

Leaving on a jet plane?

Why taking your child abroad may not be plain sailing



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Passport - check, suntan cream - check, toothbrush - check, ensuring you know your legal rights to take your child abroad?...maybe not.

There are many issues for separated parents to consider when raising their child and taking your child abroad is just one of them. So, before you pack your bags, where do you stand?

I look after my child, what's the problem?

Even if you are the primary carer for your child, the law says that before you take a child abroad, you must seek the permission of all those with Parental Responsibility or get a Court Order. There are some exceptions to this and to be confident of your legal position on taking a child abroad and on whether or not you have parental responsibility, you may wish to consult a family solicitor. However, good practice for all families is that in the interests of having a good relationship for the sake of your child, you should consult with the other parent to seek permission and to tell him or her of your child's travel plans.



What if I don't want to give permission?

Your separation from your ex-partner may have been acrimonious but do you have a good reason for your child not to go on holiday? In most cases a parent will not begrudge their child a holiday and an opportunity to travel. You may want to ask for details of where your child is going, flight details and a contact number in case of emergencies. This may satisfy you that you know where your child is being taken and when he or she is coming back. If you have reasons for not wanting your child to go on holiday, if for example you think the destination is too dangerous or your child too young then you can take legal steps and ask the Court to decide whether your child should go.

I am worried that my child won't come back home?

If you have concerns that your ex-partner is planning more than just a holiday with your child and not planning on returning to the UK, you must act fast. Despite the potential criminal implications of abducting a child, child abduction is on the increase in today's international world. If you are worried that your child is at risk of abduction, there are legal steps you can take to prevent a child leaving the UK. Time is of the essence - once a child has left the UK, a parent must rely on International Law such as the Hague Convention to get their child returned. This provides some legal protection although can be fraught with difficulties.

I want to move abroad with my child / my ex wants to move abroad with my child – what can I do to stop them?

If you plan on moving abroad with your child, and the other parent is going to remain in the UK, you will both need to agree to the move before it can happen, agree contact arrangements and record your agreement in writing. If you don't agree, you will need to get permission from a Court before you can leave with your child.

If you do apply to a Court, the judge's role is to weigh up whether or not the move would be in the best interests of your child and will be testing the reasons and proposals for moving—where you would live, how you would support your child, your child's education, and crucially, how your child will maintain contact with his or her parent in the UK. If you oppose your child moving abroad, you will need to think carefully about how you would show the judge that the move isn't what's right for your child and the judge will take this into consideration.

Your application is likely to be stronger if you're from the country you plan to move to, if you have existing ties there or if travel to the UK is straightforward, but at the end of the day the judge will apply the same principles whether you plan to move to Belgium or Botswana.

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Whether you are planning a holiday with your child or a more permanent move, having full and frank discussions as early as possible with your former partner with a view to reaching an agreement is key to ensuring a stress free get away. Failing that, some advice from an experienced family solicitor may assist to ensure that your travel plans go smoothly.

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