

CZECH FAMILY CODE

ACT NO. 94/1963 COLL

§ 24

(1) Upon submission of either spouse the court may grant divorce if the marriage has been so deeply and permanently broken down that no restoring of matrimonial cohabiting may be expected; the marriage breakdown causes are taken into account.

(2) If the spouses have minor children, the divorce cannot be granted if inconsistent with these children's interests, as specifically reasoned.

§ 24a

(1) If the marriage lasted at least one year, the spouses have not been cohabiting for at least six months and the other spouse has joined the divorce petition, the terms as stipulated under § 24 par. 1 are deemed to be met. The court will not ascertain the marriage breakdown causes and will grant the divorce if presented:

a) written agreements with officially verified signatures of the parties settling mutual property relations, rights and duties concerning their common dwelling and a possible duty to maintain for the time following the divorce.

b) an effective court ruling approving of the settlement concerning their relations to minor children for the time following the divorce.

(2) The provision of § 24 par. 2 applies in a similar manner.

§ 24b

(1) A divorce petition, opposed by the spouse, who has not largely shared in the marriage breakdown by violating matrimonial duties and who would suffer a substantial loss by the divorce, will be dismissed by court, if extraordinary circumstances indicate the marriage should be preserved.

(2) However, if the spouses do not cohabit for a time longer than three years, the court will grant the divorce, providing the terms as stipulated under § 24 have been met.

§ 25

Divorce cannot be granted before the court ruling concerning settlement of relations to minor children for the time following the divorce rendered in a hearing under 176 of the Civil Procedure Code has become effective.

§ 92

(1) A divorced spouse, who is unable to provide his/her own living, may claim the former spouse to contribute to his/her alimony as appropriate according to his/her abilities, situation and property terms. Unless the two of them have arrived at an agreement, the appropriate ruling will be rendered by court upon submission of either of them.

(2) This duty takes precedence over the duty of children to maintain their parents.

§ 93

(1) The court may grant in favour of a divorced spouse, who has not largely contributed to the marriage breakdown by violating matrimonial duties and who has suffered a substantial loss by the divorce, maintenance in the same scope as that of the duty to maintain between married spouses under § 91 par. 2, to be paid by the former spouse.

(2) Maintenance under par. 1 may be granted for a time no longer than three years following the divorce.

§ 94

(1) Right to maintenance will cease to exist if the spouse entitled remarries or if the spouse owing dies.

(2) Right to maintenance will become extinct also by providing a lump sum based on a written agreement.

§ 96

(1) In assessing maintenance the court will take into account reasonable needs of the person entitled as well as the abilities, situation and property terms of the person owing. When assessing the situation and property terms the court will ascertain, whether the spouse owing has not, without a good reason, given up a more profitable employment or income or property benefit, or whether he/she does not take inappropriate property risks.

(2) Maintenance may not be granted if contrary to good morals.

§ 97

(1) Maintenance is provided in regularly repeated amounts, with exception as stated under § 94 par. 2 a § 97 par. 2, payable always a month ahead.

(2) In cases demanding special regard the court may, when deliberating on maintenance for child, impose the duty to deposit a special amount for maintenance payable in the future, while taking appropriate measures to guarantee regular monthly payments relevant to the maintenance stated.

(3) Maintenance debts may be deducted from mutual debts only upon agreement. Such deduction is not, however, possible, if involving maintenance for minor children.

§ 98

(1) Right to maintenance cannot lapse. However, maintenance can only be granted since the day of commencing the court hearing; as for minor children maintenance can be granted since the day no earlier than three years before the day when the court hearing was commenced.

(2) However, the right to particular repeated maintenance duty to be exercised as well as other rights to monetary performance arising from this act of law do lapse.

§ 99

(1) Providing the situation has changed, the court may, even without any submission, overrule the agreements and previous court rulings concerning minor children maintenance. If

maintenance is reduced or revoked retroactively, the maintenance already used is not returned back.

(2) If duty to maintain does not involve minor children, it can be changed or revoked upon a submission only.