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# Moving/settling abroad with children

 Netherlands

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European Judicial Network  
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## 1 Under what circumstances may a parent lawfully remove the child to another state without the other parent's consent?

A parent may lawfully remove the child to another State without the other parent's consent only if the parent has sole custody of the child and adequate arrangements have been made concerning contact between the child and the other parent. Alternatively, application can be made to the court for alternative consent.

## 2 Under what circumstances is the other parent's consent necessary for the child's removal to another state?

The other parent's consent is necessary for the child's removal to another State if the parents have joint custody of the child. Moreover, if the move would lead to an infringement of the rights of access of the parent who does not have custody, the consent of that parent may be necessary.

## 3 If the other parent does not consent to the child's removal to another state, though it is necessary, how can the child be removed lawfully to another state?

If the child's removal to another State is necessary, but the other parent with joint custody of the child does not consent, application can be made to the court for alternative consent (Article 253A, Book I of the Dutch Civil Code (*Nederlands Burgerlijk Wetboek*)). In the case of sole custody it is possible to apply for the establishment or modification of access arrangements with the other parent on the basis of Article 377a and Article 377, Book I of the Dutch Civil Code.

## 4 Do the same rules apply to temporary removal (e.g. holiday, healthcare etc.) and permanent removal? If applicable, please provide relevant consent forms.

In the Netherlands, if the parents have joint custody, the same rules apply to temporary removal and permanent removal of a child. Click here for the relevant form: ['toestemming om te reizen'](#) (288 Kb). [English version](#) (298 Kb)

Generally, in the case of sole custody, access arrangements established by the court or set out in a parental plan must be complied with.

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