

**DILEMMAS OF THE JUDICIAL ENFORCEMENT
PROCEDURE REGARDING THE DECISIONS ON THE
CONTACT RIGHTS BETWEEN THE CHILD AND THE
NONCUSTODIAL PARENT
IN HUNGARY**

**DILEMY SÚDNEHO EXEKUČNÉHO KONANIA TÝKAJÚCE
SA ROZHODOVANIA O PRÁVACH NA STYK DIEŤAŤA S
RODIČOM, KTORÉMU NEBOLO DIEŤA ZVERENÉ DO
OSOBNÉJ STAROSTLIVOSTI
V MAĎARSKU**

Nelli Varga¹

<https://doi.org/10.33542/SIC2025-1-14>

ABSTRACT

Until 28 February 2020, the enforcement of the contact was the responsibility of the guardianship authorities, and the detailed rules were laid down in Government Decree 149/1997 (IX. 10.) on guardianship authorities and child protection and guardianship procedure in Hungary. The enforcement of contact decisions was transferred from the competence of the guardianship authorities to the competence of the courts, and the rules of procedure were transferred to Act CXVIII of 2017 on the Rules Applicable to Civil Non-Contentious Proceedings in Courts and Certain Non-Contentious Proceedings in Courts. The legislation, which has been in force for more than four years, has highlighted a number of issues that the legislator or the law enforcer will need to revisit in the future. The study highlights some of these problems and controversial issues, both at the level of legislation and in practice, in order to draw attention to the neuralgic points of the enforcement of the contact decision and the need for reflection. The main questions of the research are: which authority is competent to enforce the parent-child contact agreement, what are the shortcomings of the current legislation in Hungary, how to ensure the best interests of the child in the enforcement procedure, is enforcement the only way to ensure contact, what alternative solutions are available to ensure that the contact between the uncustodial parent and child is in the best interests of the child.

ABSTRAKT

Do 28. februára 2020 bol výkon styku v kompetencii opatrovníckych orgánov a podrobné pravidlá boli stanovené vo vládnom nariadení č. 149/1997 (IX. 10.) o opatrovníckych orgánoch a postupe pri ochrane a opatrovníctve detí v Maďarsku. Výkon rozhodnutí o styku bol presunutý z právomoci opatrovníckych orgánov do právomoci súdov a procesné pravidlá boli presunuté do zákona CXVIII z roku 2017 o pravidlách platných pre občianske nesporné konanie na súdoch a niektoré nesporné konania na súdoch. Právna úprava, ktorá je účinná už viac ako

¹ Dr., PhD., University of Debrecen, Faculty of Law, Debrecen, Hungary
Univerzita v Debrecíne, Právnická fakulta, Maďarsko.

štyri roky, poukázala na viaceré otázky, ku ktorým sa zákonodarca alebo vykonávateľ práva bude musieť v budúcnosti vrátiť. Štúdiá poukazuje na niektoré z týchto problémov a sporných otázok, a to tak na úrovni právnych predpisov, ako aj v praxi, s cieľom upozorniť na neuralgické body výkonu rozhodnutia o styku a potrebu reflexie. Hlavnými otázkami výskumu sú: ktorý orgán je príslušný na výkon dohody o styku rodiča s dieťaťom, aké sú nedostatky súčasnej právnej úpravy v Maďarsku, ako zabezpečiť najlepší záujem dieťaťa v konaní o výkon rozhodnutia, či je výkon rozhodnutia jediným spôsobom zabezpečenia styku, aké alternatívne riešenia sú k dispozícii na zabezpečenie toho, aby bol styk medzi rodičom, ktorý nemá dieťa v starostlivosti, a dieťaťom v najlepšom záujme dieťaťa.

I. INTRODUCTION

The regulation on the relationship and the contact rights between the child and its noncustodial parent, as well as the enforcement of the decisions in this regard, are often the subject of disputes between the parents who have terminated their relationship. In many cases, the lack of agreement on the contact and visitation rights between the parent and the child is the 'Achilles heel' of a divorce by mutual consent. Judicial practice shows the tendency that in the recent years has been that in addition to the biweekly continuous visitation over the weekend, the separated parents insist on the extensive contact rights during the weekdays as well, that requires detailed regulation of the contact rights.

There have been numerous factors that have contributed to the growing importance of contact law in recent decades.² For instance, social changes made it easier for the people in this fast-paced world to terminate their former relationships and enter into a new relationship, while the parents who live separately, wish to spend almost as much time with their child as the parent who actually lives with the child and who was granted custody (custodial parent) and also give voice to their presumed rights.

Whether it is marriage or a civil partnership, when the parents separate, the child is forced to „bear the loss” of one of its parents, and only proper communication and cooperation between the parties can reduce the trauma suffered by the child. When there is a breakdown or interruption of the dialogue between the parents, and the parties are no longer able to cooperate with respect to the best interests of the child, then the enforcement of the decision on contact rights takes place, that often viewed as the „hotbed of power games”. The question may arise in these cases, when there is no longer any or adequate communication between the parties, whether the enforcement of the contact decision is the only way to remedy the problems. In my opinion, the legally formalized procedure for the implementation of a decision may not be able to restore dialogue and cooperation between the parties, what is more, it may even deepen the tension between the parties, in which case the child is the one who really suffers. The issue of the contact rights between the noncustodial parent and the child is not necessarily solved with the termination of the relationship between the parents, as with the regulations on the contact between the parent(s) and the child, it accompanies the child's minor years.

The law, regulation, and enforcement of contact rights have come a long way in the development of the Hungarian legal system and over time have partly adapted to the trends of European development. The narrow-minded regulation adopted in the socialist era considered

² SZEIBERT, O: Contact rights of the child and the noncustodial parent, with special regard to the practice of the Constitutional Court and the Ombudsman of Hungary (*Kapcsolattartás a gyermek és a különélő szülő között, különös tekintettel az alkotmánybírósági és ombudsmani gyakorlatra*) In: KESERŰ, Barna Arnold – KÖHIDI, Ákos, *Tanulmányok 65. éves Lenkovics Barnabás tiszteletére*, Budapest-Győr, Eötvös József Könyv-és Lapkiadó Bt. – Széchenyi István Egyetem Deák Ferenc Állam- és Jogtudományi Kara, 2015. 471-472.

the parent and the child as objects, and regulated the right of contact only as visitation rights.³ Originally, in terms of terminology, the term „visitation” has also appeared in the regulation of the Family Act of 1952⁴, until 1986, when it was amended, and visitation was replaced by the term “contact rights”.⁵ Contact was regulated as a the right of the child as a result of Hungary's accession to the 1989 New York Convention on the Rights of the Child.⁶

It is not only the right, but also the duty of the noncustodial parent to maintain contact with his or her child, while the child has the right to maintain a personal and direct relationship with his or her noncustodial parent.⁷ The substantive legal provisions concerning contact are laid down in the Family Law Book of Act V of 2013 on the Civil Code (hereinafter: the Civil Code), and in Government Decree No. 149/1997 (IX.10) on the guardianship authorities and the child protection and guardianship procedure (hereinafter referred to as: Gyer.). The implementation of the contact rights belonged under the competency of the guardianship authorities until February 28, 2020, and its detailed rules could be found in Gyer. From March 1, 2020, the enforcement of decisions on contact rights has been transferred from the competence of the guardianship authorities to under the jurisdiction of the courts. The rules of the procedure for the enforcement of decisions concerning the contact rights of a child have been transposed from Gyer. to the Act CXVIII of 2017 on the regulations applicable in civil non-litigation court procedures and certain non-litigation court procedures (hereinafter referred to as: Bnptv.).⁸

