

Recent modifications in the Hungarian Civil Code to ensure the child's best interest

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Abstract

Since 2019, the Hungarian Civil Code has been amended several times in order to better enforce children's rights. In the course of the amendments, the legislator has made it possible for parental custody to remain joint at the request of one parent in the event of the termination of a relationship, and to allow for alternating custody, i.e. the child may alternately reside with one or the other parent. An innovation is to give the child the opportunity to express his or her views if he or she wishes. Following a Constitutional Court decision, the law now specifies which documents must be handed over in case of visitation. Enforcement of impeded visitation has been transferred from the guardianship authorities to the courts.

Keywords: child custody, sole custody, joint custody, alternating residence, children's voice, hearing of the child, visitation rights, child support, alimony

Introduction

On 20th November 1989, the United Nations adopted the Convention on the Rights of the Child in New York, which was ratified by Hungary and promulgated by Act LXIV of 1991. One of the most important principles of the Convention is to safeguard the best interests of the child, to take account of them and to guarantee their primacy.

According to Article 3 (1) of the Convention *'in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.'* What is in the best interest of the child? Whatever is best for him or her – of the options available – that best serves his or her well-being, happiness and healthy personal development.

The best interests of the child, as interpreted in the UN Committee on the Rights of the Child's Comprehensive Commentary No. 14, are threefold. Firstly, it can be interpreted as a child's subjective right and secondly, it is a fundamental principle of interpretation, according to which, where a given piece of legislation is open to more than one interpretation, the interpretation that best serves the child's best interests should be taken into account. Last but not least, it also functions as a procedural rule, i.e., that the best interests of the child must be assessed and weighed up in any decision affecting the child and that reasons must be given for such a decision.¹

The Convention and the best interests of the child have been part of the Hungarian legal system for 32 years, yet for some reason it has only come to the focus in the last few years. The fact that children have rights of their own and that it is the responsibility of adults to ensure these rights has certainly been beyond dispute since 1989, but how these rights should be interpreted and applied is less clear.

¹ BARZÓ Tímea: *A magyar család jogi rendje*. Budapest, Patrocinium Kiadó, 2017. (46)

After the entry into force of Act LXIV of 1991, a slow process started, which resulted in the adoption of several new laws and amendments to ensure a high level of protection the rights of children. The first and most important stage was the adoption of Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship (Child Protection Act) and the related Government Decree 149/1997 (IX.10) on guardianship authorities, child protection and guardianship procedures.

So, what is the best interest of the child in family law litigation? First and foremost, it is important to stress that the child's best interests are not necessarily the same as those of the parents, which is why it is of paramount importance to give the child the opportunity to express his or her views. It is also important that the process should not last too long and that the child does not have to live in uncertainty for a long period of time. It is also important for his or her future that the court makes a well-considered and well-founded decision. These last two requirements – a quick and considered decision – can often conflict. The court's most important task is to make a decision in the child's best interests that will ensure a balanced life and healthy personal development of the child in the short and long term. The decision should not result in a break in the relationship with either parent, who should be available to the child both physically and emotionally.

The year 2019 saw a new impetus to ensure the highest possible level of children's rights, resulting in five amendments to the Civil Code in four years. Articles 168 a.) and b.) of Act CXXVII of 2019 with effect from first of March 2020 modified articles 4:183 (2) and 4:185 of the Hungarian Civil Code. Article 37 of Act CXLVII of 2020 with effect from first of January 2021 modified article 4:181 (4). Article 47 of Act LXII of 2021 modified with effect from first of August 2022 article 4:171 (4). Article 86 of Act CXXII of 2021 with the effect from first of January 2022 modified several articles: 4:164 (1), 4:167 (1) and amended Article 4:167/A. Article 144 of Act LV of 2022 with the effect from first of January 2023 modified 4:181 (3). In the following, I will analyse these amendments, not in chronological order of the amendments, but on the basis of the position of each section in the Hungarian Civil Code.

I. Parental agreement on the exercise of parental rights – Civil Code 4:164 (1)

Paragraph (1) of Article 4:164 of the Civil Code was amended by Article 86 of Act CXXII of 2021, which entered into force on 1 January 2022. The following sentence was added to the previous text: 'Joint parental custody may also be exercised in such a way that the parents are entitled and obliged to raise and care for the child alternately and for the same period of time.' This is the legal basis for the long-established practice of alternating care, which is still not mentioned in the text, although there is now a consensus on the term. Nevertheless, in practice, the term 'alternate placement' is still often used, which in my opinion is in any case inappropriate, because since the entry into force of the Civil Code the term 'placement' is used only for cases where the child is placed with a third person other than the parents, who then becomes the child's guardian and the parents' parental rights are suspended.

