

Divorce in Czechia – **expat guide.**

Jurisdiction, the 2026 reform, children and property

Since 1 January 2026 an agreed divorce in Czechia is faster and more private. For international couples, the first questions are still: which court, which law – and what happens to the children?



01

Where can you file?

Czech courts have jurisdiction e.g. if both spouses live here, or the applicant has lived here for at least a year (six months for Czech nationals). The court seised first takes the case.

Art. 3, 20 Reg. (EU) 2019/1111 (Brussels IIb)



02

Which law applies?

Myth: "EU rules decide the applicable law."

Czechia does not take part in Rome III. Under Czech private international law, divorce follows the spouses' common nationality, then common habitual residence, otherwise Czech law.

§§ 49, 50 Act No. 91/2012 Coll.



03

Agreed divorce since 2026

Myth: "We must live apart for six months."

No separation period any more. If both agree, the marriage lasted a year and written agreements (certified signatures) cover children, property, housing and maintenance, the court does not examine the causes.

§ 757 Civil Code (Act No. 268/2025 Coll.)



04

Children first – one proceeding

With a minor child, divorce and the child arrangements are decided together; no divorce before they are settled. Court fee: CZK 2,000 for an agreed divorce, CZK 5,000 otherwise.

§ 755(3) Civil Code; § 398a Act No. 292/2013 Coll.; Court Fees Act, item 4a



05

Child maintenance

Depends on the child's justified needs and on each parent's abilities, means and assets. The court also considers whether a parent gave up better income without good reason.

§ 913 Civil Code



06

Spousal maintenance is limited

Myth: "Alimony is paid for life."

Mainly if a former spouse cannot support themselves. 'Same standard of living' maintenance is possible for a spouse who did not mainly cause the breakdown or did not consent and suffers serious harm – for at most three years.

§§ 760, 762 Civil Code



07

Joint property (SJM)

What either spouse acquires during marriage – salary, real estate, shares – is generally joint; gifts and inheritances are not. A marital property agreement needs a notarial deed.

§§ 709, 716 Civil Code; Reg. (EU) 2016/1103



08

Moving abroad with a child

Taking a child abroad without the other parent's consent or a court decision may be wrongful removal under the Hague Convention. The Czech central authority is ÚMPOD in Brno.

Hague Convention 1980; Act No. 359/1999 Coll.



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