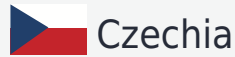


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Moving/settling abroad with children



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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?

A parent who does not have the other parent's consent to the child's removal should have the consent of a court.

If, in the exercise of their parental responsibility, the parents fail to agree on a matter of importance for the child, especially in view of the child's interests, a decision is taken by a court on an application from one of the parents (Section 877 of Act No 89/2012, the Civil Code, as amended). The removal of a child to another country is also treated as a matter of importance.

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

The long-term removal of the child (i.e. not for occasions such as holidays) always requires the consent of the other parent, unless that parent has been relieved of parental responsibility in full or in part. Parental consent is required regardless of whether a court has already ruled on parental responsibility (childcare arrangements) or whether a childcare decision has yet to be made. No distinction is made between married and unmarried parents.

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 other parent does not consent to removal, a court ruling has to take the place of such parental consent (Section 877 of Act No 89/2012, the Civil Code, as amended).

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

No, temporary removal, e.g. so that the child can spend holidays with one of the parents, is not generally treated as a matter of importance as defined by Section 877 of Act No 89/2012, the Civil Code, as amended.

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