This change of competence is has not precedent in Hungarian legal history, as before November 1, 1997, the courts used to have jurisdiction to enforce a court-regulated contact, regarded as the implementation of a specific act or conduct according to the general rules on judicial enforcement. The justification for the amendment of the Bnptv. only briefly explains why the change of competence became necessary with regard to the implementation of the decisions on contact rights. According to it, in order to be able to enact more effective decisions with enhanced procedural guarantees on the enforcement of contact right decisions, the Proposal would transform the procedure currently falling within the competence of the guardianship authorities into civil non-litigation court procedures within the jurisdiction of courts.⁹ As a result of the change of jurisdiction, the court enforces the relationship decision in all cases, regardless of whether the underlying decision was made by the guardianship authority¹⁰ or the court, while the court has jurisdiction to regulate parent-child contact only if a divorce or child custody litigation is pending between the parties.¹¹

The extensive regulations that are in force for four years now have shed light on several issues that the legislation or the legal practice is going to need to reflect on in the future. The study highlights some of the problems and controversies that arise at the level of legislation and

³ Section 93. (1) of the Act IV of 1952 on the Family, Marriage and Guardianship (hereinafter referred to as: Csjt.) (original text).

⁴ Decree 1/1974 (VI. 27.) of the Minister of Education on the guardianship procedure.

⁵ Section 33 of the Act IV of 1986.

⁶ Act XXXI. of 1995.

⁷ Section 4:178 (1)-(2) of the Civil Code.

⁸ HÁMORI, A: On the change of competence in the implementation of the contact decision and the difficulties in replacing the ongoing contact - in the context of a case (A kapcsolattartásra vonatkozó határozat végrehajtásában bekövetkezett hatáskör-változásról, valamint a folyamatos kapcsolattartás pótlásának nehézségeiről - egy jogeset kapcsán) In: Családi Jog, 2020/4., 26.

⁹ Justification of the Act CXXXVII of 2019 on the Amendment of Certain Acts in Relation to the Establishment of One-Degree District Offices.

¹⁰ For more information on the guardianship procedure, see MENTUSZNÉ TERÉK, I: Legal and non-legal means of implementing contact in the work of guardianship authorities, (A kapcsolattartás végrehajtásának jogi és nem jogi eszközei a gyámhatósági munkában) In: Családi Jog, 2012/2, 18-27.

¹¹ Section 4:181 (1) of the Civil Code.

in case law, without claiming to be exhaustive, in order to draw attention to the neuralgic points of the implementation of the decisions on contact, and the need for reflection.

The purpose of this study is to review the changed Hungarian rules on the enforcement of parent-child contact orders, both in Hungarian law (bearing in mind that the author is primarily engaged in research on Hungarian law) and in the law of some European countries, and to compare these provisions.

The main questions of the research are: which authority is competent to enforce the parent-child contact agreement, what are the shortcomings of the current legislation in Hungary, how to ensure the best interests of the child in the enforcement procedure, is enforcement the only way to ensure contact, what alternative solutions are available to ensure that the contact between the uncustodial parent and child is in the best interests of the child. In addition to analysis of the legal literature, legislation, the study uses the comparative and analytical method and the author draws on her own experience as a civil law judge. The study does not deal with the implementation of cross-border contacts within the European Union as regulated by the Brussels IIb Regulation.

II. CONTACT DECISION SERVING AS GROUNDS FOR ENFORCEMENT PROCEDURE IN HUNGARY

The conduct of the new non-litigation procedure for the enforcement of the contact decision is greatly influenced by the regulation of the contact between the two parties.¹² Only a decision that clearly and unambiguously defines the rights and obligations of the parties with regards to contact rights shall be enforceable. Therefore, the responsibility of the bodies involved in jurisdiction by drafting the contact decision - guardianship authorities, courts - is substantial, they must be especially careful to make an enforceable decision as a result of the procedure, and that the decision or settlement shall include all the issues required by law.¹³ The decision made or the settlements formulated based on the statements of the parties' shall also contain the detailed rules in an enforceable manner, without any shortcomings. In this case, the saying that the devil lies in the details is especially true. Some minor shortcomings in the decision could trigger a chain of conflicts between the parties, where children would suffer the most. The procedure for the implementation of the decision on contact shall not constitute a new procedure for the regulation of contact, in this procedure it is not possible to examine substantive legal issues or to amend the original decision. The procedure is limited to whether or not the parties have complied with the decision on which the contact is based .

The decision on contact shall include the frequency and duration of continuous, intermittent, or supervised contact, the place, time and, manner of handing over or returning the child, rules on taking the child abroad, handing over and returning the child's personal documents, medicines, the designation of persons involved in the receipt or the transfer, the obligation to provide information on circumstances preventing contact, the procedure for compensating for missing contact, the rules for contact without meeting in person, certain issues of bearing the costs of taking the child away, and legal consequences of non-compliance.¹⁴ The court or guardianship authority shall decide on the contact rights taking into account the age, the state

¹² For more information, see REIDERNÉ BÁNKI, E: Some problematic issues of contact maintenance, (A kapcsolattartás néhány problematikus kérdése), In: *Jogtudományi Közlöny*, 2005/1, 25-37.

¹³ See further in BARZÓ, T: Civil and criminal consequences of parental conducts hindering the exercise of contact rights of the noncustodial parent, (A különélő szülő kapcsolattartási jogát ellehetetlenítő szülői magatartás polgári jogi és büntetőjogi következményei) In: *Miskolci Jogi Szemle*, 2019/2., 85.

¹⁴ Section 29/A. (1) of the Gyer., see also Section 4:181. (3) of the Civil Code.

of health, and the living conditions of the child, the personal circumstances of the parents, and has to take into consideration the opinion of the child with a sound judgment.¹⁵

In practice, it parents often deviate from the decision of the guardianship authority, the court or from a court-approved settlement that govern the rules of contact, so their own contact rules are developed over the years, then later they initiate an enforcement procedure for the non compliance with these rules. Article 22/A. (1) of the Bnptv. makes it clear for the judicature that only the decision of the court or the guardianship authority can be enforced, i.e. the practice developed later between the parties that differs from what is contained in the official decision is not enforceable. Any parent who has a legal interest in this manner may file a request to change the rules of contact according to Article 4:181. (4) of the Civil Code.

Another typical issue that appears in the judicial practice is that the decision on contact rights does not formulate the exact location of the handover, the persons involved in the handover, the rules of the handover and the return of the child's documents, clothing, medicines, the rules on the notification if any circumstances prevent the contact, any forms and duration of contact outside of personal visitation, or the arrangements for reschedule missed contact occasions. In the latter case, copying the wording of the Civil Code,¹⁶ or wording that says that " if the contact did not take place for reasons not attributable to the obligee must be repeated at the next appropriate time", is not satisfactory as it does not specify the next appropriate date to replace the contact.

