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### **Parental responsibility - child custody and contact rights**

Parental responsibility means all rights and obligations towards a child and its assets. This concept of parental responsibility varies between the Member States, however it usually covers custody and access rights. If you are an international couple with one or more children and are now separating, you will need to agree on the custody arrangements for them.

#### **Where to start?**

#### **What are access rights? What is custody?**

As long as the parents live together, they usually hold custody over their children jointly. However, when the parents are divorced or split up, they need to decide how this responsibility will be exercised in the future.

The parents may decide that the child shall live alternately with both parents, or only with one parent. In the latter case, the other parent usually has a right to visit and contact the child at certain established times.

Custody rights also cover other rights and duties linked to the education and care of the child, including the right to look after the child and his/her assets. It is usually the parents which have the parental responsibility for a child, but there are cases where the parental responsibility may be given to an institution to which the child is entrusted.

#### **Who decides on the custody and access rights?**

The parents may decide on these matters by mutual agreement. A mediator or lawyer can help if the parents do not manage to reach an agreement. To find a mediator, you can visit the link at the bottom of this page.

If the parents are unable to reach an agreement they may have to go to court. The court may decide that both parents shall have custody over the child or children (joint custody) or that one of the parents shall have custody (sole custody). In the case that only one parent has custody, the court may decide on access rights for the other parent.

In the case of an international couple, EU rules determine which court has the responsibility to deal with the case. To find the responsible court, you can visit the link at the bottom of this page

The main aim for common EU rules is to avoid both parents addressing the court in their own country and two decisions being issued on the same case. The rule is that the responsible court to decide on matters of parental responsibility, custody and visiting rights is the court in the country where the child habitually resides.

#### **Will the decision of the court be enforced in the other EU country?**

A mechanism for the recognition and enforcement of decisions ensures that the decision of the court is applied in other EU countries once it has been issued a certificate by the competent EU court. This makes it easier for those persons or institutions with parental responsibility to exercise their rights.

For parental responsibility proceedings initiated on or after 1 August 2022 no special procedures are needed for the resulting decision to become enforceable in other Member States, thus supporting the relationship between the child and both parents. Declaration of enforceability might still be needed for decisions taken in parental responsibility proceedings initiated before 1 August 2022.

#### **Which EU rules apply?**

The rules settling cross-border matters between children and their parents are part of the [Council Regulation \(EU\) 2019/1111 - Brussels IIb](#) of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction. The Regulation replaces the [Regulation \(EU\) 2201/2003 - Brussels IIa Regulation](#), which, however, continues to apply to proceedings instituted before Regulation (EU) 2019/1111 comes into application on 1 August 2022. These rules apply equally to all children, whether they are born in wedlock or not. The Brussels IIb Regulation is the cornerstone of EU judicial cooperation in matrimonial matters and matters of parental responsibility. The Regulation applies in all EU countries except Denmark.

The Practice Guide for the application of the Brussels IIb Regulation can be found on this page: [EJN's publications](#)

Please select the relevant country's flag to obtain detailed national information.

#### Related links

[Finding a mediator](#)

[Finding the responsible court](#)

[Read the leaflet](#)

[The Vulnerable](#)

[Handbook on European law relating to the rights of the child](#)

[Practitioners' Tool: Cross-Border Recognition and Enforcement of Agreements Reached in the Course of Family Matters Involving Children](#)

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