# Can I Take My Child Abroad?


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## Basic Legal Requirements and Exceptions

If you are a parent (or have a Parental Responsibility order), before taking your child out of England and Wales you need the consent of all those with parental responsibility or, if there is no such agreement, a court order. Removal of a child without consent or a court order is child abduction and a criminal offence. The exception is that if a parent has a residence order they can take the child abroad for up to one month without such agreement or court order.

## Post-separation Relocation and Legal Recourse

If, after separation from the child's other parent, one parent wants to remove a child from England and Wales to relocate, for example to return to their home country, move to be with a new partner, move for work or relocate for another reason, we can help to try to put a plan in place and reach an agreement. If no agreement is reached, what can the parties do?

The parties can attend mediation, where a mediator will try to facilitate an agreement. The parent wishing to relocate can make a court application for leave to remove a child from the jurisdiction. The court will decide, based on the parties' evidence, whether it is in the child's best interests to stay put or to relocate. A Cafcass officer (court social worker) will interview both parents and if appropriate to the children and make a recommendation to the court. The court has a checklist of welfare needs and will consider these alongside the individual circumstances of the case. If appropriate the wishes and feelings of the child will be ascertained and considered. The parent wishing to relocate will need to explain why they wish to relocate and show a careful plan, including how they will promote and facilitate the child and other parent's relationship (including when they will see each other and how arrangements will be funded) along with other practical arrangements such as plans for home, schooling and financial viability.

## Legal Support and Contact Information

We can support you in making an application for leave to remove – we are experienced in putting together




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statements with detailed plans with evidence to support the move to show why you think it is in your child's best interests.

We can support you in resisting the other parent's application – we are experienced in putting together statements showing why your opposition is genuinely motivated and explaining how the time you and the children spend together will be negatively affected, any problems you foresee with the arrangements and other reasons for objection to show why you think a move would not be in your child's best interests.

Contact our experienced legal team for guidance when taking a child abroad and we will help you to protect yours and your child's best interests. Call us on 01202786105 or email directly to Joanna.Kay@la-law.com



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