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Parental responsibility - child custody and contact rights

Parental responsibility means all rights and obligations towards a child and its assets. Although this concept varies between the Member States, it usually covers custody and visiting rights. If you are an international couple with one or more children and are now separating, you will need to agree the custody arrangements for them.

Where to start?

What is custody? What are visiting rights?

As long as the parents live together, they usually hold custody over their children jointly. However, if the parents get divorced or split up, they need to decide how this responsibility will be exercised in the future.

The parents may decide that the child shall live alternately with both parents, or with one parent. In the latter case, the other parent usually has a right to visit the child at certain times.

Custody rights also cover other rights and duties linked to the education and care of the child, including the right to look after the child and his/her assets.

The parents usually have the parental responsibility for a child, but parental responsibility may also be given to an institution to which the child is entrusted.

Who decides on the custody and visiting rights?

The parents may decide on these matters by mutual agreement. A mediator or lawyer can help if the parents do not manage to reach an agreement. Visit the link at the bottom of this page to find a mediator.

If the parents are unable to reach an agreement they may have to go to court. The court may decide that both parents shall have custody over the child (joint custody) or that one of the parents shall have custody (single custody). In the case that only one parent has custody, the court may decide on visiting rights for the other parent.

In the case of an international couple, EU rules determine which court has the responsibility to deal with the case. Visit the link at the bottom of this page to find the responsible court.

The main aim is to avoid both parents addressing the court in their own country and two decisions being issued for the same case. The principle is that the responsible court is the court in the country where the child habitually resides.

Will the decision of the court be enforced in the other EU country?

A mechanism for the recognition and enforcement of decisions ensures that the decision of the court is applied in other EU countries once it has been issued. This makes it easier for those with parental responsibility to exercise their rights.

In particular, a judgment on access rights will be recognised in another EU Member State without any special procedure being required, thus supporting the relationship between the child and both parents.

Which EU rules apply?

The rules settling cross-border matters between children and their parents are part of the [Brussels IIa Regulation](#). These rules apply equally to all children, whether they are born in wedlock or not. The Brussels IIa Regulation is the cornerstone of EU judicial cooperation in matrimonial matters and matters of parental responsibility. The Regulation has applied since 1 March 2005 in all EU countries except Denmark.

Please select the relevant country's flag to obtain detailed national information.

Related links

[Finding a mediator](#)

[Finding the responsible court](#)

[Read the leaflet](#)

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