



FROM THE IUSTORIA BLOG

Uncontested vs. Contested Divorce: Which Is Faster, Cheaper, and Less Painful

Agreed or contested divorce? A practical comparison after the 2026 Czech family law reform — costs, timelines, and what it means for children.

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When a marriage falls apart, most people want one thing — for it to be over. As quickly as possible, with as little pain as possible, with as little damage as possible. And that is exactly when the question I hear almost every day arises: "Can we get an agreed divorce, or will it have to be contested?"

The answer depends on what you can agree on. Since January 2026, a major reform of Czech family law has reshaped both types of divorce significantly — for the overall context, see [What changed in Czech family law in January 2026](#). Let me walk you through what that means specifically for your divorce choice.

Agreed divorce — when you can find common ground

The reform replaced the former "uncontested divorce" with the concept of an "agreed divorce" (*smluvený rozvod*). The change is not merely terminological — for instance, the requirement to prove that the spouses have not lived together for more than six months has been dropped.

For the court to grant an agreed divorce, you must reach consensus on three things:

Division of property. How you will divide jointly owned assets — real estate, savings, debts, cars, household contents. The agreement must be in writing and must cover all material items.

Housing. Who will remain in the current home, and how you will resolve the situation with a shared lease or mortgage.

Children. If you have minor children, you must agree on custody, maintenance, and contact arrangements. This agreement is subject to court approval, as the court assesses whether it serves the child's best interests.

The court fee for an agreed divorce is CZK 2,000 (roughly EUR 80). Proceedings typically take a single hearing, provided the agreement is complete and the court has no reservations about the custody arrangements. In an ideal case, everything can be resolved within a few months.

The key advantage of an agreed divorce? The court does not examine the causes of the marital breakdown. You will not be accusing each other in the courtroom. You will not be airing your private grievances in front of strangers. If both of you agree the marriage has broken down, that is considered proven.

Contested divorce — when agreement is not possible

Sometimes agreement simply is not possible. That is not a failure — it is reality. Some situations are too complex, emotions too raw, or positions too far apart to bridge through negotiation.

In a contested divorce, the court determines whether the marriage has irretrievably broken down. Since 2026, it no longer examines the causes of the breakdown — a significant departure from the previous regime, where both sides would blame each other in court for the collapse of the marriage.

The court fee for a contested divorce is CZK 5,000 (roughly EUR 200). On top of that, factor in legal fees — and if you have complex finances or a custody dispute, costs can escalate.

The duration depends on many factors. The divorce itself may proceed relatively quickly, but subsequent proceedings on children and property can take months or even years. That is a reality worth preparing for.

Children — combined proceedings after the reform

One of the most important changes in the reform concerns proceedings about children. Previously, custody proceedings ran separately from divorce proceedings. In practice, this meant parents had to run two parallel court processes — the divorce case and the custody case.

Since 2026, proceedings on children and divorce proceedings are merged into one. The court decides on custody arrangements as part of the divorce judgment. This should shorten the overall timeline and reduce the burden on everyone involved — above all, the children.

In practice, this means that even in a contested divorce, the court addresses custody first. Until it is clear how the children's care will be arranged, the divorce will not be pronounced. This is logical — the child's interests come first. What the court specifically examines in the custody part and what you can ask for is covered in my piece [Child custody disputes — what parents need to know](#); the child-support rules after the reform are summarised in [Child support after the 2026 reform](#).

A decision tree — which divorce is right for you

Every divorce is unique, and no guide can replace a consultation with a lawyer. But as a rough compass, consider the following:

Do you agree on custody? If yes, and you also agree on property and housing, pursue an agreed divorce. It is faster, cheaper, and gentler.

Do you agree on the child but not on property? Consider mediation for the financial questions. If a solution can be found, you can still use the agreed divorce route. The property agreement does not need to be "fair" in an absolute sense — it needs to be acceptable to both sides.

Do you disagree on everything? Then a contested divorce is unavoidable. But even within contested proceedings, it pays to seek partial agreements. Every point you agree on shortens the process and lowers costs.

Mediation — a path worth trying

I want to mention something I see working increasingly well in practice. Mediation is not therapy and it is not surrender. It is a structured conversation in the presence of a neutral third party, aimed at finding a solution both sides can live with.

Mediation is particularly useful when parents agree that they want the best outcome for the child but cannot reach the specifics on their own. The mediator helps with communication — not decision-making.

The reform explicitly supports mediation. The court may recommend mediation to parents, and in some cases may order attendance at an initial mediation session. That is not a punishment — it is an opportunity. For the wider question of **when to go to court and when to mediate**, see my colleague Jan's article — the logic applies here too, just with a higher emotional charge.

Which is "better" — a question worth reframing

I do not want to tell anyone which divorce is "better." An agreed divorce is simpler, cheaper, and faster — but only if the agreement genuinely reflects both parties' wishes and protects the children's interests. A formal agreement where one side caved under pressure is not a good agreement.

A contested divorce is harder — but sometimes it is the only way to protect your rights or your child's rights. There is nothing wrong with that.

What matters is knowing that neither type of divorce is a loss or a victory. Both paths have their rules, their process, and their purpose. And on both paths, a lawyer who understands not just the statutes but also what you are going through can make a real difference.

A closing thought

Divorce is one of the hardest steps a person can take. But it does not have to be a battlefield. If there is room for agreement, use it. If not, do not be afraid of contested proceedings — but prepare for them with someone who will help you get through it with as little pain as possible.

And whichever path you choose, remember: the goal is not to win against the other person. The goal is to find a solution you can live with going forward.

Considering divorce and not sure which path is right for you? In our **family law practice** I'll walk you through both the agreed and the contested scenario and help you see where negotiation makes sense and where you need to stand your ground. **Get in touch.**

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