If parents wish to raise their child in the frame of alternating residence, before the decision, they must take into account a number of factors. The most important being to ensure a balanced life for the child. Before approving such an agreement, the court must ascertain how the parents intend to put this into practice and whether they are at all suited, by virtue of their personalities, circumstances, relationships and other characteristics, to exercising joint custody and implementing

alternating residence, and may, if necessary, order evidence to that effect.² Alternating residence can only be achieved if parents live close to each other and to the school. It is also important that they share similar parenting principles, so that the child does not have to meet different expectations from week to week, and especially so that they do not pit the child against each other. Similar financial circumstances are also important, although the latter can be avoided by paying additional child support.³

It is not negligible that parents should be able to communicate and cooperate with each other at a minimum level, as this will be inevitable during the upbringing of the child. Trust in the other parent and the belief that the other parent is capable of caring for the child is essential. In my view, in most cases, the lack of trust is the biggest obstacle to alternating residence, especially in cases where the lack of trust has led to the permanent breakdown of the relationship. Parents must take into account the age, maturity and personality of the child – which they know best – and their own personal characteristics when making their decision, because alternating residence is not the ideal solution for all families. Instead, in the vast majority of cases, the custody arrangement is still dominated by one parent, typically the mother. While joint parental custody – based on the principle that child-rearing is a shared responsibility of the parents and that the child needs both parents equally – is gaining ground abroad every year, it is not yet widespread in our country. This is partly because society expects children to be with their mothers, and partly because not all fathers are willing or able to be involved in the child's daily life, mainly because of their work. As long as social attitudes and male workloads remain unchanged, we cannot expect to see a wider uptake of shared parenting. But no one can argue that 'the loss of emotional contact between parents should not lead to the loss of emotional attachment of the child'.⁴

II. Judicial settlement of parental custody – Civil Code 4:167.

In the absence of an agreement between the parents, courts used to have serious problems deciding which parent was entitled to exercise parental custody, in the fairly common case where both were equally capable of taking care of the child and the child was equally attached to both parents. In the wake of these dilemmas and strong social pressure, Article 86 of Act CXXII of 2021 amended the Civil Code with effect from 1 January 2022. To the Article 4:167 (1) of the Civil Code the following sentence was added: 'the court may also decide on the joint exercise of parental custody at the request of one of the parents if it is in the best interests of the minor child'. It is therefore not necessary to choose between the parents at all costs, so that neither of them is excluded from the child's life. There are two key points worth highlighting. The first is the conditional way which means the court is not obliged to decide in this way, it is only a matter of choice. The other is that it is only in the best interests of the child.

Prior to the amendment, the court's hands were firmly tied because it could only order joint parental custody if the parents jointly requested it. Although it was considered that both parents were suitable and that this would be in the best interests of the child, the objection of one of the parents made it impossible. There was a valid reason for this approach, which is now considered outdated. In the early 2000's, in the initial phase of the codification of the Civil Code, the legislator clearly

² Civil Code 171.§ (4), Civil Procedural Code 473.§

³ In case of alternating residence, it is only needed to decide on child support, when is necessary. Civil Code 4:167/A (2)

⁴ Supreme Court Pfv.21.670/2018/11. decision

assumed that joint exercise of parental custody could only be achieved if the parents were in full agreement and willing to cooperate with each other. If they cannot agree on the way in which custody is to be exercised, there is clearly a lack of willingness to cooperate. However, Western-European examples and good practices show that even if there is a lack of cooperation at the beginning, it can develop over time, especially if an external force forces the parents to do so, i.e. they have no choice but to cooperate.

Following the entry into force of the amendment, the Curia quickly sought to prevent mass litigation and stated that the change in the legal environment cannot serve as a basis for a change in parental custody, as it cannot be considered a material change in circumstances. ‘Circumstances can only be a specific, individual, legally relevant fact (and proved in the event of a settlement of the dispute) concerning the parties' life circumstances which was considered by the decision-maker – the parents or the court – in the course of the prior settlement when determining the specific way in which parental custody should be exercised.’⁵

III. Judicial settlement of joint parental responsibility – Civil Code 4:167/A

Article 86 of Act CXXII of 2021 enacted Article 4:167/A with effect from 1 January 2022, which contains the detailed rules of joint parental custody and alternating residence as defined in Section 4:164 (1), and at the same time clearly distinguishes between joint parental custody and alternating residence.

