



FROM THE IUSTORIA BLOG

Domestic Violence When Parents Take Turns Caring for the Children: Protection That Doesn't Require Living Together

Divorced parents who take turns caring for their children often don't even try to get protection from violence through the courts, because they don't live together. Since July 2025 that has not been a requirement. What the law protects, what to describe in your application, and what it means for the children and for property.

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After a divorce, parents often take turns caring for the children. Sometimes they hand the children over to each other; sometimes the children stay in one flat and it is the adults who move in and out. When violence occurs between them, the victim almost always says the same thing: "But we don't live together." And does not even try to get protection from the court.

Today that is wrong in law. I want to explain why, and what to do about it. A general overview of protection, including police eviction and helplines, is in [Domestic violence and the law](#).

What the law considers domestic violence

Since 1 July 2025, Czech law has defined domestic violence in Section 3021 of the Civil Code. It is violent conduct in any form, usually involving an abuse of power or of an unequal position, by which:

- the victim's physical integrity was or was meant to be harmed,
- the victim's mental integrity, freedom, dignity, honour or privacy was or was meant to be **repeatedly or seriously** harmed,
- the victim's ability to meet their own basic needs or those of their household was seriously threatened or disrupted.

What matters is who can be a victim. Besides people from the same household, the law expressly names a person close to the violent person and **someone who used to be close to them**, the **parents of a shared child**, and a person with whom the violent person exercises parental responsibility. Divorced parents who do not live together are therefore protected just as spouses under one roof are.

Unbearable living together is no longer a requirement

Until June 2025, an applicant had to satisfy the court that living together had become unbearable because of the violence. That requirement has disappeared from the statute. Today the application describes conduct that shows the features of domestic violence under the new definition, or unwanted following or harassment (Section 402 of the Act on Special Court Proceedings).

Practice changes more slowly than the law, though. Constitutional Court finding file no. II. ÚS 90/26 of 28 April 2026 shows this (a finding, or *nález*, is a Constitutional Court ruling on the merits of a constitutional complaint). The former spouses took turns caring for their three children a week at a time in the children's home. After an argument over their joint property escalated into a physical scuffle, the mother applied for an interim measure. The district court granted it: the father was not to stay in the children's home during the weeks when she was looking after them, and was not to have contact with her except when handing over the children. The regional court overturned that decision and dismissed the application. In doing so it relied on the wording of the law in force until June 2025 and examined whether the mother lived with the father and whether living together was unbearable for her.

The Constitutional Court quashed the regional court's decision because it had not applied the law in force when the application was filed. It also stressed that such an interim measure can have lasting consequences, for example for the division of community property.

One thing, however, does **not** follow from the finding: the Constitutional Court did not say that this case involved domestic violence. The district court itself described the conduct as borderline, given how minor its consequences were. The regional court will have to assess that again under the new definition.

For you this means one thing. In your application for an interim measure, describe the specific conduct and link it expressly to Section 3021 of the Civil Code. That makes it easier for the court to apply the right law.

What the court can order, and how quickly

You file the application with the district court for the place where you live. The court **decides within 48 hours**, without a hearing. In particular, it can order the other party to:

- leave the shared home or your home and not remain in it or its immediate surroundings,
- not enter the area around where you live and not remain near you,
- not meet you,
- not follow or harass you.

Where parents alternate care in one flat, this typically means a ban on staying in the children's home during your time with them, except for necessary handovers. That is exactly the measure the district court issued in the case the Constitutional Court dealt with.

The interim measure lasts **one month** from the date it becomes enforceable. If you apply for an extension before it ends, it remains in effect until the court decides. In total it can last no more than **six months**. If the police evicted the violent person first and you file the application while the eviction is still running, the eviction is extended until the court's decision becomes final.

What to put in the application and how to back it up

The court decides quickly and only on the basis of what you put in front of it. It helps to have:

- **A specific description:** when, where, exactly what happened, who was present, whether the children were there. A general statement that the other person is aggressive is not enough.
- **A medical report** on any injuries, even minor ones. Dated photographs.
- **Written communication:** threats, humiliating messages, controlling behaviour, withholding money for the children. Keep copies somewhere other than your phone as well.
- **Official records:** a report to the police, the record of an eviction, reports from the child welfare authority (known in the Czech Republic as OSPOD).

- **Witnesses**, such as neighbours or teachers who saw the aftermath or heard the conflict.

Bear in mind, too, that this application is not a tool for fighting out disputes about the children's care. A court that sees it as a tactical move will be more cautious. Describe the violence, not the other parent's failings in bringing up the children.

What it means for the children, property and mediation

The children. The interim measure protects you. The care of the children is decided in separate proceedings concerning the children, where the interim measure has now been replaced by the provisional decision. The court issues a provisional decision only after both parents and the child have been able to respond to the application. If a child is in acute danger, call the police and OSPOD, which can apply for a special interim measure. More in [Child custody disputes — what parents need to know](#).

Property. When dividing community property, the court takes into account that one spouse committed domestic violence against the other, or an act of the nature of an intentional criminal offence, along with its nature, seriousness and duration (Section 742(1)(g) of the Civil Code). That is another reason to have incidents documented, even if you are not in court at the moment.

Mediation. While an interim measure against domestic violence is in force, the court may not order a first meeting with a mediator. Nor may it do so while criminal proceedings are under way for, say, abuse, bodily harm or dangerous threats against the other party (Section 100(3) of the Code of Civil Procedure).

What is in the pipeline

In May 2026 the Ministry of Justice presented an amendment under which courts in proceedings about children would be required to actively look into whether domestic violence is present. It also includes a risk assessment tool (a "risk map"). How far the amendment has got in the legislative process is not yet certain. This article describes the law in force on 16 September 2026.

Are you experiencing violence from a former partner and unsure whether you are entitled to protection? I specialise in [family law](#) and prepare applications for interim measures so that the court can decide within the statutory time limit. [Get in touch](#). If you are in immediate danger, call 158.

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. Help for victims of domestic violence: 116 006 (Bílý kruh bezpečí) and 116 016 (ROSA), both 24/7 and free of charge.

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