



MASARYK UNIVERSITY  
FACULTY OF LAW

# CZECH FAMILY LAW

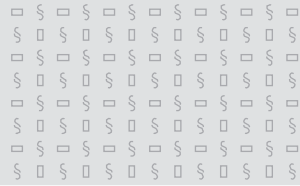
## REGISTERED PARTNERSHIP AND COHABITATION

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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 - descendants)
- 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



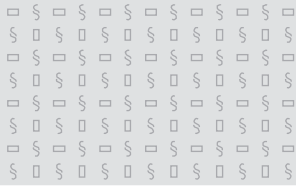
# PERSONAL RIGHTS AND DUTIES OF PARTNERS

- 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)