Deciding whether the replacement of a contact arranged for a fixed period is possible can become a source of controversy, especially if the school break that is concerned has already passed. In my opinion, in such cases the contact arranged for a fixed period can no longer be replaced, because the purpose of the contact can no longer be realized, as the child already has to go to kindergarten or school. Anyway – although it is not prescribed *expressis verbis* in the Civil Code – contact arranged for a fixed period is designated for spending time together with the child for a longer period, especially during periods of educational breaks and multi-day holidays.¹⁷ The Gyer. expressly declared that in the case of contact arranged for public holidays, it was not possible to replace the missed contact,¹⁸ from what it could be inferred that the contact on educational breaks may be replaced if it is missed for reasons not attributable to the obligee parent. However, after the school break, it is rather difficult to arrange the missed contact in such a way as to ensure a longer period of cohabitation for the noncustodial parent with his or her child. This uncertain situation was resolved by the Constitutional Court's Decision 30/2021 (XII.1.) AB, which annulled the Section 30 (5) of the Gyer, since it excluded the possibility of making up for contact on public holidays. The explanatory memorandum stresses that the decision does not constitute a position; it is always for the legislator to decide in the specific case whether it is appropriate to provide for the replacement of contact.

Related to the content of the decisions on the contact rights is whether it is possible to enforce a decision if the parents agreed on joint parental custody, especially if shared parenting takes place as well. In the case of joint custody, typically, the domicile of the child is at one parent, while in the case of shared parenting, parental supervision is also shared physically, as the child spends the same amount of time with one parent as the other. In the case of legal joint custody, it is possible for the parents to regulate the issue of contact rights even in the case of joint custody, although it is not stipulated as obligatory by the Civil Code.¹⁹ However, in the case of

¹⁵ Section 4:181. (2) of the Civil Code.

¹⁶ Section 4:182. of the Civil Code.

¹⁷ Section 4:180. (1) of the Civil Code.

¹⁸ Section 30. (5) of the Gyer.

¹⁹ Opinion of the New Civil Code Advisory Board.

shared parenting custody, there is no contact and therefore no place for the enforcement of contact.

III. PROCEDURE FOR ENFORCING THE DECISIONS ON CONTACT RIGHTS IN HUNGARY

The contact may be enforced if the provisions of the decision of the court or the guardianship authority on the contact rights, or the settlement agreement approved by the court or the guardianship authority are violated.²⁰ The court shall issue a court order for the enforcement of the decision on the contact rights without issuing an enforcement order. An important guarantee of the effectiveness of enforcement is the rule that an appeal against the court order does not have suspensory effect.²¹

In this way, it is possible to enforce the decision not only in the event of missing regular and fixed-period contact, but also if the rules on supervised contact, electronic mailing, telephone contact, post and parcel delivery are breached.

It is a significant difference from the previous regulation that while the Gyer. provided the enforcement of contact rights in the event of self-fault or threatening behaviour,²² in the non-litigation court procedure it is possible if the applicant wrongfully fails to comply with the decision.²³ It is also a notable difference in the procedures belonging to the competence of guardianship authorities that while previously the guardianship authority had the opportunity to „fine-tune” the contact regulations and, if necessary, make minor amendments to the incomplete regulations, in this regard, to determine the exact place of receipt, redefine the distribution of holidays, according to the current act on non-litigation court procedures the change of the child contact right regulations is possible only in litigation.

In the litigation, the district court that has jurisdiction based on the child's place of residence acts,²⁴ while regarding the costs of the procedure subject-specific suspension of payment of costs prevail.²⁵ Legal representation is not mandatory in the proceedings, it is possible for the parties to have legal representation. In such a case, the power of attorney granted to the legal representative in the main proceedings – contrary to what is stipulated in Section 63 (4) of the Civil Procedure Act CXXX of 2016 – does not cover enforcement proceedings concerning contact rights, since the proceedings are considered non-litigious proceedings and Bnptv. does not expressly stipulate on it.²⁶

The procedure is divided into two stages, and in the first stage, the court examines the violation of the provisions of the contact decision on the basis of substantive law. If the violation is found, the court will order the enforcement.²⁷ At this stage, the adverse legal consequences are not yet applicable, the court will only decide whether to order or refuse the enforcement. In the former case, it calls on the applicant to notify the court within 15 days of the voluntary performance or non-performance of the enforcement.

1. The Applicants

Pursuant to the law, the enforcement of the decision on contact can be requested by both the person who is entitled to it,²⁸ and the one who is obliged to contact according to the Civil

²⁰ Section 22/A. (1) of the Bnptv.

²¹ Section 22/A. (1) of the Bnptv.

²² Section 33. (2) of the Gyer.

²³ Section 22/B. (4) of the Bnptv.

²⁴ Section 22/A. (3) of the Bnptv.

²⁵ Section 3. (1) g) of the Act CXXVIII. of 2017.

²⁶ Opinion of the The Workshop of the Hungarian Regional Court Officials’.

²⁷ Section 22/C. (2) of the Bnptv.

²⁸ E.g. grandparent, brother, parent's brother, parent's spouse.

Code.²⁹ However, obviously only that person is entitled to request the execution of the decision, for whom the decision contains a provision. In practice, the parents are primarily in the position of the applicant, but other persons that are entitled or obliged to contact may also be, for example, grandparents, provided that they are included in the guardianship decision.

2. Deadline for submission of the application

The request must be made within 30 days of the breach of the decision on contact rights or from the day when the applicant becomes aware of it. In case of the replacement of a missed contact, the deadline shall be calculated from the expiry of the nearest appropriate date established for the replacement of the contact.³⁰

In connection with this section of the Act, the problem of interpretation arises as to whether, in this case, it is necessary to wait for the nearest appropriate date, that may be within six months, and to calculate the 30-day deadline from there. Or, in the event of a breach of the contact decision, it is not required to wait for the date of replacement pursuant to the regulations of the decision, but enforcement can be requested immediately in the event of an alleged breach of the decision. The former could provide grounds for a misuse and would not be in the best interests of the minor child either, so I agree with the latter interpretation.

3. Contents of the application

A Bnptv. prescribes the contents of the application, that includes, inter alia, a firm, unambiguous application for ordering enforcement, and it has to describe the the conduct or omission that constututed the breach of contact rights, or any other activity or omission that prevented or interfered with the contact rights.³¹

The court may, on the grounds of the unambiguous request, determine what sort of action can be requested by the applicant from what is stipulated in Section 22/C (2) a-c) of the Bnptv. That is, in addition the order of enforcement, the applicant, in each case, shall request one of the following:

(a) upon receipt of the order, the due contact shall be complied at the time and in the manner specified in the decision,

(b) the replacement of a contact that was missed for reasons not attributable to the person entitled to contact shall take place at the nearest appropriate time, but at least within six months, until the indicated final date for replacement, or

(c) if there have been other obstacles that interfered with the contact that cannot be attributed to the person entitled to it, ensure the uninterrupted contact with the child once the obstacle has been removed.

If the applicant requests the reimbursement of costs, a firm request for it shall also be submitted with the indication of the exact amount of the costs occurred.

4. The order of enforcement - the first stage of the procedure

4.1. Attributability

The central issue examined by the courts in ordering the execution of the contact is the attributable conduct of the applicant. Previously, during the procedure that fell within the competence of the guardianship authority, the existence or absence of self-fault had to be examined on a case-by-case basis by the guardianship authority, the exact content element and concept of which was not defined by law.

²⁹ Section 22/A. (2) of the Bnptv.

