

Lawful removal of the child - Scotland

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?

Either with specific consent from the Scottish courts or in circumstances where the other parent's consent isn't required (see answer to question 2 below)

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

Consent by the other parent is necessary where the parent "for the time being has and is exercising" in relation to the child either of the following parental rights:

- To have the child living with you or otherwise to regulate the child's residence.
- If the child is not living with you to maintain personal relations and direct contact with the child on a regular basis.

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?

(See answer to Question 1).

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

Yes.

The national language version of this page is maintained by the respective EJM contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJM nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Last update: 08/05/2019