

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

According to Article 30 of Law No 248/2005 on the regime of free movement of Romanian citizens abroad, a child (who is a minor and) who is the holder of an individual travel document or identity card and who is travelling abroad together with either parent may leave the territory of Romania without the other parent's statement being required, provided that the accompanying parent provides proof that the child has been entrusted to him or her under a final and irrevocable court judgment (definitivă și irevocabilă) or that he or she exerts parental authority alone under a final and irrevocable court judgment (or under a final court judgment for proceedings initiated from 15 February 2013 onwards).

It is not necessary to provide a statement from a parent whose parental rights have been terminated or a parent who has legally been declared missing under the law, if the accompanying parent provides proof of this fact.

The border police allow accompanied minors to exit Romania if the accompanying parent justifies the need to travel abroad with the fact that the minor child is to receive medical treatment that is unavailable within the territory of Romania, in the absence of which the minor's life or health is seriously endangered if he or she shows supporting documents in this respect, which are issued or endorsed by Romanian healthcare authorities and stating the period and the state (s) where that medical treatment is to be given, even if consent has not been given by both parents, the other parent, the surviving parent or the legal representative. Likewise, the border police allow accompanied minors to exit Romania if the accompanying parent provides proof that the minor child is travelling for studies or official competitions by showing the appropriate documents indicating the period and state(s) where those studies are to be conducted or competitions are to be held, even if only one of the parents has given their consent.

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

The other parent's consent is required in order to remove a child to another Member State, where parental authority is exercised jointly by both parents. Thus, parents exercise parental authority jointly and equally, regardless of whether the parents were married when the child was born.

In the case of divorce, the parents have joint parental authority, unless otherwise decided by the court. If sound reasons exist and taking into account the best interests of the child, the court may decide that parental authority should be exercised only by one of the parents.

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?

Whenever misunderstandings arise between the parents with regard to the exercise of their rights or the fulfilment of their parental duties, a supervising court rules in the best interests of the child, after having heard the parents and taken into account a psychological-social report. Thus, the other parent's consent to a child travelling abroad may be substituted by the court judgment.

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

Law No 248/2005 on the regime of free movement of Romanian citizens abroad does not distinguish between temporary and final removal. There is no standard parental consent form for removal of the minor child accompanied by the other parent. The law provides that the statement must indicate the parent's consent to the trip concerned to the country(ies) of destination and to the travel period.

If a child leaves the territory of Romania together with a person other than his or her parents, a statement must be produced and it must include both parents' consent to that trip taken by the child to the country(ies) of destination, to the travel period, as well as giving the details of that accompanying person. The statement must also include, as well the purpose of the travel, the route followed to the country of destination, a statement on whether the minor child is to remain in the country of destination, in which case also indicating the person to whom the minor child is to be entrusted, and whether the child is to return together with an accompanying person, whose details must also be given if that person is other than that with whom the child left Romania. The standard statement form for parental consent to a minor child leaving the country accompanied by another adult is included below.

The statements indicated above must be drawn up in two originals and must be authenticated in Romania by the notary public and abroad by the diplomatic missions or consular posts of Romania or, if such statements have been made before foreign authorities, they must meet the requirements for legalisation under the law or have the apostille affixed in accordance with the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents. An original of the statement is to be kept by the accompanying person and the second original is attached to the minor's passport.

Relevant files

[Statement Form for Parents' Consent to the Minor Child's Leaving the Country Accompanied by Another Adult](#)  (23 Kb) 

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