³⁰ Section 22/B. (3) of the Bnptv.

³¹ Section 22/B. (1) f)-g) of the Bnptv.

The proceeding that currently belongs within the jurisdiction of the court shall be initiated if the person entitled or obliged to contact wrongfully fails to fulfill his/her contact obligation within the deadline, fails to replace the missed contact within the time stipulated in the court decision, or, without any reasonable cause, obstructs or otherwise interferes the appropriate, uninterrupted contact with the child.³²

The definition of the act regarding the criterion of attributability, is of concern from a codificational perspective, as it uses a substantive law concept in an act of procedural law, while the concept of self-error also appears in the application of legal consequences.³³

When including the concept of attributability, the aim of the legislator could presumably have been for the court to make a decision based on the substantive laws as far as the execution of contact rights is concerned, and to apply the rules of attributability as it is stipulated in the Civil Code.³⁴

According to Section 1:4. (1) of the Civil Code, unless it is stipulated otherwise by this Act, in any civil law relations one shall act as it is reasonably expected in the particular situation. The violation of this standard of conduct is the attributability.³⁵ Legal practice refers to attributability as a measure of responsibility that focuses on human behavior and its influence, that effectively combines the two basic principles of responsibility: subjective and objective responsibility. Attributability is not a concept that is purely based on individual fault, but it measures the given behavior from an objective perspective of social expectations, therefore, it is „objectified” to a certain degree.³⁶

The conceptual scope of attributability is broader than self-fault, since the latter basically constitutes a negligent conduct, whereas, as described above, attributability is, in a sense, an objectified category of liability.

Consequently, the scope and subject of the investigation in the proceedings for the enforcement of the contact decision are wider than before the Guardianship Office. This also comes with the consequence that the court has to carry out an extensive evidentiary procedure when ordering enforcement.

4.2. The personal hearing and the evidentiary procedure

The court shall, if necessary, hold a hearing if about the enforcement of the decision.³⁷ The personal hearing is obviously a forward-looking tool and it helps to restore communication between the parties. It is unfortunate that in court proceedings, it is not possible to make minor amendments to an existing decision on the basis of a consensual declaration based on the intent by the parties, instead another guardianship or court proceeding shall be initiated. From 1 January 2021, if the court has decided on the issue of contact, in subsequent contact matters regulated by the court, it is within the jurisdiction of the court to amend the contact rights, regardless of the elapsed time.³⁸ However, a slight modification of the original decision by consensual declaration of intent based on the consensus of the parties would in many cases also serve the best interests of the minor child. Even small clarifications and changes can fill the

³² Section 22/B. (4) of the Bnptv.

³³ Section 22/D. § (2) of the Bnptv.

³⁴ A contrary opinion is represented by Erika Harmat and Balázs Völcssey, according to whom the concept of attributability used in property law cannot be identified with the attributability in family law, since in these cases the subjective life situation of the given parent must always be taken as a point of reference. See in: HARMAT, Erika – VÖLCSEY, Balázs: New non-litigious procedure in the competency of courts: procedure for the enforcement of a contact decisions (Új nemperes eljárás a bíróságok hatáskörében: a kapcsolattartásra vonatkozó határozat végrehajtása iránti eljárás), In: Család Jog, 2020/1. 5.

³⁵ EÖRSI, Gy – GELLÉRT, Gy (ed.): A Polgári Törvénykönyv magyarázata, KJK, Budapest 1981., 31.

³⁶ Opinion of the The Workshop of the Hungarian Regional Court Officials’.

³⁷ Section 22/C. (1) of the Bnptv.

³⁸ Section 4:181. (4) of the Civil Code.

parties with satisfaction and could be a cure for the problems that arise. The court may also order an evidentiary procedure that is deemed necessary *ex officio* of its own intent. The court shall also adopt its decision in a priority proceeding.³⁹ The legislator introduced this procedure as a priority proceeding in 16 July 2020, justified on the grounds that the increased protection of the interests and rights of the child could be achieved if the enforcement was ordered as soon as possible.⁴⁰ However, the requirement of priority in a procedure that requires a rather extensive evidentiary procedure, where a forensic expert is also assigned, is not really feasible.

4.3. Expression of the minor's independent will

The cornerstone of enforcement matters is the expression of the independent will of children over the age of 14. During the enforcement of a contact decision the parent raising a child frequently claim that the child did not want to maintain contact, did not want to meet with the noncustodial parent, and this was the reason why the contact had been missed. It is easy to see that in the case of few years old child, this should not be enough grounds for a reasonable objection, but the situation is much more complicated in the case of a child in possession of his sound judgment.

It is the obligation of the custodial parent that raises the child to prepare it to contact with the other parent during his or her parenting activities. The Civil Code itself also stipulates that the parent or other person that parents the child is obliged to ensure the uninterrupted right to contact.⁴¹ It proves the parent's inability to fulfill his or her duties if he or she tunes the child against the other parent, influences them, and thus prevents the realization of an uninterrupted contact.⁴²

In these cases it is rather difficult to determine to what extent this decision is it the will of the parent raising the child and to what extent it is the child's independent decision and expression of will. However, in the case of a child who has reached the age of 14 or is in possession of his or her sound judgment, the influence of the parent raising the child alone may not influence the child's decision as to whether or not to meet his or her separated parent. At this age, other motivations, impulses, influences, meetings friends, weekend programs can also play a role in making a decision. Concludingly, it can be seen that it is quite complicated to decide to what extent a minor child who has reached the age of 14 or is in possession of his or her judgment has made the independent declaration of will not to meet his or her noncustodial parent. Judging this in a non-litigious proceeding, where even a personal hearing is not mandatory, is not an easy task.

Under the UN Convention on the Rights of the Child, the views of the child, in accordance with his or her judgement, shall be taken into account in matters affecting him or her.⁴³ In the case of a minor with limited legal capacity who has reached the age of 14, it is difficult to get him/her to meet his/her noncustodial parent against his or her will. The question arises as to what extent in this case the child's conduct can be attributed to the parent's conduct and when can the parent caring for the child be fined during the execution of the contact. According to the opinion adopted by the Workshop of the Hungarian Regional Court Officials' in February 2020, contact is a tripolar legal relationship in which, in addition to the person entitled to contact, the child himself or herself can also be considered as an obligee. However, in proceedings, only the attributability of the applicant can be examined as a condition for ordering enforcement. The grammatical interpretation of the law also supports this, since the law does

³⁹ Section 22/C. (1) of the Bnptv, in force since July 16, 2020.

⁴⁰ Justification of the Bnptv.

⁴¹ Section 4:178. (1) of the Civil Code.

⁴² BH 2017.123.

⁴³ Article 12. (5).

not consider the child to be a party to the proceedings because it consistently mentions the minor child of the parties as “child”.

