

## Lawful removal of the child - Lithuania

### TABLE OF CONTENTS

- 1 Under what circumstances may a parent lawfully remove 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?
- 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?
- 4 Do the same rules apply to temporary removal (e.g. holiday, healthcare etc.) and permanent removal? If applicable, please provide relevant consent forms.



#### **1 Under what circumstances may a parent lawfully remove the child to another state without the other parent's consent?**

Removal of the child to another state without the other parent's consent is only possible on a temporary basis (e.g. for a holiday). Changing the state of residence requires either consent from the other parent or a ruling by the court that has established the child's place of residence in the foreign state.

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

If the parents are married, and not divorced, whether they live together or separately, consent from both of them is necessary to change the country of residence of the child.

If the parents are divorced, and the child's place of residence has been established with one of the parents, moving with the child to live permanently in a foreign state also requires the other parent's consent, because establishment of residence with one parent does not grant that parent more rights with respect to the child, unless the court has ruled otherwise.

If the parents are unmarried and the child's place of residence has not been established with either of them, it is presumed that the rights of the parents are equal and the consent of both parents is required to change the state of residence of the child.

#### **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 it is impossible to obtain consent from the other parent, the parent moving to another state must apply to a court with a request to establish the child's place of residence and the arrangements for access to the child. Where the place of residence has been established, the parent must apply for a change in the arrangements for access to 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.**

Lithuanian legislation does not require additional consent from a parent for the temporary removal of a child to another state.

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