In the past, courts were forced to circumvent the law through various tricks, but this solution was not sustainable in the long term, as finding such loopholes is not in the best interests of the child, families or society, and it also jeopardises legal certainty, due process of law. Prior to the amendment, parents had the possibility to agree on joint custody and shared parental responsibility, which was not prohibited, and the court could approve such an agreement without further ado if it considered that it was not contrary to the best interests of the child. Difficulties arose where only one parent wished to take turns with his or her former partner in caring for the children after the breakdown of the relationship. If the court considered that this solution would be in the best interests of the child, it could not, in the absence of a legal mandate, decide that the parents could share custody and alternate periodically, as this could only be done if the parents jointly requested it. It had no choice but to give one parent the right to exercise custody and the other parent such extensive contact rights that he or she could spend essentially the same amount of time with the child as the parent who had custody. This unfortunate circumvention of the law raised a number of issues, including child support, entitlement to family allowances⁶ and other family benefits, and put the separated parent in a difficult position, as he or she could find himself or herself in uncomfortable situations at school, at the doctor's waiting room or wherever he or she was supposed to act as the child's legal representative, given that he or she was not the entitled parent. This was the background to the decision⁷ of the Hungarian Supreme Court, which stated that ‘in the absence of an agreement, where parental custody is exercised exclusively, visitation right cannot be regulated by a judgment, in such a way that the separated parent is entitled to the same period

⁵ KÖVESNÉ KÓSA Zsuzsanna – TANCSIK Annamária: A jogszabályváltozás, mint körülményváltozás a szülői felügyelet gyakorlása megváltoztatásának feltételrendszerében. *Kúriai Döntések*, 2022/6. (967) (969)

⁶ If the parents alternate the care of their child for equal periods on the basis of a final court decision, settlement or joint declaration and both parents are therefore entitled to 50-50% of the family allowance, the child can be included as a dependent beneficiary on the tax return of both parents and the spouse of the parent. The Personal Income Tax Act CXVII. 1995. 29/B § (1)

⁷ Court Decisison 2020.1.11.

as the parent who has custody. Such an arrangement is a substitution of alternating residence, a form of joint parental custody which is implicit in its content.’ Since 1 January 2022, therefore, there has been no need for the court to have recourse to a circumvention of the law in the interests of the child, since, if it considers that this form of custody best ensures the child's physical, psychological, moral and intellectual development, it can now make an order for joint parental custody, which can take three forms.

Joint parental custody can be exercised in such a way that the child actually lives with one parent, who is essentially responsible for the child, and the other parent has the right to regular contact and pays child support. This solution differs from the usual practice, where one parent has sole custody, in that the separated parent is not completely excluded from the child's life, but can participate as an equal partner, for example by not being afraid of not being allowed to attend school celebrations, parent-teacher meetings or take the child to the doctor. It can create very humiliating situations if the environment (especially paediatricians and teachers) treats the separated parent as if he or she has been deprived of all rights. This is far from being the case, the custody rights of the separated parent are not suspended, but this does not seem to have been translated into common practice. The other possibility for joint custody is where the child lives in the household of one parent, but there is a very wide and flexible contact with the other parent. In this case, the parents help each other a lot with the child's education, for example with school matters, extra lessons and training. A big advantage of this form of parenting is that no one has to move around regularly, and the child has stability, security and predictability. In my view, this solution is in the best interests of the child, but unfortunately it is usually not easy to implement in practice, especially when one of the parents is starting a new relationship or a family. A third possible way of exercising joint parental custody is through alternating care, where parents take turns in caring for the child for the same amount of time in a separate and independent household, with the child moving from one parent to the other on a weekly, fortnightly or other periodic basis. It is not yet clear what is meant by parents not spending the same amount of time with the child, this will have to be developed in practice.