If the contact is missed due to the expression of the will of a child who has reached the age of 14, the court shall suspend the proceedings for the enforcement of the contact decision, provided that the disputing parties engage in mediation by their request or by the order of the court or the obligee and the obligor requests the court or guardianship authority to change, restrict or terminate the right to contact.⁴⁴

4.4. Order of enforcement or rejection of the application

If, during the proceedings, the court finds that the applicant has violated the provisions of the contact decision, the enforcement shall be ordered. At the same time, in the enforcement order decision, the court shall issue an injunction to the applicant to comply with the contact decision in accordance with the time and in the manner specified in the contact decision, or to ensure and indicate the final date for replacement or, if there was another obstacle to the contact that cannot be attributed to the person entitled to the contact, ensure uninterrupted contact with the child after the reason for obstacle has been terminated.⁴⁵ If the conditions for ordering enforcement are not met, the court will decide to reject the application.⁴⁶

In the enforcement order, the court shall warn the respondent of the legal consequences of failing to comply with the injunction of the court through the fault of his own.⁴⁷ At the same time, the court must send the order to the applicant with a request to notify the court of its execution or non-execution within 15 days of the expiry of the time limit set for the voluntary execution.⁴⁸ The law does not prescribe the legal consequences for the applicant's failure to comply with this notification obligation, nor does it contain an express indication as to whether the self-fault on the respondent's side should be in any way considered or recorded. From the grammatical interpretation of the legislation, it can be concluded that the legislator only requires a statement from the applicant as to whether or not the voluntary performance has taken place. It is advisable for courts to request the applicant to indicate it in its notification whether the respondent has failed to perform the court order voluntarily through no fault of his or her own, or due to reasons beyond his or her control. The application of additional legal consequences in the second stage of the procedure is possible only if the performance was not due to the respondent's own fault.

5. Legal consequences - second stage of the procedure

In the event of non-fulfillment through no fault of own, the court shall issue a special order to the guardianship authority to promote the respondent's performance with the involvement of the family and child welfare institutions, it may impose fines, if the rules of contact are violated regularly or repeatedly, it may order the transfer of the child with the involvement of the police, may instruct the guardianship authority for the purpose of settling parental responsibility or to initiate a lawsuit to grant child custody to a third party, provided that it is in the best interests of the minor child and that it is requested by the parent or the third party, or may also file a report the crime of abuse of a minor or the prevention the exercise of contact rights.⁴⁹

⁴⁴ Section 22/E. (1) of the Bnptv.

⁴⁵ Section 22/C. (2) of the Bnptv.

⁴⁶ Section 22/C. (5) of the Bnptv.

⁴⁷ Section 22/C. (3) of the Bnptv.

⁴⁸ Section 22/D. (1) of the Bnptv.

⁴⁹ Section 22/D. (2) of the Bnptv.

Of the legal consequences applied, the court is obliged to order the method of enforcement that most effectively promotes the fulfillment of the obligation.⁵⁰ Multiple legal consequences can be ordered at the same time, and fines can be imposed repeatedly.⁵¹ There is no priority among the legal consequences, it is always determined on a case by case basis, taking into account the specifics of the given case, which legal consequence shall be applied with respect to the effective enforcement. It must be taken into consideration whether the obligee or the obligor has violated the contact decision.

It is important to emphasize, however, that the legal consequences can be applied only if the obligee or the obligor fails to comply with the court's decision through voluntary performance, through a fault of his or her own. The legislator prescribed the existence of self-fault in determining the legal consequences of enforcement, while at the order of enforcement the concept of attributability was declared as a decisive factor. If the legislator had intended to judge the conduct of the obligee or the obligor in the same way in both of the two stages of the procedure, the legislator would have used the same *terminus technicus*. However, since it is obviously not a spelling mistake or a drafting error by the legislator, it can be concluded from the intention of the legislator that the attributability cannot be identified with the concept of self-fault in family law relations as well.

A further question arises as to whether the court has an additional function beyond determining the application and the method of enforcement. The law does not provide for further proceedings, so the court does not have to examine whether or not its measures have led to any results at all. In this respect, the current regulations are certainly of concern, as they cannot effectively serve the best interests of the minor child.

With regard to the toolbox of legal consequences, it can be stated that all measures can be applied in parallel and there are no time constraints or a sequence regarding each of the measures. The contact decision can be enforced and the legal consequences can be applied multiple times. If the procedure has not produced a result, the regulations on pause as stipulated in ordinary judicial enforcement proceedings by the Act LIII of 1994 on judicial enforcement (hereinafter referred to as: Vht.) are not applicable.⁵² In the event of a repeated and attributable violation of the original court decision on contact rights, another enforcement procedure shall be initiated.

IV. REGULATIONS IN SOME EUROPEAN COUNTRIES

1. Austria

In Austria, under the Non-Contentious Proceedings Act, contact orders cannot be enforced under the Enforcement Act.⁵³ Under the Non-Contentious Proceedings Act, the court must order appropriate binding measures on application or of its own motion.⁵⁴ These measures include fines, detention for up to one year, compulsory appearance, inspection of documents, information and other movable property, and the appointment of trustees to take reasonable measures at the expense and risk of the defaulting person.⁵⁵

Orders for personal contact shall be enforced over the objection of the parent who is separated from the child. Under the the Non-Contentious Proceedings Act, the court may only waive enforcement *ex officio* if and for as long as it endangers the welfare of the child.⁵⁶

⁵⁰ Section 22/D. (3) of the Bnptv.

⁵¹ Section 22/D. (4) of the Bnptv.

⁵² Section 52. (1) of the Vht.

⁵³ Section 110. (2) of the Non-Contentious Proceedings Act.

⁵⁴ Section 79. (2) of the Non-Contentious Proceedings Act.

⁵⁵ ROTH, M: National report: Austria, <https://ceflonline.net/wp-content/uploads/Austria-Parental-Responsibilities.pdf> (28-12-2024).

⁵⁶ Section 110. (3) of the Non-Contentious Proceedings Act.

Consequently, in Austria, taking over a child in order to enforce rights of access is not allowed and is considered a disproportionate measure which is detrimental to the child's best interests. Direct coercive measures can only be used to enforce parental responsibility and residence agreements, not for contact agreements.⁵⁷ Only judicial bodies may use direct coercion to enforce court orders. These bodies may also request the assistance of the police. However, any physical restraint on the child may only be used as a last resort.

The court must also refrain from taking any other coercive measure to enforce the right of access if the minor over the age of 14 or the parent entitled to access refuses to exercise access and education about their rights and obligations and the importance of access for the child's well-being, as well as attempts at conciliation, fail.⁵⁸

2. Germany

In Germany, traditional dispute resolution mechanisms are also available at the implementation stage of a contact decision or agreement. In addition, under German law, advice on family law matters is provided not only by the Youth Welfare Office, but also by other institutions and associations, helping to resolve disputes amicably in the best interests of the child.

The German family law court must seek to reach an agreement at all stages of the proceedings in cases involving children. The court should hear the parties at the earliest possible stage and draw attention to the possibility of counselling by youth protection institutions.

If one of the parents claims that the other parent is obstructing the enforcement of the court order on contact, the family court will, at the request of one of the parents, conduct a conciliation procedure.⁵⁹ In such proceedings, the parents may be ordered to appear in person and, where appropriate, the Youth Welfare Office may be involved. The court will discuss the consequences for the child of not having contact and the legal consequences for the parents.⁶⁰

In the framework of this procedure, parents may conclude an agreement, which must be included in the proceedings. If there is no agreement on contact or counselling, or if at least one parent fails to appear, the court will make an order that the conciliation procedure has failed.⁶¹

If the obligated party breaches the enforceable instrument governing the contact, the court may impose a fine on the obligated party and, if the fine cannot be collected, imprisonment. A person may be fined up to €25 000 and imprisoned for up to six months. If the child has to be surrendered in order to exercise the right of access, no coercive measures may be taken against the child. Coercive measures may be taken against the child only if it is in the best interests of the child and the enforcement of the obligation cannot be achieved by other, less restrictive means.⁶²

3. Belgium

In Belgium, a family court that has approved a parent's right of access can later take enforcement measures.⁶³ The court determines the nature of these measures and the rules for their enforcement, taking into account the best interests of the child and, if necessary, designating the persons who will accompany the court officer to enforce the decision. The family court may impose a penalty payment to ensure compliance with the order.

