



FROM THE IUSTORIA BLOG

“I’ve Got Nothing to Pay With.” Child Support When the Other Parent Claims to Have Nothing

The minimum wage on paper, self-employed and claiming flat-rate expenses, assets transferred to relatives, and yet holidays by the sea. How a court sets child support when the other parent claims to have nothing, and how to prove their real standard of living.

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"I've got nothing to pay with." I hear this in child support proceedings almost every time the other parent runs a business, works on casual contracts or has recently transferred the house to their mother. On paper, a minimal income. On social media, a new car and a holiday by the sea.

A court can untangle this kind of mismatch, but it needs material to work with. A general explanation of child support after the reform is in [Child support after the 2026 reform — how much, how long, and what if they don't pay](#). Here I focus on the situation where the paying parent disguises what they can really afford.

The court looks at what a parent could earn

The amount of child support depends on the child's reasonable needs and on the **abilities, opportunities and financial circumstances** of the paying parent (Section 913 of the Civil Code). The law adds two rules that tend to decide these disputes:

- The court examines whether the parent **gave up a better-paid job without good reason**, and whether their income matches what they could earn given their health, education, qualifications and the situation on the job market.
- It also examines whether the parent **gave up a financial benefit without good reason** or is taking unreasonable financial risks.

One more point: the child's standard of living should in principle be the same as the parents', and this takes precedence even over the child's reasonable needs (Section 915(1)). So if a parent lives well above the average, the child should not have to make do with the bare necessities.

A parent who does not document their income is treated as earning CZK 121,500

Parents often don't know about this rule. If the paying parent **does not properly document their income** to the court and does not allow it to obtain other information either, for example by granting access to bank or tax records, their average monthly income is deemed to be **twenty-five times the subsistence minimum for an individual** (Section 916 of the Civil Code). With the subsistence minimum at CZK 4,860, that comes to **CZK 121,500 a month**.

In practice, ask the court to call on the paying parent to document all their income and assets and to inform them of this presumption. Silence or incomplete documents can then cost them dearly.

Self-employment, flat-rate expenses and "income" from a company

With self-employed parents, a tax return with flat-rate expenses or a low profit is the most common argument. But the tax base does not show what a person actually lives on. The Constitutional Court has said repeatedly that courts must look not only at actual income but also at **potential income** and at the parent's overall financial

circumstances (finding file no. III. ÚS 1952/25 of 12 February 2026; a finding, or *nález*, is a Constitutional Court ruling on the merits of a constitutional complaint).

If a parent earns money "from several places" or through their own companies, ask the court to find out about:

- bank statements, both personal and business,
- shareholdings in companies and positions as a managing director (the Commercial Register is public),
- real estate (the Land Register is public),
- vehicles the parent uses, including company cars,
- rental income and other regular payments.

The same finding also sets out a duty for the court: its reasoning must state clearly which income of each parent it relied on and how it arrived at the specific amount. Child support set "by estimate", without reasoning that can be reviewed, will not stand.

When a parent lives on someone else's money

A striking example comes from this July. A father reported a salary of CZK 25,000 as a driver and maintenance worker. He had, however, transferred extensive assets to his son in exchange for the son's promise to keep up his existing standard of living. The courts found holidays abroad, free use of a flat and a car, and regular payments from the son. They estimated his income at no less than CZK 136,000 a month, and at no less than CZK 280,000 once the costs the son paid on his behalf were added. The Municipal Court in Prague ordered him to pay child support of CZK 17,000 a month, CZK 7,000 of it into the child's account.

The Constitutional Court dismissed the father's complaint (order file no. IV. ÚS 1478/26 of 22 July 2026; an order, or *usnesení*, typically disposes of a complaint without ruling on its merits). It noted that a court must work from the total of the paying parent's movable and immovable assets and from their way of life, meaning their housing, hobbies and holidays. It had already set out this principle earlier in finding file no. IV. ÚS 1578/23.

Two remarks on this case. It is an order dismissing the complaint, not a finding; the Constitutional Court merely confirmed that the lower courts' decision was not extreme. And what was decisive was that the father himself admitted transferring the assets. Without that evidence, the courts might not have reached the same conclusion.

How to prove the other parent's standard of living

In child support proceedings the court establishes the facts itself, but you do not have to sit back. It helps to provide:

- **The other parent's specific spending:** holidays, cars, housing, expensive hobbies, school fees for other children.
- **Public registers:** the Commercial Register and the Land Register.

- **Your own records** of how the family lived before the separation. That is the standard the child was used to.
- **Publicly available photos and posts** that show their lifestyle. Do not try to obtain someone else's data unlawfully, though; evidence of that kind can harm you.
- **A detailed breakdown of the child's needs:** school, after-school activities, the doctor, clothes, housing.

When they still don't pay

Since 2026, not paying has become more expensive. On unpaid child support for a minor, default interest for the first six months is **2.5 per mille (0.25%) of the amount owed per day** (Government Regulation No. 517/2025 Coll., for defaults arising on or after 1 January 2026). You can also:

- apply for **enforcement**,
- **assign for consideration**, in other words sell, an overdue claim awarded by the court (Section 921a of the Civil Code),
- apply to the Labour Office for **substitute maintenance**,
- file a **criminal complaint**: anyone who fails to meet their maintenance obligation for more than four months and thereby exposes the child to the risk of hardship commits the criminal offence of neglect of mandatory maintenance, **even through negligence** (Section 196 of the Criminal Code). Criminal liability ceases if the debtor pays off the debt before the court of first instance begins to pronounce its judgment (Section 197).

And the most important advice comes last: **don't wait**. Child support for a child can be awarded no more than **three years back** from the day the court proceedings began (Section 922(1) of the Civil Code). Every extra month you wait is a month you will no longer be able to recover through the courts.

Does the other parent claim they can't afford to pay, when you know that isn't true? I specialise in **family law** and will help you put together an application that shows the court the real financial picture, not just a payslip. **Get in touch**.

This article describes the law as at 16 September 2026. It is for information only and does not replace legal advice on a specific matter.

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