IV. Disputes concerning the exercise of parental custody and the placement of a child with a third party – Civil Code 4: 171. (4)

Article 47 of Act LXII of 2021 extended the scope of Article 4:171(4) of the Civil Code by adding a half-sentence according to which the court shall notify the child of the opportunity to make a statement, which means that the child must be given a real and effective opportunity to express his or her opinion, but does not mean that the child must be heard at all costs, as this is a right and not an obligation.⁸

The amendment entered into force on 1 August 2022, at the same time as the Brussels 2B Regulation (1111/2019). The Regulation states that the recognition and enforcement of a judgment given by a court of a Member State in another Member State is not possible if the child has not been given a real and effective opportunity to be heard in the main proceedings.⁹ Furthermore, the

⁸ WOPERA Zsuzsa: A gyermek véleményének megismerése és értesítésének aktuális kérdései a családjogi perekben. *Jogászvilág*. 2022. november. <https://jogaszvilag.hu/szakma/a-gyermek-velemenyenek-megismerese-es-ertesitesenek-aktualis-kerdesei-a-csaladjogi-perekben/> (2023.04.16.) (1)

⁹ Article 21 of EU Regulation 1111/2019: in matters of parental responsibility falling within the scope of the Regulation, a child who has the capacity to judge must be given a real and effective opportunity to express his or her

Committee on the Rights of the Child has already criticised the lack of a hearing for children in Hungary in 2020.¹⁰

The child's expressed opinion can only be disregarded if he or she lacks capacity to judge when making the declaration. The capacity to judge cannot be linked to age and must be assessed by the court in each individual case.¹¹ Appropriate expertise is essential, although there is no established practice as to who and how exactly can assess a child's capacity of judgement.¹² The views of the child should be given weight according to his or her maturity.¹³

The child's opinion – if he or she wishes to express it – is of paramount importance because it is the child who will have to adapt most to the decision of the court or the parents, it is the child's life that will change most and it is not appropriate that such a major decision is taken 'over his or her head' without consulting him or her.

It is worth examining the difference between the parents' agreement and the court's decision as regards the child's expression of his or her views. If the parents cannot reach an agreement and the judge has to decide on the application, the evidentiary procedure should explore and consider which parent is better able to ensure the child's physical, psychological, moral, intellectual and emotional development or whether the parents can ensure it together. The views and wishes of the child are of paramount importance in the range of means of evidence and should be given due weight wherever possible. This may be hindered if the child is under the strong influence of one of the parents or if the child's choice is likely to jeopardise his or her healthy development. Although the Civil Code Advisory Council¹⁴ is of the opinion that this is not necessary, in my view the hearing of the child should not be waived even if the parents have agreed to exercise parental custody. The court can only approve the agreement if it is not contrary to the best interests of the child, but how can it be sure of this if it has never met the child and does not know his or her views, opinions or wishes? Hearing the child in consensual proceedings is not at all common, given that many see it as a means of unnecessarily prolonging the proceedings. The new legislation will certainly change this.

V.The decision on visitation rights – Civil Code 4: 181 (3)

A judgment or agreement on contact has already had to provide for a lot of small details – such as where and when the child is to be handed over, who can be present, how the replacement is to be made, notification and information obligations – although most of these are implied by law. To ensure that missed or obstructed visitations were enforceable, parents left nothing to chance, not only in their agreements, sometimes even asking for the obligations to be included in the judgment,

views freely and his or her opinion must be duly taken into account, having regard to his or her age and degree of maturity. Failure by the court to give the child of full capacity the opportunity to express his or her views may result in the refusal to recognise the judgment abroad.

¹⁰ Concluding observations on the sixth periodic report of the Committee on the Rights of the Child on Hungary 2020

¹¹ Court decision 2019.11.298.

¹² SZEIBERT Orsolya: A szülői felügyelet rendezése a Kúria által felülvizsgálati eljárásban elbírált ügyekben tükröződő ítélkezési gyakorlat alapján. – 2. rész. *Családi Jog*, 2020/2. (11)

¹³ Civil Code 4:148.§ and 1111/2019 EU Regulation Article 21.