⁵⁷ Section 110. (2) of the Non-Contentious Proceedings Act.

⁵⁸ HÜBNER, D: The new family law procedural provisions, In: S. FERRARI-G. HOPF, Reform des Kindschaftsrechts, Vienna, Manz Verlag, 2001, p. 124.

⁵⁹ Section 52a (1) of the Act on Voluntary Jurisdiction.

⁶⁰ Section 52a (4) of the Act on Voluntary Jurisdiction.

⁶¹ Section 52a (5) of the Act on Voluntary Jurisdiction.

⁶² DETHLOFF, N – MARTINY, D: National report: Germany, <https://ceflonline.net/wp-content/uploads/Germany-Parental-Responsibilities.pdf>, (28-12-2024).

⁶³ Section 387 (1) of the Civil Code.

4. Czech Republic

In the Czech Republic, the enforcement of a contact enforcement order is a matter for the court, governed by the Special Court Procedures Act. Before ordering the enforcement of a decision, the court may require the obligated party to comply with the decision or agreement and inform him of the possible ways of enforcing the decision: imposing a fine or changing the child's placement. The court may also ask the competent authority for the social and legal protection of children to make the debtor comply with his obligations without having to order enforcement of the decision.

If a person fails to comply with an obligation after having been ordered to do so by the court, the court may order enforcement of the decision by imposing a fine, which may be repeated. As an additional measure, the court may order a meeting with a mediator or a child psychologist or the development of an adaptation programme to facilitate a gradual contact between the child and the person entitled to have contact with him or her.⁶⁴

5. Luxembourg

In Luxembourg, the judge in family law cases who has approved a parent's right of access can then add enforcement measures to the decision. The family judge determines the nature of these measures and the measures necessary for their enforcement, taking into account the best interests of the child. The judge may impose a penalty payment to ensure enforcement of the decision.

If the contact order is regularly breached, the family court judge may impose a penalty payment (astreinte) to enforce compliance with the obligation and may even order mediation. In addition, failure to comply with a decision ordering access to the child is punishable under criminal law. The public prosecutor's office may, of its own motion or on the basis of a complaint by the victim, open an investigation and the court may impose criminal sanctions and, where appropriate, award compensation to the victim.

6. Finland

Decisions on contact are enforced in accordance with Act No. 619/1996 on Custody and Right of Access to Children. Enforcement must be applied for in writing to the district court of the child's or the respondent's place of residence.

During the enforcement procedure, the court usually appoints a mediator from the Social Welfare Board to deal with the case. The mediator will contact the parents and discuss the case with them and, if possible, with the child. The mediator will also try to arrange a joint meeting with both parents. The mediator will then report to the court and only then will the court decide on the case.⁶⁵

7. France

A judgment on maintenance of contact given by a family court is enforceable without any special measures. The family court judge may also impose a fine of his own motion in order to enforce the decision. If the order is not enforced, a complaint can be lodged with the public prosecutor's office attached to the court in whose jurisdiction the child is domiciled. Preventing a separated parent from exercising his or her right of access and contact with the child during the period of separation is a criminal offence of child restraint, punishable by one year's imprisonment and a fine of €15 000. If a parent seriously or repeatedly intentionally obstructs

⁶⁴ HRUSAKOVÁ, M: National report: Czech Republic, <https://ceflonline.net/wp-content/uploads/Czech-Republic-Parental-Responsibilities.pdf>, (28-12-2024).

⁶⁵ KURKI-SUONIO, K: National report: Finland, <https://ceflonline.net/wp-content/uploads/Finland-Parental-Responsibilities.pdf> (28-12-2024).

the enforcement of the order, the court hearing family law cases may order the parent to pay a civil fine of up to €10 000.⁶⁶

8. Sweden

In Sweden, parents can get help in the form of cooperation meetings to reach agreement on contact issues.⁶⁷ Parents can also get counselling that focuses on their relationship and helps them resolve their conflicts. Cooperation meetings are voluntary and parents cannot be forced to attend. If parents cannot reach an agreement, the court has to decide, which also applies to enforcement proceedings.

In Sweden, applications for enforcement of contact agreements and decisions are dealt with by administrative courts. Although the court is expected to act quickly, it is recognised that it is always in the child's best interest to seek voluntary solutions. The court may therefore instruct a member of the social welfare committee or other persons to ensure that the person in the child's care voluntarily implements the decision or agreement.⁶⁸ The person who has received such an order must report back to the court within two weeks on the action taken.

If the voluntary efforts are unsuccessful, the county administrative court may impose a fine for non-compliance with the order or order the child to be collected. Child collection can only be ordered if it is the only way to achieve enforcement and the child has a particularly strong need for contact. The court may refuse enforcement if circumstances have changed after the judgment or decision on contact has been given or after the parents' agreement has been approved by the social welfare committee and it is in the child's best interests to have the case reviewed.⁶⁹

In cases concerning the enforcement of contact agreements or court decisions, particular attention should be paid to the child's own wishes.⁷⁰ Enforcement against the wishes of a child who has attained the age of twelve or the equivalent level of maturity shall not be ordered unless it is necessary in the best interests of the child.⁷¹

V. POSSIBLE SOLUTIONS

In summary, it can be said that in all European countries without exception, the enforcement of a contact order is a non-contentious procedure within the jurisdiction of the court. In the light of this, it is not surprising that the Hungarian legislator has also decided to transfer the proceedings to the jurisdiction of the court instead of the guardianship authority for reasons of guarantee.

However, the legislation of the various countries is not identical as to whether a decision on maintenance of contact can be enforced *ex officio* or only on application. Some countries allow enforcement of the decision *ex officio* (France, Austria), and in some countries the judge hearing the main proceedings may himself take the necessary measures for enforcement (Luxembourg, Belgium). The latter would also be appropriate in Hungary, since a minor modification or clarification of the decision would not require the opening of new legal proceedings, thus increasing tensions between parents.

⁶⁶ FERRAND, F: National report: France, <https://ceflonline.net/wp-content/uploads/France-Parental-Responsibilities.pdf> (28-12-2024).

⁶⁷ Swedish Code for Children and Parents, Chapter 6, Sections 17a and 18.

⁶⁸ Swedish Code for Children and Parents, Chapter 21, Sections 2.

⁶⁹ JÄNTERÄ-JAREBORG, M – SINGER, A- SÖRGJERD, C: National report: Sweden, <https://ceflonline.net/wp-content/uploads/Sweden-Parental-Responsibilities.pdf> (28-12-2024).

⁷⁰ HÖJER, I, RÖBÄCK, K: Constructing Children's Views in the Enforcement of Contact Orders, *The International Journal of Children's Rights*, 2009, Vol 17, Issue 4, p 663., Doi 10.1163/157181808x401457.

⁷¹ Swedish Code for Children and Parents, Chapter 21, Sections 5.

