



MASARYK UNIVERSITY
FACULTY OF LAW

CZECH FAMILY LAW

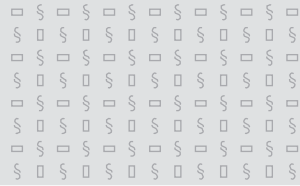
REGISTERED PARTNERSHIP AND COHABITATION

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MASARYK UNIVERSITY FACULTY OF LAW

REGISTERED PARTNERSHIP



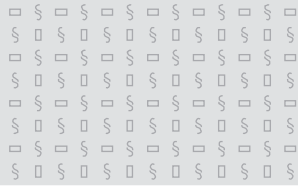
THE NATURE OF REGISTERED PARTNERSHIP

Act No. 115/2006 Coll.

- „act on registration“
- not „act on rights and duties of partners“

since 1. 7. 2006

- permanent cohabitation of two persons of the same sex
- not a marriage
- not allowed for a man and a woman



IMPEDIMENTS TO PARTNERSHIP

- INFANCY (under 18 years)
- BIGAMY - POLYGAMY - MARRIAGE - REGISTERED PARTNERSHIP
- BLOOD AND ADOPTIVE RELATIONSHIP
(siblings, ascendants - descendents)
- MENTAL ILLNESS AND INCAPACITY
- FOREIGNERS (ONE MUST BE A CZECH CITIZEN)



CONCLUSION OF PARTNERSHIP

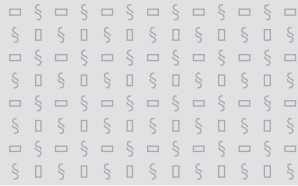
mutual consent

- ONLY CIVIL CONCLUSION
 - before some special municipality authorised to keep registers



PERSONAL RIGHTS AND DUTIES OF PARTNERS

- EQUALITY
- NO to live together, to be faithful to each other, to mutually respect their honour and human dignity, to help each other and no duty to create healthy living environment and background
- to represent each other
- NO to adopt a child together, NO to be a foster parents or guardians together



PARTNERS PROPERTY LAW

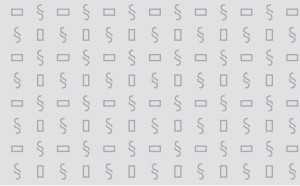
- NO JOINT PROPERTY OF SPOUSES
- NO COMMUNITY OF PROPERTY
- only OWNERSHIP WITH SHARES TOWARDS THINGS (CC)
- MAINTENANCE DUTY



DISSOLUTION OF PARTNERSHIP

- ONE GROUND:
 - no existence of partnership *de facto*

- NO SPECIAL PROCEEDINGS:
 - on the motion of one of partners
 - plaintiff x accused



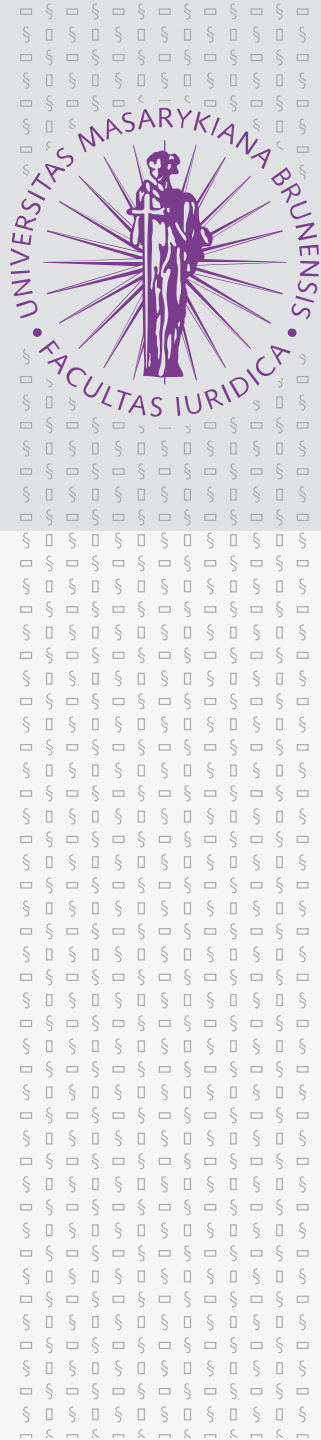
TWO WAYS TO DISSOLUTION OF PARTNERSHIP

■ PROOF OF BREAKDOWN

- duty of a plaintiff

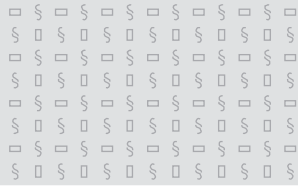
■ PRESUMPTION OF „NO EXISTENCE OF PARTNERSHIP“

- „agreement“ of both partners



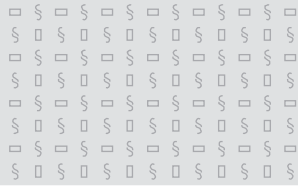
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COHABITATION



NATURE OF COHABITATION

de facto relationship



PERSONAL RIGHTS AND DUTIES OF COHABITEES

- EQUALITY (Constitution)
- NO to live together, to be faithful to each other, to mutually respect their honour and human dignity, to help each other and no duty to create healthy living environment and background
- NO to represent each other
- NO to adopt a child together, NO to be a foster parents or guardians together



PROPERTY ASPECTS OF COHABITATION

- NO JOINT PROPERTY OF SPOUSES
- NO COMMUNITY OF PROPERTY
- only OWNERSHIP WITH SHARES TOWARDS THINGS (CC)
- NO MAINTENANCE DUTY

only rights and duties according to contracts/agreements -
(inominat) - seldom happen
property protection of unmarried mother or pregnant woman
(LIMITED MAINTENANCE etc. - AF: 95/1 and 95/2)