¹⁴ https://kuria-birosag.hu/hu/ptk?body_value=a+gyermek+meghallgat%C3%A1sa+mell%C5%91zhet%C5%91 (2023. 05. 30.)

to which they must in principle adhere.¹⁵ These over-regulations may not be in the best interests of the child, especially in cases where parents, without any flexibility, literally insist on what is written in the judgement.¹⁶ In any case, Article 144 of Act LV of 2022 extended the scope of the Civil Code from 1 January 2023. Article 4:181 (3) now also requires provision to be made for the surrender and return of the child's personal documents. This amendment was introduced into the Act following the decision of the Constitutional Court No. 3351/2022. The decision stated that continuity of contact is not ensured if the separated parent does not have the child's documents.¹⁷

VI. Arranging visitation rights – Civil Code 4: 181. (4)

As a result of Article 37 of Act CXLVII of 2020, the Civil Code was amended from 1 January 2021. Section 4:181 (4) of the Civil Code, thus abolishing the "two-year rule", which had previously often conflicted with the best interests of the child. If the court has decided on the question of visitation, the court may be asked to change it, without time limit. It is therefore not necessary to wait until two years after the decision has become final.

An action for the regulation, limitation or withdrawal of rights of visitation cannot be brought in its own right, but only in a matrimonial divorce action or in an action for the settlement of parental custody. An action for a change of visitation is understood to mean an action where the court has decided on the issue of visitation, so that a change of this right can be sought from the court. Therefore, in the absence of a matrimonial or parental custody action, the guardianship authority has the power to regulate, withdraw or restrict visitation.

The reason for the above changes is that feedback from the legal practitioners has led to a need to change the shared competence in case of visitation between the guardianship authority and the court under the previous rules in a way that would extend the court's competence in visitation matters. This amendment was particularly justified in cases where the court had previously decided on visitation and the parties had requested a change.

According to previous practice, the court had jurisdiction to change visitation rights if the court had decided on the issue of visitation and the party requested the change of contact within two years of the decision becoming final.

In relation to visitation rights proceedings, the Civil Procedure Code also provides that no application for child support may be made at the same time as such proceedings. The reason for this is that the legislator wanted to prevent the initiation of a change of visitation proceedings being motivated by the need to reduce the amount of child support to be paid by the separated parent.

VII. Liability for obstruction of visitation, breach of rules – Civil Code 4:183. (2)

¹⁵ Civil Code Article 4:181. Modification Act justification of the Legal Code is of the opinion that "the matters listed in the Civil Code must be provided for in great detail in the best interests of the child in order to avoid any disputes or uncertainties in the implementation of the contact and to ensure that the decision on contact is clearly enforceable. "

¹⁶ REPPONI Felícia Laura: A gyermekkel való kapcsolattartás mint jog és kötelezettség – a szülői attitűdök és az önhiba értelmezési lehetőségei a kapcsolódó eljárásokban. *Jogelméleti Szemle* 2021/4. (55)

¹⁷ These documents necessarily include the identity document and the social security card, other documents (address card, student card, passport) should be handed over depending on the circumstances.

In the past, the separating parent could turn to the Guardianship Authority if the contact with the child was impeded. The Civil Code was amended by 168 Act CXXVII of 2019,¹⁸ since 1 March 2020. Before that date the courts have been responsible for the enforcement of contact. The legislative justification for this change is that it is intended to enable a decision to be taken more efficiently and with enhanced procedural guarantees.¹⁹ The jurisprudence of the courts is much more uniform than that of the guardianship authorities, their interpretation of the law is more reliable and therefore more predictable, legal certainty is more reassuring and the greater authority of the court means that the parties are more likely to comply with the decision.

Enforcement is ordered by the court by means of an order without the issue of an enforceable document and is therefore directly enforceable.²⁰ Enforcement of a visitation order is accelerated by the fact that an appeal against the enforcement order has no suspensive effect.²¹

I fully agree with the question raised by Antal Hámori,²² in my opinion many parents will be deterred from enforcing their rights by the obligation to pay the procedural fee,²³ but hopefully the courts will develop a solution for this situation as well.

VIII. Enforcement of the decision on visitation rights – Civil Code 4:185.

Article 168 of Act CXXVII of 2019 amended Article 4:185 of the Civil Code. As a consequence, the enforcement of a contact order is ordered by the court in a two-stage civil non-contested procedure²⁴ instead of by the guardianship authority, which had previously acted for decades.

According to the legislator, the change of competence was necessary to ensure that orders on the implementation of decisions on visitation are taken more efficiently and with enhanced procedural guarantees.²⁵ This is the purpose of the new substantive and procedural rules, and also the underlying fact that the judicial procedure is somehow more weighty than an administrative procedure, especially as there are currently very negative associations with the guardianship authority's proceedings. There is therefore reason to expect that parents will be under greater pressure from the court and will therefore be more likely to comply with the decision. It is also important to note that the court's jurisprudence is much more uniform and its interpretation of the law more reliable,²⁶ which means that the procedure is more transparent, predictable and reassuring for parents, and overall provides greater legal certainty.

