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# Moving/settling abroad with children



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

If a child has two guardians, a joint decision is essentially required on matters relating to the child's personal affairs, including both short trips abroad and any permanent move. If the child lives with only one of the two guardians, however, the parent with whom the child lives will be regarded as having the right to decide where the child will live in his or her free time, including short visits abroad, as long as this does not infringe any right that the child may have to contact with the other guardian.

A parent who is the sole guardian is entitled to take the child abroad or to permanently move abroad with the child without the other parent's approval. If the child is entitled to contact with the other parent, however, this should be borne in mind by the parent who is the child's guardian. The other parent, with whom the child has the right of contact, may apply for enforcement of the contact decision in the child's new country of residence, where this is possible under the rules of the new country of residence. Such an application can be made pursuant to the 1996 Hague Convention or the Brussels II Regulation, if the country where the child resides is party to that Convention or Regulation. The other parent may also apply for access under the Hague Convention of 1980 if that Convention applies to the country where the child resides. If a sole guardian does not abide by an access decision and thus does not satisfy the child's need for good, close contact with both parents, this usually has a bearing on how a Swedish court would assess the matter of custody in any subsequent legal dispute. The parents thus have joint responsibility for ensuring that access works well.

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

As may be seen from the reply to question 1, parents who are both guardians may make joint decisions on matters relating to the child, including any stay abroad. It also follows from the response to question 1 that, even if just one of the parents is a guardian, there are certain situations where that guardian should adapt any short or permanent stays abroad to the child as decided with regard to the child's right of contact with the other parent. Removing a child unlawfully may constitute a crime under Swedish law.

## 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?

Where a guardian has joint custody of the child together with the other parent, there is an opportunity for that guardian to make a decision alone in certain situations with regard to custody of the child. This opportunity is conditional upon the other guardian being prevented by absence, illness or another reason from being involved in making any decisions that may not without difficulty be postponed. Decisions of crucial importance for the child's future may not be taken in this way, unless required to be so in the best interests of the child. There is

also an opportunity for the local authority's social affairs committee to decide on psychiatric or psychological treatment, even if only one guardian consents to it, if this is necessary in the best interests 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.

The same rules apply to a parent who is a sole guardian. If the child is living with just one of two guardians, the one with whom the child lives will be regarded as having the right to decide where the child spends their free time, including short trips abroad (please see the response to question 1). A guardian who has joint custody of the child with the other parent may also, following a decision by the local authority's social affairs committee, take the child abroad for psychiatric or psychological treatment without the other parent's consent (please see the response to question 3).

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