



FROM THE IUSTORIA BLOG

When a Child Refuses to Visit the Other Parent: Law vs. Reality

*Your child refuses to go to the other parent. Are you breaking a court order?
Could you face a fine? What the law says and what happens in practice.*

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It is one of the most painful situations I encounter in family law. A child says they do not want to go to their father. Or their mother. They cry, they plead, they refuse to get in the car. And the resident parent faces an impossible choice: force the child to go despite their resistance? Or respect the child's wishes and risk breaching a court order? For the wider context of custody proceedings after the reform — and what you can actually demand from the court — see my piece [Child custody disputes — what parents need to know](#). This text focuses on one specific, particularly painful scenario.

This does not have a simple answer. But it does have solutions that protect the child. Let me walk you through them.

What the law says

A court order regulating contact is binding on both parents. If the court has ordered the child to spend every other weekend with the father, the mother is obliged to prepare the child and hand them over. And vice versa. That is the legal reality.

If a parent repeatedly fails to hand over the child for contact, the court may:

- impose a fine of up to CZK 50,000 (roughly EUR 2,000),
- order enforcement of the decision with the assistance of a court-appointed officer,
- in extreme cases, change the custody arrangement.

That sounds harsh. It is harsh. But the law also says something important: a child is not a parcel to be delivered. The court must take the child's best interests into account — and the child's best interests do not always align with the literal execution of a court order.

What happens in practice

In practice, the situation is far more nuanced than it appears on paper. Courts and the child welfare authority (known in the Czech Republic as OSPOD) know that a child who actively resists contact with a parent cannot simply be "forced." They also know that the reasons for refusal can vary enormously.

Age and maturity matter. A three-year-old who cries at handover is in a different situation from a thirteen-year-old who articulates specific reasons for not wanting to see the other parent. Courts are obliged to ascertain the child's views — and the older the child, the more weight those views carry.

But be aware: the child's opinion is not decisive on its own. The court assesses whether it is authentic or whether it is the product of influence by one parent. And that brings us to one of the most difficult topics in this area.

The line between respecting the child and manipulation

There is a phenomenon known in practice as parental alienation. It is not a medical diagnosis — and courts do not treat it as one. But it is a pattern that courts assess and take seriously.

Alienation means that one parent — consciously or unconsciously — influences the child to reject contact with the other parent. This can take the form of negative remarks about the other parent, exaggerating their shortcomings, creating fear, or conversely, building excessive emotional dependence in the child.

It is a sensitive issue, because the line between a parent's legitimate concern and manipulation is thin. A parent who has genuine cause for worry — for instance, because the child was exposed to violence or neglect at the other parent's home — acts differently from a parent who is systematically turning the child against a healthy relationship with the other parent.

Courts draw this distinction. And it is important that you know they do.

What to do — practical steps

If your child is refusing contact with the other parent, there are several steps you can take:

Communicate with child welfare (OSPOD). This authority exists precisely for these situations. Inform them about what is happening. OSPOD can carry out an investigation, speak with the child and both parents, and recommend a course of action. Cooperation with OSPOD is also important because the court asks for its assessment.

Consider applying to modify the custody arrangement. If circumstances have changed significantly since the last court order, you can file a motion for modification. The court will assess the current situation and may adjust the order. This could include changing the frequency of contact, introducing supervised visits, or other modifications.

Expert assessment. In complex cases, the court may order an expert assessment in psychology or psychiatry. The expert evaluates the child's relationship with both parents, the causes of the refusal, and recommends a solution. An expert report is not infallible, but it carries considerable weight with the court.

Family therapy or mediation. Court proceedings are not always necessary. Sometimes a structured conversation between both parents, facilitated by a therapist or mediator, helps. The goal is not to "persuade" the child to want to visit the other parent — the goal is to understand what is happening and find a path that is safe for the child.

Supervised contact. If the child refuses contact and there are safety concerns, the court may order supervised (formerly "controlled") contact. This means the visit takes place in the presence of a professional who monitors the process and ensures a safe environment.

What not to do

Do not force the child physically. Physically compelling a child to visit a parent is not in their interest and can cause more harm than good. At the same time — and this is important — you must not encourage the child's refusal or reinforce their resistance.

Do not make the child the judge. A child should not be deciding whether they see their parent. That is the responsibility of adults — parents and the court. Asking the child "do you want to go to dad's?" and then using their answer as evidence in court is problematic.

Do not collect "evidence" at the child's expense. Recording a crying child, interrogating the child about what happened at the other parent's home, keeping "logs" — all of this can harm the child and may work against you in court.

When a child's refusal is a genuine cause for concern

There are situations where a child's refusal signals a real problem — neglect, violence, sexual abuse. In such cases, it is the parent's responsibility to protect the child, even if that means not handing them over for contact. On the specific legal tools for protection — from a police eviction order through provisional decisions to criminal complaints — see [Domestic violence and the law](#).

If you have reasonable grounds to suspect that the child is at risk with the other parent, act: contact OSPOD, the police, a lawyer. File for a provisional decision (the new term after the 2026 reform). But act on facts, not on emotions or assumptions.

A closing thought

This does not have a simple answer. But it does have solutions that protect the child.

If you find yourself in a situation where your child is refusing contact with the other parent, do not try to manage it on your own. Consult a lawyer who specialises in family law. Contact OSPOD. And above all, try to see the situation through the child's eyes.

A child does not choose who their parents are. But they have the right to a safe relationship with both of them. And that is what all of us should be working toward.

Going through this right now? I specialise in [family law](#) and know that this is never just a matter of statutes and rulings. [Get in touch](#) — we'll calmly go through what is happening in your family and what steps make sense so the situation doesn't get worse.

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