An overview of the enforcement instruments shows that fines are available to the law enforcement authorities in almost all cases, but there are also countries where detention or imprisonment can be imposed for obstruction of contact. In the enforcement of a contact order, although the imposition or collection of a fine may facilitate contact, it does not mean that contact between the child and the parent is properly established as a pecuniary instrument. It is clear that the use of sanctions is the least conducive to the voluntary enforcement of decisions and is not necessarily in the best interests of the child.

Although the legislation in the different countries is diverse, it is nevertheless clear that all countries have alternative means of resolution: mediation, cooperation, discussion, counselling, conciliation to facilitate voluntary compliance. It would be advisable to emphasise alternative dispute resolution options, such as mediation, in Hungary as well in proceedings for the enforcement of a contact order, since the amicable resolution of a dispute is in the best interests of the child. In my view, the participation of the child in the procedure for the enforcement of a contact order should be increased. The views of the child should also be taken into account in the enforcement procedure.

The procedure for the enforcement of contact decisions seeks to encourage the parties to comply with the decision. During the proceedings, the restoration of cooperation between parents, the application of various alternatives, preventive communication procedures, such as court personal hearings, mediation, and other conflict management procedural mechanisms have a particular importance in place of enforcement sanctions. The application of punitive, retaliatory sanctions does not serve the best interests of the minor child, and does not effectively promote the realization and establishment of contact.

As an alternative solution, mediation may be relevant to the procedure for enforcing the contact, and it is possible both on request and *ex officio*. In many cases, the judges and court clerks acting in the enforcement procedure of a contact decision are also qualified as mediators, which can be used in personal hearings.⁷² In legal systems based on continental law, it is not uncommon for the successful completion of the contact to be facilitated by a person with a degree in psychology or pedagogy, who mediates or supports the procedure. Presumably it is also true in Hungary, that an external contact officer with appropriate professional qualifications and practice could be more effective in facilitating compliance with the contact decisions than a court enforcement procedure that takes place strictly in accordance with the law.

VI. CONCLUSION

The legislator in Hungary transposed the rules on the enforcement of contact decisions in the Gyer. originally modeled on administrative procedures into the Bnptv. without any special changes, thereby established the competence of the courts to enforce contact decisions. However, in addition to the change of competence, the legislator took over the existing rules and defined them as judicial non-litigious court proceedings without adapting them to the specifics of non-litigious judicial proceedings. The justification of the act that created the amendment of the competence does not clarify what was the existing problem the amendment of the legislation intended to offer a solution to remedy. In addition to the fact that, according to the legislator, it is possible to enforce contact decisions in courts under a more efficient procedure with better procedural guarantees, the legislator has not provided any further guidance.

⁷² VÁCZI, K: Mediation as the best tool for resolving relationship conflicts (A mediáció mint a kapcsolattartási konfliktusok megoldásának legjobb eszköze) In Glavanits Judit(szerk.): *Bíró és mediátor: válogatott tanulmányok a közvetítői eljárás elméleti és gyakorlati kérdéseiről*. Győr, UNIVERSITAS-GYŐR Nonprofit Kft., 2020. 259.

Since its entry into force, the regulations have already undergone some changes,⁷³ but there is still a lack of attention to cases where parents see the issue of contact as a game of power and initiate contact enforcement proceedings without any limit. The legislator – at the same time with the amendment of the competence – should have reviewed the current regulations and amended them to adjust the best interests of the minor. In the course of the amendment, the emphasis should have been placed on the restoration of communication between the parties and the solution options by incorporating alternative elements. It would be desirable to include diversionary procedures that allow for the restoration of disrupted cooperation and communication between the parties in the best interests of the child. The priority nature of the proceedings does not ensure the possibility of mediation or other alternative proceedings, the lengthy, multiple hearings of the parties. Obviously, this is not the task of the ordinary court system, even if judges and court clerks acting in these cases typically have the qualification of mediators, and this knowledge is used during the personal hearing of the parties in order to finally conclude the dispute. In the interests of minor children, it would be necessary at the legislative level to introduce alternative conflict resolution procedures to the enforcement of contact decisions, in addition to the existing mediation procedure. Possible regulatory models can be based on an examination of methods already used in other countries. For example, in Austria and Germany,⁷⁴ which are part of the continental legal system, an external expert assists the judge in the process of regulating the contact, but later, during the execution of the contact, the parties have the opportunity to turn directly to this external specialist.⁷⁵

By no means is it in the best interest of the child if during the enforcement proceedings the contact with the separated parent is enforced through police assistance or if the enforcement of the court decision on the contact right is requested regularly because of the constant tension between the parents.

Prolonged conflicts between parents leave traces in the child's life, even if the parents are already separated. These traces, with respect to the best interests of the child, should not be deepened by the constant and/or repeated enforcement of the contact decision, but by the legislator creating other, solution-oriented alternative procedures.

KEYWORDS

contact between parents and children, enforcement of a contact order

KEÚČOVÉ SLOVÁ

styk rodičov s deťmi, výkon rozhodnutia o styku

The research was made under the scope of the Ministry of Justice's program on Strengthening The Quality Of Legal Education. (A kutatás az Igazságügyi Minisztérium által támogatott, a „Jogászképzés színvonalának emelését célzó programok” keretén belül valósult meg.)

BIBLIOGRAPHY

1. ANNA SZENDRŐI: The fundamental and personality rights aspects of parent-child contact, *Pro Futuro*, 2019/2, pp. 82-99, <https://doi.org/10.26521/Profuturo/1/2019/3907>, (28-12-2024)

⁷³ Act XCII of 2020. évi XCII, in force since July 16, 2020.

⁷⁴ BAKSA, G: The possibilities of ensuring contact in German law, (A kapcsolattartás biztosításának lehetőségei a német jogban) In: *Családi Jog*, 2009/2. 31-35.

⁷⁵ https://dg-justice-portal-demo.eurodyn.com/ejusticeportal/content_parental_responsibility-302-cz-hu.do?member=1 (Accessed on November 20, 2024).

