



FROM THE IUSTORIA BLOG

Grandma Wants to See Her Grandchild: When Grandparents Have a Right to Contact, and When the Court Must Act Fast

After a divorce or a parent's death, grandparents are often the first to lose contact with the child. The law gives them a right to contact, but not automatically. What decides is the child's emotional bond, the child's interests and whether contact can actually take place.

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When a family breaks up, or when one of the parents dies, the people who often lose the child first are the ones nobody in the proceedings even mentions: grandmothers, grandfathers, aunts. For years the child spent the holidays with them, and then contact suddenly stops because the parent the child lives with wants it that way.

The law does provide for this situation. But grandparents' right to contact is not automatic, and courts assess it differently from how grandparents might expect.

Who has a right to contact

Under Section 927 of the Civil Code, the right to contact with a child belongs to **relatives, whether close or distant**, and also to **people socially close to the child**. Both groups, however, only if two conditions are met:

- the child has an **emotional bond with them that is more than temporary**,
- it is clear that **a lack of contact would harm the child**.

So the law does not protect grandparents simply for being grandparents. It protects the child's relationship. A parent's former partner with whom the child grew up could have the same right, or a godparent the child spent time with every week. Conversely, a grandfather the child has seen twice in their life will not succeed in court on the strength of being related.

The right works both ways. The child also has a right to contact with these people, provided they agree to it.

The relationship is judged from the child's point of view

The Constitutional Court put it precisely in finding file no. III. ÚS 3700/25 of 5 February 2026 (a finding, or *nález*, is a Constitutional Court ruling on the merits of a constitutional complaint): a bond under Section 927 **does not arise from a choice made by the adults** around the child. It arises from an emotional bond the child really has. The court therefore assesses the quality of the child's relationship with the person seeking contact, and not the other way round. It also looks at what influence that person has on the child, for example whether they are turning the child against the parents.

That case concerned a social mother, meaning the mother's former partner. The court of first instance granted her extensive, uninterrupted contact with the three-and-a-half-year-old child and declared the judgment preliminarily enforceable. The Constitutional Court quashed the ruling on preliminary enforceability: the child's relationship with her had not been reliably proven, and the appeal court had only just ordered an expert assessment of it.

In practice, anyone seeking contact should be able to show what their relationship with the child was like. Useful evidence includes:

- how often and for how long they saw each other and what they did together,
- photos, messages and invitations,

- witnesses, such as the child's teacher, neighbours or other relatives,
- reports from the child welfare authority (known in the Czech Republic as OSPOD),
- in a longer dispute, an expert report.

Contact must be possible in practice

This August the Constitutional Court decided a case showing that granting contact on paper is not enough (finding file no. II. ÚS 1101/26 of 31 August 2026).

Great-great-grandparents aged 84 and 86 asked for contact with their great-great-grandson to be arranged quickly. The boy lived mainly with his father and saw his mother only at assisted contact sessions, which the great-great-grandparents were also allowed to attend. One of them, however, was unable to because of their state of health and because the premises were not step-free. The great-great-grandparents also pointed out that they might not live to see a final decision.

Both the district court and the Municipal Court in Prague turned the application down. Neither of them, however, dealt with the argument about age and health at all, and the Municipal Court merely stated that contact was being "made possible" for them. The Constitutional Court quashed both decisions. It said that **the right to contact must be secured in reality, not merely formally**. A court must therefore also consider whether a grandparent, given their health or age, is physically able to take part in the arrangement at all.

The Constitutional Court did not rule that the great-great-grandparents should be granted contact. It only said that the courts must give their arguments proper consideration.

The child's view counts even in fast-track proceedings

The same finding made one more point: the court should establish the child's view **even in proceedings for a quick, temporary arrangement**. It may only dispense with this for a serious reason, for example where the child is very young or there is imminent danger, and it must explain why. The Municipal Court had argued that fast-track proceedings are not meant for that. The Constitutional Court said this was contrary to its case law.

Since January 2026, temporary arrangements for a child have been made by **provisional decision**. The court may only issue one once all parties, including the child, have been able to respond to the application. It decides without undue delay, within three months at the latest, and a provisional decision lasts no longer than three months. For grandparents who are running out of time, it is a tool worth knowing about.

What to do

Start by trying to agree. A court case against the child's parent tends to make relations worse. Propose a specific and modest arrangement, say one afternoon every two weeks, and offer to fit in with the family.

Involve OSPOD. The authority for the social and legal protection of children can talk to the parents, and the court later takes OSPOD's opinion into account.

Consider mediation. In family relationships it often works better than going to court.

If agreement fails, apply to the court for the area where the child lives. Describe what your relationship with the child was like, why losing it harms the child and what arrangement you are proposing. If time matters, for example because of age or health, say so expressly and back it up.

Don't speak badly of the parents. The court also examines whether you are turning the child against the parents. A grandparent who tells the child how their mother "cut them off" weakens their own position.

More generally, I write about how courts approach proceedings about children in [Child custody disputes — what parents need to know](#).

Have you lost contact with your grandchild and are unsure whether it makes sense to go to court? I specialise in [family law](#) and will help you assess whether your relationship with the child is protected and how to proceed as gently as possible. [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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