



Co-funded by the
European Union

Hearing children in family proceedings: Slovakia

1. General Obligation to hear children

According to the Act on the Family (Act No. 36/2005 Coll.), § 43(1), children with sufficient maturity and able to express their opinion has the right to express it freely in all cases concerning them. In proceedings where the minor child is a party, he/she has the right to be heard and that his/her opinion to be paid reasonable attention to, consistent with the child's age and maturity (§ 38 par. 1 to 2 of the Civil Non-Contentious Procedure Code, Act No 161/2015 Coll).

- In addition, pursuant to the Art. 5 g. of the Act on the Family (Act. No. 36/2005 Coll.), the best interests of a child is of the primary consideration when deciding all matters related to the child. When ascertaining and considering the best interest of the child, a number of criteria must be taken into consideration, in particular, g) the opinion of a child and its possible exposure to a loyalty conflict and subsequent feeling of guilt.
- Pursuant to the § 38 par. 1 to 2 of the Civil Non-Contentious Procedure Code (Act. No. 161/2015 Coll.), if a participant is a minor who is capable of expressing his/her opinion, a court shall take it into consideration. The court shall ascertain the opinion of a minor by a manner corresponding to his/her age and maturity. According to the character of the matter or case at stake, the court shall ascertain the opinion of a minor in absence of other persons.

2. Minimum age

Regarding the consultation of minor children in legal and administrative proceedings, children are consulted when this is appropriate to their age and mental development. In civil judicial proceedings there are no specific age limits for consulting children (CoE, 2012, p. 135).

3. Who hears the child?

- The child's maturity is assessed by the Court (Slovakian Ministry of Justice, 2010, p. 16). The judge has to contemplate the child's opinion is not always in harmony with his/her best interest. Also, the judge has to consider whether the child's opinion is really his/her own opinion. The judge may appoint an expert (child psychologist) to obtain the child's most authentic opinion, or he may hear the child alone (Pavelková, 2005, p. 13).



Co-funded by the
European Union

- The child's opinion shall be ascertained by the court via the child's legal representative or via the socio-legal child protection authority, or via questioning of the child. The questioning of the child may take place without presence of the parents or other caregivers (Pavelková, 2005, p. 13).

4. Specific rules for hearing children in child abduction cases?

- The court will make enquiries with the child as to whether he/she objects return in light of Art. 13(2) of the Hague Convention (Slovakian Ministry of Justice, 2010, p. 16).
- It is possible to appoint a guardian ad litem in cases of conflicting interests between parents and children (CoE, 2012, p. 128).

5. Cross-border element (i.e. hearing a child who is abroad in second-chance procedure Brussels IIbis?)

No information available.

6. Other relevant matters

No information available.

7. Legal sources on hearing the child

- Act on the Family (Act No. 36/2005 Coll.), §43(1), Art. 5
- Civil Procedure Code, §100(3)
- Civil Non-Contentious Procedure Code (Act No 161/2015 Coll.)

8. Sources in literature

- [Council of Europe \(CoE\) policy review](#), 2012
- [Pavelková](#), 2005
- [Slovakian Ministry of Justice](#), 2010
- Contact person for Slovakia: Milos Hatapka