2. ANTAL HÁMORI: On the change of competence in the implementation of the contact decision and the difficulties in replacing the ongoing contact - in the context of a case (A kapcsolattartásra vonatkozó határozat végrehajtásában bekövetkezett hatáskörváltásról, valamint a folyamatos kapcsolattartás pótlásának nehézségeiről - egy jogeset kapcsán) In: Családi Jog, 2020/4., 26-31.
3. DANIELA JEŽOVÁ: Family Laws and Regulations Slovakia 2023. <https://iclg.com/practice-areas/family-laws-and-regulations/slovakia> (27-12-2024)
4. DEIXLER-HÜBNER: The new family law procedural provisions, In: S. FERRARI/G. HOPF, Reform des Kindschaftsrechts, Vienna, Manz Verlag, 2001.
5. ERIKA HARMAT – BALÁZS VÖLCSEY: New non-litigious procedure in the competency of courts: procedure for the enforcement of a contact decisions (Új nemperes eljárás a bíróságok hatáskörében: a kapcsolattartásra vonatkozó határozat végrehajtása iránti eljárás), In: Család Jog, 2020/1. 23-31.
6. ERIKA REIDERNE BÁNKI: Contact - a right or an obligation? (A kapcsolattartás - jog vagy kötelezettség?) In: Jog - Állam - Politika. Jog- és politikatudományi folyóirat, 2020/Különszám, 9-19.
7. ERIKA REIDERNE BÁNKI: Some problematic issues of contact maintenance, (A kapcsolattartás néhány problematikus kérdése), In: Jogtudományi Közlemény, 2005/1, 25-37.
8. FRÉDÉRIQUE FERRAND: National report: France, <https://ceflonline.net/wp-content/uploads/France-Parental-Responsibilities.pdf> (28-12-2024)
9. GRÉTA BAKSA: Enforcement of the contact obligation of a separated parent - decision of the German Constitutional Court (A különélő szülő kapcsolattartási kötelezettségének végrehajtása - a német Alkotmánybíróság határozata) In: Családi Jog, 2010/1., 33-36.
10. GRÉTA BAKSA: The possibilities of ensuring contact in German law, (A kapcsolattartás biztosításának lehetőségei a német jogban) In: Családi Jog, 2009/2. 31-35.
11. GYULA EÖRSI – GYÖRGY GELLÉRT: Explanation of the Civil Code (A Polgári Törvénykönyv magyarázata), Budapest, KJK, 1981.
12. INGRID HÖJER, KARIN RÖBÄCK: Constructing Children's Views in the Enforcement of Contact Orders, The International Journal of Children's Rights, 2009, Vol 17, Issue 4, p 663., Doi 10.1163/157181808x401457
13. IRÉN MENTUSZNE TERÉK: Legal and non-legal means of implementing contact in the work of guardianship authorities, (A kapcsolattartás végrehajtásának jogi és nem jogi eszközei a gyámhatósági munkában) In: Családi Jog, 2012/2, 18-27.
14. JÁNOS RIMASZÉCSI: The constitutional recognition of the right of the child and the separated parent to maintain contact as a right of personality (A gyermek és a különélő szülő kapcsolattartáshoz való jogának, mint személyiségi jognak az alkotmányos megítélése) In: Glossa Iuridica, 2016/3-4., 54-64.
15. KATALIN VÁCZI: Mediation as the best tool for resolving relationship conflicts (A mediáció mint a kapcsolattartási konfliktusok megoldásának legjobb eszköze) In Glavanits Judit(szerk.): Bíró és mediátor: válogatott tanulmányok a közvetítői eljárás elméleti és gyakorlati kérdéseiről. Győr, UNIVERSITAS-GYŐR Nonprofit Kft., 2020. 258-290.
16. KIRSTI KURKI-SUONIO, K: National report: Finland, <https://ceflonline.net/wp-content/uploads/Finland-Parental-Responsibilities.pdf> (28-12-2024)

17. LILLA KÓCZIÁN: Responsibilities of the divorced parent - parental custody and contact arrangements from the courtroom to the mediator (Az elvált szülő felelőssége - a szülői felügyeleti jog és a kapcsolattartás rendezése a tárgyalóteremtől a közvetítőig) In: Themis. Az ELTE Állam- és Jogtudományi Doktori Iskola elektronikus folyóirata, 2020/2., 77-91.
18. MAARIT JÄNTERÄ-JAREBORG – ANNA SINGER – CAROLINE SÖRGJERD: National report: Sweden, <https://ceflonline.net/wp-content/uploads/Sweden-Parental-Responsibilities.pdf> (28-12-2024)
19. MARIANNE ROTH: National report: Austria, <https://ceflonline.net/wp-content/uploads/Austria-Parental-Responsibilities.pdf> (28-12-2024)
20. MILANA HRUSAKOVÁ, M: National report: Czech Republic, <https://ceflonline.net/wp-content/uploads/Czech-Republic-Parental-Responsibilities.pdf>, (28-12-2024)
21. NINA DETHLOFF – DIETER MARTINY: National report: Germany, <https://ceflonline.net/wp-content/uploads/Germany-Parental-Responsibilities.pdf>, (28-12-2024)
22. ORSOLYA SZEIBERT: Contact rights of the child and the noncustodial parent, with special regard to the practice of the Constitutional Court and the Ombudsman of Hungary (Kapcsolattartás a gyermek és a különélő szülő között, különös tekintettel az alkotmánybírói és ombudsmani gyakorlatra) In: KESERÜ, Barna Arnold – KÖHIDI, Ákos, Tanulmányok 65. éves Lenkovics Barnabás tiszteletére, Budapest-Győr, Eötvös József Könyv-és Lapkiadó Bt. – Széchenyi István Egyetem Deák Ferenc Állam- és Jogtudományi Kara, 2015. 471-472.
23. ORSOLYA SZEIBERT: Regulation of certain contact issues in Austria, Italy, Belgium, Ireland and Sweden (A kapcsolattartás egyes kérdéseinek szabályozása Ausztriában, Olaszországban, Belgiumban, Írországban és Svédországban) In: Családi Jog, 2007/3., 29-33.
24. ORSOLYA SZEIBERT: The child in the COVID-19 pandemic - recommendations on child rights, child protection and family law (A gyermek a COVID-19 járvány idején – gyermekjogi, gyermekvédelmi és családjogi ajánlások), In: Családi Jog, 2020/3., 39-43.
25. PABLO JOSÉ ABASCAL MONEDERO: Family Laws in the European Union. In: Socialinè teorija, empirija, politika ir praktika, 2019. 87-94. <https://doi.org/10.15388/STEPP.2019.13> (28-12-2024)
26. TÍMEA BARZÓ: Civil and criminal consequences of parental conducts hindering the exercise of contact rights of the noncustodial parent, (A különélő szülő kapcsolattartási jogát ellehetetlenítő szülői magatartás polgári jogi és büntetőjogi következményei) In: Miskolci Jogi Szemle, 2019/2., 83-94.
27. TÍMEA BARZÓ: Conduct that prevents parental contact as a violation of personality rights (A szülői kapcsolattartást ellehetetlenítő magatartás mint személyiségi jogsértés) In: Lamm Vanda – Sajó András (szerk.): Studia in honorem Lajos Vékás, Budapest, HVG-ORAC, 2019. 21-39.
28. VIKTÓRIA KATALIN PUNGOR: Procedure for the enforcement of a contact decision during a declared state(s) of emergency due to a coronavirus epidemic (Kapcsolattartásra vonatkozó határozat végrehajtása iránti eljárás a koronavírus-járvány miatt kihirdetett veszélyhelyzet(ek) idején) In: Családi Jog, 2021/2., 23-29.
29. WOJCIECH LIS: Enforcement of the Obligation to Maintain Contact with a Child, In: Bialystok Legal Studies, 2021 vol. 26 nr 5, pp. 197-211. DOI: 10.15290/bsp.2021.26.05.12

30. ZSUZSÁNNA PURDA: Practical experiences of parental supervision and contact from the perspective of legal counselling in family support (A szülői felügyelettel és a kapcsolattartással összefüggő gyakorlati tapasztalatok a családsegítés körében megvalósuló jogi tanácsadás szemszögéből) In: Családi Jog, 2020/1., 32-40.

CONTACT DETAILS OF THE AUTHOR

Dr. Nelli Varga, PhD.

ORCID: 0009-0005-6186-6814

senior lecturer

University of Debrecen, Faculty of Law

Civil Law Department

4028 Debrecen, Kassai Street 26, Hungary

Phone number: + 36 52512700/77111

E-mail: varga.nelli@law.unideb.hu