



FROM THE IUSTORIA BLOG

You've Received an Application for a Provisional Decision on Your Child. What Now?

Since January 2026, arrangements for children “for the time being” have been made by provisional decision. There is no appeal against it, so everything is settled at the district court, often within a few days. What the application must contain, how to respond to it and what to do if the court has decided without you.

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It is Thursday afternoon and an envelope arrives from the court. The other parent wants the children to spend the whole summer holidays with them, or wants your son to move to a different school, and wants it now, before the proceedings are over. At the end of the application are the words "provisional decision".

Since January 2026, this has been one of the most important envelopes a parent in a custody dispute can receive. The decision that comes out of it **cannot be appealed**. What you do with it over the next few days matters more than anything that comes afterwards.

What a provisional decision is

Until the end of 2025, courts in disputes over children issued interim measures, often quickly and without hearing the other side. Since 1 January 2026 these have been replaced by the **provisional decision** (Sections 465a to 465j of the Act on Special Court Proceedings). With it, the court arranges the child's situation for the time being, typically the extent of each parent's care, contact during the holidays or the choice of school, until it reaches a final decision.

The main rules:

- The court may only issue it **once all parties, including the child, have been able to respond to the application** (Section 465b(2)). The law deliberately removed the element of surprise.
- It decides **without undue delay, within three months at the latest**. Three months is the upper limit, not the usual timeframe (finding file no. I. ÚS 1382/26, paragraph 49; a finding, or *nález*, is a Constitutional Court ruling on the merits of a constitutional complaint).
- A provisional decision lasts **no longer than three months** from the date it becomes enforceable. It can be extended, and it also lapses as soon as the decision on the merits becomes enforceable (Sections 465g and 465h).
- **There is no appeal against the decision on the application** (Section 465g(4)). An appeal is only possible against a decision to extend it and against a decision to change or revoke it.

The court can issue a provisional decision even before proceedings about the child's care have begun. In that case it sets the applicant a deadline for filing the application on the merits.

When you are the one applying

Besides the usual requirements, the application must contain two pieces of information that parents often forget (Section 465c(1)):

- **how you have communicated with the other parent about the matter**, or why no communication took place,
- **whether you told the other parent that you intended to file the application**, and if not, why not.

This is not a formality. In both cases in which the Constitutional Court has this year described a provisional decision as unconstitutional, the application lacked this information. The fathers in those cases had also still headed their applications "interim measure" (I. ÚS 1382/26 and II. ÚS 1971/26).

In practice, then:

- send the other parent the application, or at least its substance, in advance and keep proof that you did,
- attach the communication showing that agreement was not possible,
- explain why action is needed now rather than in the final judgment,
- propose how the court should establish the child's view, typically through the child's guardian, the child welfare authority (known in the Czech Republic as OSPOD).

When you are the one receiving it

This is where the matter is decided. Be prepared for the court to rule within a few days.

1. **Read the application straight away** and note down what in it is untrue or missing.
2. **Respond in writing as soon as possible**, even if the court has not expressly asked you to. Back up what you say with reports from the school, the doctor or OSPOD, and with your communication with the other parent.
3. **Offer your own solution.** The court is not deciding only "yes or no". A compromise arrangement, say two weeks of the holidays instead of the whole summer, often stands up better than a flat refusal.
4. **Draw attention to the child's view.** The court must establish it, either directly or through the guardian. If that has not happened, say so.
5. **If the application was not served on you** and you have learned about the proceedings some other way, contact the court immediately and ask for it to be served and for time to respond.

In finding I. ÚS 1382/26 the Constitutional Court stressed that the application must be served **before** the hearing that deals with it. It is not enough for a parent to receive it in the courtroom and be expected to respond within a few minutes. Nor should the court overlook defects in an application or punish them by rejecting it automatically; it should guide the applicant to put them right (paragraphs 40–44).

It also works the other way round. If you genuinely had the chance to respond to the application, both at the hearing and in writing, a minor defect in service will not help you. On that basis the Constitutional Court dismissed a mother's complaint in order file no. I. ÚS 1028/26 of 15 May 2026 (an order, or *usnesení*, typically disposes of a complaint without ruling on its merits).

When the court has decided without you

There is no appeal. That leaves three routes.

An application to change or revoke the decision. If circumstances have changed since it was issued, you can ask the court to change or revoke the provisional decision (Section 465i). The decision on that application can be appealed.

Moving quickly on the merits. A provisional decision lapses as soon as the decision on the merits becomes enforceable. Courts are, as a rule, expected to deal with cases concerning children within six months.

A constitutional complaint. For provisional decisions, the Constitutional Court is the "first and only" body to review them, and it does so with restraint. According to its press release of 7 July 2026, it had by then received 18 such complaints: it upheld two, dismissed thirteen and had not yet decided the other three.

Time is a factor here too. In finding file no. II. ÚS 1971/26 of 31 August 2026, the Constitutional Court held that the court had breached a mother's right to comment on the holiday arrangements, but it could not quash the decision because the decision had meanwhile lost its effect. Similarly, in case II. ÚS 1124/26 the school place that had been lost could no longer be restored. A constitutional complaint may bring vindication, but it will not give you back a lost summer. That makes your response at the district court all the more important.

The court may not simply sweep an application aside

Finding file no. II. ÚS 1124/26 of 30 June 2026 dealt with the opposite situation. A mother and her fifteen-year-old son wanted a provisional decision to stand in for the father's consent to the boy moving to a different grammar school, because a place had come up there that was only available until the end of February. The district court rejected the application on the grounds that it would pre-empt the decision on the merits. It took no account at all of the boy's written statement, which he had sent through his own lawyer.

The Constitutional Court said that a provisional decision **can also settle the choice of school**, and that "pre-empting" the merits is no reason to reject an application. The court may turn it down, but it must deal with it on its merits and take the child's view into account.

When a provisional decision will not help

- **A child in acute danger** (violence, neglect, running away): call the police and contact OSPOD. The special interim measure under Section 452, on which the court rules immediately, can **only be sought by OSPOD**. The OSPOD office at each municipality with extended powers has an on-call service outside working hours.
- **Domestic violence against you:** an interim measure for protection against domestic violence, which the court decides within 48 hours. More in [Domestic violence when parents take turns caring for the children](#).

For the wider picture of proceedings about children after the reform, see [Child custody disputes — what parents need to know](#).

Have you received an application for a provisional decision, or do you want to file one? I specialise in **family law** and will prepare your response so that the court has it in time and backed by evidence. With provisional decisions, every day counts. **Get in touch.**

This article describes the law and Constitutional Court 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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