



FROM THE IUSTORIA BLOG

How Far Apart Can Parents Live and Still Share Care? Moving Away, Two Schools and Who Does the Driving

One parent moves a hundred or three hundred kilometres away, and the question is whether care by both parents can still work. This year the Constitutional Court said that distance alone decides nothing. What decides is the particular children, their school, the journeys and who is responsible for the distance.

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After a separation, parents rarely move to the same housing estate. One gets a job in another region, another moves back in with their own parents, a third finds a new partner two hundred kilometres away. Then, in court, comes the question to which parents want a number for an answer: how many kilometres apart can they live and still both care for the children?

There is no such number. This year's Constitutional Court decisions do, however, set out fairly precisely what a court must examine when the distance is large, and what it must not do.

Distance alone decides nothing

The key decision is finding file no. IV. ÚS 765/26 of 28 July 2026 (a finding, or *nález*, is a Constitutional Court ruling on the merits of a constitutional complaint). The parents of three children lived more than 300 km apart. Years earlier, the mother had moved back to her parents without the father's consent, at a time when she was on parental leave and pregnant with twins. The father then moved to be near her for a while and later went back. For several years after that the parents made alternating care work, and the eldest daughter attended two nursery schools.

When the daughter started primary school, the district court set up asymmetrical care: the children spent roughly 70% of the time with the father and 30% with the mother. The regional court went further. It placed the children in the father's sole care and left the mother three weekends a month, with her doing the driving. The main reason given was that the mother had unlawfully created the distance in the first place and should not benefit from it.

The Constitutional Court quashed the regional court's decision. Three rules follow from the finding:

- **A long distance does not in itself rule out care by both parents.** Whatever the distance, the court must examine the specific effects of travel and of moving between homes on the particular children (paragraph 47).
- **The court must seriously consider uneven care**, for example most weekdays with one parent and long weekends with the other, and explain why it rejects it (paragraphs 48–50).
- **Care is not set as a punishment.** A unilateral move is a significant circumstance, but it cannot be a reason that "overrides everything else", and certainly not after years of care that has worked (paragraphs 72–76).

Transport must not be a punishment

The most telling part of the finding is about the car. Under the regional court's decision, the mother was to collect the children at noon on Friday three times a month and bring them back on Sunday evening. The children would have covered more than 600 km each weekend and the mother twice that, adding up to more than 3,600 km a month.

The Constitutional Court pointed out that the obstacles that come with contact at a distance should be shared, and that the parent the children live with must also bear some of them. Where one parent created the distance, a larger share can be shifted onto them. This "penalty" must not, however, **be unlimited**: once the travelling

reaches a level that one person cannot manage without becoming exhausted, it spoils the time with the children itself and hits the children hardest (paragraph 77).

Same distance, different outcome

So as not to give the impression that care by both parents at a distance will always succeed: in order file no. II. ÚS 611/26 of 22 April 2026 (an order, or *usnesení*, typically disposes of a complaint without ruling on its merits), the Constitutional Court dismissed the complaint of a mother whose ten-year-old son remained in the father's care, even though the parents lived only 70 km apart. The courts in that case found a very high level of conflict between the parents, which according to the district court had seriously traumatised the boy, and attending two schools would have required a degree of cooperation the parents were not capable of. The expert did not recommend two schools because of the boy's emotional make-up. The Constitutional Court added that alternating care could be considered if the boy kept the same home and school, or if the conflict eased.

So it comes down to a combination of factors: the distance, the children's age and temperament, school, after-school activities, friends and, above all, the parents' ability to cooperate.

Two schools are no longer just for alternating care

A new wording of the Education Act has applied since 1 January 2026. A pupil **may be educated at two primary schools** if a court has arranged care so that both parents look after them (Section 49(4)). The school report is issued by the school the child started attending first, unless the parents agree or the court decides otherwise, and the head teachers are to agree on rules for working together. For nursery schools this applies only to a child in compulsory pre-school education (Section 34a(7)).

Parents tend to overlook two conditions. Care by both parents must have been arranged **by a court**, so an agreement without a court is not enough. And the law merely makes two schools possible without guaranteeing anything. Courts still examine whether the particular child can cope with two schools, whether they would feel lost in the class and how the curriculum would be kept in step.

Moving away without consent

Deciding where a child lives is part of the parental responsibility of **both** parents (Section 858 of the Civil Code). If they cannot agree, the court decides. A parent who moves away with the child before the court has decided is acting unlawfully.

What follows from that:

- **A return is not ordered automatically.** The court considers the reasons that led the parent to move and, above all, the child's interests (order file no. I. ÚS 71/26 of 12 February 2026). Reasons such as domestic violence can justify the move.

- **The costs of the move are borne by the parent who moved.** In I. ÚS 71/26 the mother was to drive the child to contact at the father's home and bear the extra costs.
- **Time must not decide in place of the court.** In **Novák v. Czech Republic** (application no. 6656/24, judgment of 9 April 2026), the European Court of Human Rights awarded the father EUR 12,000. In 2022 the mother had moved their two daughters from Brno to Prague, the courts rejected the father's applications for a swift arrangement, and within a few months the situation had "become entrenched". The court then placed the children in the mother's care on the grounds that they had got used to Prague. The ECtHR said that the relationship between parent and child must not be determined by the mere passage of time, and that the later fines and criminal prosecution of the mother could no longer put things right.

What to do when a move is on the cards

If you are the one moving:

1. Reach an agreement first, or apply to the court. Do not move and "see what happens".
2. Come with a concrete plan: who drives, where the children are handed over, who pays for the journeys, how the holidays will work, what happens about school.
3. Expect to carry the larger share of the travelling yourself.

If the other parent is moving:

1. Put your objection in writing, straight away.
2. Apply to the court and, if things need to be settled before it decides, also apply for a provisional decision. I explain how in [You've received an application for a provisional decision on your child. What now?](#)
3. In the meantime, stay in touch with the children, even if that means a lot of travelling. Passivity counts against a parent in court.

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

Are you planning a move, or has the other parent moved away with the children? I specialise in [family law](#) and will help you propose care and transport arrangements that hold up both in court and in an ordinary week. Here, time works against whoever waits. [Get in touch](#).

This article describes the law and case 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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