There has also been a change in the way the court has put the issue on a completely different legal footing. It examines whether the debtor (the parent who has to assure that the child would go to see the other parent) has breached the terms of the decision or agreement through no fault of his/her own.²⁷ If so, court orders enforcement. The person concerned can therefore only be discharged in the absence of fault, so in case of failure to communicate for no fault of his/her own

¹⁸ Act CXXVII. 2019 Art. 247 (1)-(2), Art. 252. (3). Act I. 2020. Art. 2. (2), Art. 3. And Act CXVIII. 2017. Art. 7/A

¹⁹ Justification for Act CXXVII. 2019. Art. 247.

²⁰ T/8016. explanatory memorandum to the draft law 198.p.

²¹ Act CXVIII. 2017. Art. 22/A (1)

²² HÁMORI Antal: A kapcsolattartásra vonatkozó határozat végrehajtásában bekövetkezett hatáskör-változásról, valamint a folyamatos kapcsolattartás pótlásának nehézségeiről – egy jogeset kapcsán. *Családi Jog* 2020/4. (27)

²³ The applicant shall be entitled to a right to charge procedural costs.

²⁴ Act CXVIII. 2017.

²⁵ Act CXXVII. 2019. Art 247. ministerial justification

²⁶ HÁMORI Antal 2020, (27)

²⁷ Gyer § 33 (2) still considered the absence of fault to be examined, Bnptv. § 22/B (4) the absence of imputability

cannot give rise to enforcement proceedings.²⁸ In the proceedings, the court will rely primarily on documentary evidence, but if necessary, hearings may be held, including the appointment of psychological experts,²⁹ which in my view may lead to a prolongation of the proceedings.

The court has similar tools at its disposal in the non-litigation procedure as the guardianship authority had in the past. It can issue a warning to the parent, impose a fine, order a transfer with the assistance of the police, initiate proceedings for a change of parental custody, and file a complaint for endangering a minor or preventing contact, all in accordance with the principle of gradualism.³⁰

It is just a coincidence that the restrictions imposed due to the coronavirus pandemic and the related dilemmas of children's rights appeared at the same time when, as a result of a law amendment,³¹ the enforcement of the impeded contact was transferred from the competence of the guardianship authority to the competence of the district court as of 1 March 2020. The courts were thus faced not only with a new task, but also with a dilemma that was difficult to resolve. In addition, the restrictions have led to an extraordinary recess of judgments from 15 March 2020, but as the child's best interests come first, the courts have continued to hear non-consensual proceedings for the enforcement of visitation during the extraordinary recess.³²

Summary

The last four years have witnessed significant changes, all of which have been driven by, or at least focused on, the best interests of the child, but also driven by EU regulation, social pressure and lobbying by NGOs defending parents' rights. The need to change the rules on shared parental custody and alternating care had already been raised during the codification of the Civil Code, but the legislator rejected these solutions because it considered that Hungarian society was not yet ready for these changes. He was probably right, a decade ago it would have been premature to introduce such a solution, but now we can develop our own solutions based on foreign examples and good practices. Social change is moving in the direction where the joint responsibility of parents for the child is indisputable, because we know that the child needs both parents for healthy personality development and a balanced happy life. For decades, the implementation of blocked contact has been a major difficulty, and it would actually be good if we could get to a stage where it is self-evident and natural that the caring parent does not deliberately, solely out of resentment and revenge, block contact between the other parent and the child. Unfortunately, until the collective social consciousness reaches this level of maturity, the situation will not change, regardless of whether enforcement is ordered by the courts or the guardianship authorities, because often even a large fine does not make parents to change their habits. In any case, let us hope that these changes will be in the best interests of the child. What impact they will have on children's lives remains to be seen.

²⁸ Modification Act Commentary Jogkódex

²⁹ Modification Act Commentary Jogkódex

³⁰ HARMAT Erika-VÖLCSEY Balázs: Új nemperes eljárás a bíróságok hatáskörében: a kapcsolattartásra vonatkozó határozat végrehajtása iránti eljárás. *Családi Jog* 2020/1. (30)

³¹ Act CXXXVII. 2019. Art. 247.

³² 35.SZ/2020. (III. 15.) OBHE a decision on the administrative and judicial tasks to be carried out during the special judicial recess

