarily taken from the custody of his/her parents or another person.

A decision on a motion for an interim ruling is not subject to appeal.

14 In certain cases, it may be necessary to apply to a court to have a decision on parental responsibility enforced. Which court should I use in such cases and which procedure applies?

In the Czech Republic it is necessary to submit a petition for the enforcement of a decision relating to care for a minor at a court. The procedure applied for the enforcement of a decision is subject to [Act No 292/2013 on special court proceedings](#).

The general court of the minor is competent for such proceedings, which is the district court (district court in Prague, the Municipal Court in Brno) in whose jurisdiction the minor is resident based on agreement between the parents or decision by a court, or other decisive facts. The petition must contain all the necessary information (the entitled and the obligated parties, the scope and content of the obligation of the obligated party and the deadline for compliance with the applicable obligation and specification of the so-called executionary title – the decision that will be enforced).

Before ordering the performance of a decision the court may, if it sees special reasons for doing so, and/or if the obligated party was not informed about the consequences of failure to comply with an obligation, call the obligated party to comply with the decision or agreement and inform him/her of the ways in which decisions can be enforced: imposing fines or the removal of the child. The court may also ask the relevant authority for the social and legal protection of children to lead the obligated party to comply with his/her obligations without the need to order the enforcement of the decision.

If the person does not comply with his/her obligation even after instruction from the court, the court will order the enforcement of the decision through the imposition of a fine, and this may be done repeatedly. The amount of each fine must not be less than CZK 5 000 and must not exceed CZK 50 000. Other measures that the court may order include a meeting with a mediator, a meeting with an expert in paediatric psychology or the determination of a plan for an acclimatisation regime to facilitate gradual contact between the child and a person entitled to be in contact with him/her. If a court ruling or an agreement on custody approved by the court, or on arrangement of contact, or a ruling on returning the child, is not complied with, the court may also order alternative care or contact to the frustrated extent or order reimbursement of purposefully expended costs associated with the frustrated custody or contact.

If, despite the measures being implemented, the obligations are not complied with or it is clear from the circumstances that this approach has not led to compliance with obligations, the court will order in exceptional cases the enforcement of a decision to remove the child from the person with whom the child should not be according to the agreement or decision. The decision through which the decision to remove the child was ordered will be delivered to the obligated party only during the enforcement.

15 What should I do to have a decision on parental responsibility that is issued by a court in another Member State recognised and enforced in this Member State?

Judgments in parental responsibility cases issued by courts in EU Member States are recognised – with no special procedure required – in the Czech Republic in accordance with Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction ('Brussels II ter Regulation'). Under Brussels II ter Regulation, any interested party may apply for a decision on the absence of grounds for refusal of recognition. In the Czech Republic district courts (district courts in Prague, the Municipal Court in Brno) are competent for such proceedings in the first instance.

Pursuant to Brussels II ter Regulation, decisions in matters of parental responsibility given in a Member State and enforceable in that Member State shall be enforceable in the Czech Republic with no need for a declaration of enforceability.

For the purposes of recognition and enforcement pursuant to Brussels II ter Regulation, it is necessary to submit a copy of the decision, which fulfils the conditions required for the recognition of its authenticity and the relevant certificate referred to in Articles 36 or 47 issued by the relevant authority of the Member State where the decision was handed down, using the certificate provided in the Annex to Brussels II ter Regulation. If the documents referred to in Article 31(1) are not provided, the procedure referred to in Article 32 of Brussels II ter Regulation must be followed.

With compliance with the conditions indicated in the above-mentioned regulations, the procedure for the enforcement of a decision in matters of parental responsibility from a different EU Member State is the same as for the enforcement of national decisions. Cf. information in the preceding answer.

16 To which court in this Member State should I turn to oppose the recognition and enforcement of a decision on parental responsibility issued by a court in another Member State? Which procedure applies in these cases?

The parties should primarily use remedial measures (appeal) available in the main proceedings.

In the Czech Republic, it is possible to apply for refusal of recognition of a decision issued in another Member State pursuant to Section 18 in conjunction with Section 16(4) of [Act No 91/2012 on private international law](#). District courts are competent for proceedings on refusal of recognition of a decision issued in another Member State (district courts in Prague, the Municipal Court in Brno). The procedure is analogous to applying for a decision on the absence of grounds for refusal of recognition – cf. above.

17 Which law does the court apply in a proceeding on parental responsibility where the child or the parties do not live in this Member State or are of different nationalities?

In proceedings regarding matters of parental responsibility the applicable law is determined pursuant to the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children. Any bilateral international agreement by which the Czech Republic is bound in relation to other states takes precedence over the Convention of 1996, unless a declaration has been made pursuant to Article 52 (1) of the Convention of 1996 (such a declaration was made in relation to a mutual bilateral agreement by the Czech Republic and Poland, which ensured the precedence of the Convention of 1996).

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■ Last update: 19/05/2026

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