

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

If the parents exercise joint parental authority, both parents are allowed to travel with the child without the express consent of the other parent.

If one parent exercises exclusive parental authority, the tacit or express consent of the other parent is not necessary.

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

To oppose the child's removal abroad by one of the parents, the other may lodge an objection to the prefectures with regard to the departure from the territory, valid for 15 days, and/or apply to the family court for a prohibition against removing the child from the country without the authorization of both parents (Article 373(2)(6) of the Civil Code), valid until the child reaches the age of majority or a new decision is made. The prohibition on leaving the territory without the permission of both parents prevents the child from leaving the country. However, the parents may give their consent for a specific trip taken by the child alone or with one of the parents, by making a declaration to a police officer vested with the authority to investigate (normally made 5 days before the trip). If one of the parents refuses to issue the declaration of authorization, the other parent can make an application to the court for lifting the prohibition on leaving the territory or providing an exceptional authorization for the child to leave the territory.

**Traveling with the purpose of changing the place of residence:**

Even if there is no objection to travelling with the child abroad and no prohibition on leaving the country, the consent of the other parent is required if the purpose of such travel abroad with the child is to change the child's place of residence.

If the parent disregards the other parent's lack of consent, a return request is possible citing wrongful removal.

Whatever the nature of removal, and apart from the specific cases of prohibition on and objection to leaving the territory, it should be noted that the parent leaving the territory with the child is not required to prove the existence of consent by the other parent, which is deemed to be given with respect to third parties.

**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 a parent refuses to give his or her consent for a trip, while there is a prohibition on leaving the territory without the authorization of both parents, the parent who wishes to travel with the child has the right to initiate proceedings before the court which may issue an authorization for the child to leave the territory. Similarly, if the child's removal is in fact a change of residence, the parent who wishes to travel with the child has to apply to the family court of the place of residence of the child before travelling if the other parent refuses to give his or her consent.

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

There are no specific rules with regard to the reason or duration of removal. However, if removal is made with the purpose of changing residence, the absence of consent of the other parent will result in specific return procedures.

Last update: 02/02/2017

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.