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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?

If a court has ruled that the child's place of residence is in another state, the parent removing the child for permanent residence in that state does not need the consent of the other parent.

A parent may lawfully remove a child for permanent residence in another state without the consent of the other parent where the parent removing the child has sole custody rights established on the basis of an agreement between the parents or a court ruling.

A parent may lawfully remove a child for permanent residence in another state without the consent of the other parent where the custody rights of the other parent have been suspended by a decision of the family tribunal (*bāriņtiesa*) or have been withdrawn by a court ruling.

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

A parent whose custody rights have not been suspended or withdrawn may lawfully remove a child for permanent residence in another state with the consent of the other parent who has custody rights (joint or sole).

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 the child's removal, the parent wishing to remove the child for permanent residence in another state may apply to a court with a request to establish that the child's place of residence is in the state to which this parent wants to remove the child.

If the other parent does not consent to the child's removal, the parent wishing to remove the child for permanent residence in another state may apply to a court with a request to establish sole custody rights for him/her.

If the other parent does not consent to the child's removal, the parent wishing to remove the child for permanent residence in another state may apply to the family tribunal with a request to suspend the custody rights of the other parent (where there are objective reasons) or may apply to a court with a request to withdraw the custody rights of the other parent (where there are objective reasons).

4 Do the same rules apply to temporary removal (e.g. holiday, healthcare

etc.) and permanent removal? If applicable, please provide relevant consent forms.

For permanent removal see answers to the previous questions.

In the case of temporary removal the consent of the other parent is not required.

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