Italie

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

A parent may remove a child to another State without the other parent’s consent, or against the other parent’s wishes, when the removing parent has sole parental responsibility for the child or where a court measure allows such removal.

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

When both parents have parental responsibility and have joint custody of the child, the consent of both parents is required for removal of the child to another State.

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 other parent does not consent to the child’s removal, or opposes it, the parent wishing to remove the child must apply to the competent judicial authority for permission to do so; this may be the court supervising guardianship of the place of residence of the child or the court before which proceedings relating to parental responsibility are ongoing.

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

For the temporary transfer of the child abroad, the reasons for such a transfer need to be examined. If it is just for a short holiday, the issue can be regarded as an everyday matter which can be decided without the authorisation of both parents.

If the temporary transfer is prompted by more significant reasons, such as medical care for the child, the authorisation of both parents with parental responsibility is required. If there is any disagreement, the matter must be settled by the court.

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