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Moving/settling abroad with children



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European Judicial Network
(in civil and commercial
matters)

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

Where the other parent does not have guardianship of the child and where there are no court orders prohibiting the removal of the child without the consent of the other parent.

Where no application for guardianship, custody or access has been made to the courts prior to the removal of a child/children from the jurisdiction.

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

Where the other parent is a guardian of the child

and/or

Where the removal of the child affects custody and/or access rights

and/or

Where a court order has specifically stated that the consent of the other parent or any other named party is required prior to the child's removal to another state.

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?

An application may be made to the court to permit the lawful removal of the child.

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

Yes.

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