

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

A parent may lawfully remove a child to another state without the consent of the other parent where the parent removing the child has sole custody rights, always provided that this does not infringe the right of the child to contact with the other parent.

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

Where both parents have custody rights.

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 the removal of the child is necessary but the other parent does not consent to it, a court will have to consider the situation, on the basis of the interest of the child, and to decide whether or not the removal should take place.

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

The rules requiring the consent of the other spouse that are outlined above apply regardless of whether the removal to another state is a temporary one for the purpose of holidays or whether it is permanent.

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