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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?

The child's guardians and the making of decisions relating to the child are regulated by the Act on Child Custody and Right of Access (*laki lapsen huollosta ja tapaamisoikeudesta*) (361/1983).

If only one parent has custody of the child, that parent decides on matters relating to the child, including where the child lives, and may therefore essentially take the child to another State without the other parent's consent.

If the parents have joint custody of the child, they are jointly responsible for the duties inherent in custody and make the decisions concerning the child together.

If the parents have joint custody of the child, a court may decide on the distribution of responsibilities between them. In other words, it may issue a decision granting the decision-making power in relation to specific custody duties to only one parent. The court may order in the custody decision that one of the parents alone may decide where the child lives.

If the court has ordered in its decision that only one custodian may exercise the power to decide where the child lives, that custodian may take the child to another State without the other parent's consent.

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

If the parents have joint custody of the child, neither parent can essentially take the child to another State without the other parent's consent.

Please also see the answer to the previous question.

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 one parent does not consent to the child being taken to another State, the matter may be brought before the court for a decision.

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

consent forms.

There are no special rules in Finland concerning temporary removal, e.g. for holidays, and there are no forms that are used to give consent.

A decision by the court concerning the right of access to the child may contain provisions as to whether a parent may travel abroad with the child during such access.

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