



FROM THE IUSTORIA BLOG

What Changed in Czech Family Law in January 2026 — and What It Means for You

Since the first of January, the most sweeping family law reform in a decade has been in force. It changes divorce, child custody, and maintenance. Here's what matters — without the legal jargon.

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Since 1 January 2026, Act No. 268/2025 Coll. has been in effect — the most sweeping amendment to family law since the adoption of the new Civil Code in 2014. The media often reduce it to the "divorce amendment," but that label is misleading. The changes touch child custody, maintenance, parental responsibility, and the way courts approach family disputes as a whole.

As a lawyer who practises family and criminal law every day, I see this amendment as a step in the right direction. But I also know that changing the law alone is not enough — what matters is how courts and parents put it into practice. And that is exactly what I want to write about.

Divorce: faster and with less emphasis on fault

The first major change concerns divorce itself.

Until the end of 2025, courts in contested divorces investigated the causes of the breakdown of the marriage. In practice, this meant both sides accusing each other in the courtroom — who cheated, who moved out, who was to blame for the marriage falling apart. For most people it was humiliating, and for children whose parents were litigating, devastating.

From January 2026, the court no longer examines the causes of the breakdown. It determines only whether the marriage has irretrievably broken down. And if both spouses agree that it has, this is considered proven — without further evidence.

The amendment also introduces the concept of an "agreed divorce," replacing the previous uncontested divorce. The requirement for spouses to prove they have not lived together for more than six months is dropped. If they agree on all essential matters — property, housing, and arrangements for the children — the divorce can be significantly faster.

Court fees are now tiered: two thousand crowns for an agreed divorce, five thousand for a contested one. The legislature is sending a clear signal — reach an agreement if you can. A comparison of the two paths with a practical decision tree is in my article [Uncontested vs. contested divorce](#).

Child custody: the end of pigeonholing

This is, in my view, the most fundamental change — and the one that raises the most questions.

Until now, courts decided on placing children in sole custody, alternating custody, or joint custody. In practice, this became a competition. Parents "fought" over who would "get" the child. Lawyers argued why their particular client was the better parent. And the children were caught in the middle.

From January 2026, the law abolishes these categories. There is no sole custody; there is no alternating custody as a legal concept. Instead, the court rules that the child remains in the care of both parents — and if the parents cannot agree, it determines the scope of each parent's care.

This may look like a cosmetic change — after all, courts could set up an alternating arrangement before as well. But the difference lies in the approach. The law now declares that both parents are equal caregivers. The starting point is not "who gets the child" but "how do we ensure the child has both parents."

It is a shift from conflict to cooperation. At least on paper. How courts approach this in practice and what you can actually demand from them is the subject of my detailed piece on [Child custody disputes — what parents need to know](#). If your child refuses to see the other parent, see also [When a child refuses to visit the other parent](#).

One proceeding instead of two

A practical change that saves time and stress: divorce proceedings and guardianship proceedings are now merged into one from January.

Previously, the court first decided on custody and maintenance for the children, and only then could it rule on the divorce. Two proceedings, two judges, two trips to the courtroom — and the entire process was drawn out as a result.

Now the court handles everything at once. Divorce, arrangements for the children, maintenance. For parents, this means fewer hearings, less waiting, and — hopefully — less room for the conflict to escalate.

Maintenance: new tools for enforcement

The amendment brings several changes that may seem technical at first glance but can make a real difference for a parent waiting for maintenance payments.

First, overdue maintenance claims can now be assigned. This means that if your partner owes you child support and you lack the energy or resources to enforce it, you can transfer the claim to a third party who will handle the recovery. For minor children, this requires court approval, but the option itself is new.

Second, the government may by regulation set an increased rate of default interest on overdue maintenance for minor children. The aim is motivation: the longer a debtor delays, the more they will pay.

And third, the law refines the rules for calculating maintenance. Courts will be better equipped to assess so-called income potentiality — that is, situations where the obligated parent deliberately reduces their income to pay less. I've written separately on the calculation, enforcement, and what to do when the other parent doesn't pay — see [Child support after the 2026 reform](#).

Ban on corporal punishment

The amendment explicitly establishes the duty of parents to care for a child without corporal punishment, psychological distress, or other degrading measures.

I know this topic stirs emotions. Part of the public sees a statutory ban on a slap as excessive state interference in family privacy. But from a legal perspective — and from the perspective of children caught in family disputes — it is an important signal.

It does not mean the police will come because of a smack on the hand. It means the law clearly states where the boundary lies. And in the context of custody proceedings, where a court assesses how a parent cares for a child, it can have a real impact on decision-making.

Provisional decisions instead of preliminary injunctions

The last change I want to mention: in proceedings concerning the care of a child, the previous preliminary injunctions are replaced by a new instrument — a provisional decision.

The key difference: before issuing a provisional decision, the court must give both parties — including the child — an opportunity to be heard. Previously, a court could issue a preliminary injunction without hearing the other side. This led to situations where one parent left with the child and the other learned about it from a court order.

The new regulation is more balanced. It protects the child while also respecting the rights of both parents.

What this means in practice

The amendment has been in force since January, but the new rules apply only to proceedings initiated after 1 January 2026. If your divorce or child custody dispute has been ongoing since last year, it will be concluded under the old rules.

But if you are only now considering a divorce or a change in custody arrangements — or if your situation has changed since January — you are working under a new set of rules. The rules are different. And in many respects, they are more favourable for those who are willing to reach an agreement.

Family disputes are unique. They are not just about statutes — they are about people, relationships, and children who did not choose their parents. And that is precisely why it is important to have someone by your side who understands not only the statute but also the situation you're in.

Considering divorce, or facing custody proceedings under the new rules? I specialise in **family law** and work with the amendment daily. **Get in touch** — an initial consultation is non-binding and clarifies what belongs in agreement and what in court.

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