



# Do I need permission to take my Child on Holiday?

With the Christmas holidays fast approaching, parents may well be looking at a winter break with their children. Others may well be looking at the year ahead and have an eye on a potential Easter or Summer holiday break for 2025. For separated parents however, the risk of conflict is sadly rife. Before making plans, it is vital to stop and reflect on whether a way forward can be agreed. Whilst the dynamics within each family can vary wildly, and court orders can be used to prescribe international travel arrangements, families with plans to travel must consider the need to obtain proper consent ahead of travelling. Failing to do so can have serious civil and even criminal consequences for the family as a whole.

## Holidays within England and Wales

If the scheduled holiday is due to take place within England and Wales, then generally speaking express permission from the other parent is not required. Any travel should not interfere with any agreed or court-ordered time that the children spend with the other parent. More to the point, parents should always consider giving notice to the other parent of their intentions to travel and are best advised to share travel details where possible and appropriate. If there is a court order in place and the suggested holiday dates are going to have an impact on the other parent's court-ordered time with the children, then written permission should certainly be obtained at the earliest opportunity.

## Holidays outside of the jurisdiction

If there is no court order in place and the intention is to travel with the child outside of England and Wales, then permission from everyone with Parental Responsibility for the children is required. Again, it is wise to seek this as early as possible and certainly before any travel plans have been finalised or booked. Once permission has been obtained, it is a good idea to get a letter of consent from the other people with Parental Responsibility just in case any questions arise either at check-



in or upon arrival.

If there is a court order in place stipulating that the children *'live with'* one parent, then that parent is able to travel with the children outside of the jurisdiction for up to four weeks without requiring permission from the other parent. If there is a shared *'lives with'* order, then either parent can take the children out of the jurisdiction, again for up to 28 days at a time. It still remains good practice to provide details of any proposed travel where appropriate to do so.

### **Requirements imposed by other countries**

With any international travel, other countries may well impose their own requirements on children travelling either alone or with one parent. This can include the provision of court orders, furnishing birth certificates, or having letters of consent from the other parent. Document may even need to be notarised. Romania and South Africa are two countries that insist conditions of this nature, and rules can vary dependent on age and nationality. Parents are strongly advised to consider the entry and exit formalities imposed by each country's authorities ahead of any travel.

### **What if I do not have permission?**

If permission is not forthcoming from the other parent, then an application to the court for a Specific Issue Order may be necessary. Parents need to know that, whilst an application can be made urgently, there can be no guarantee that the court will accommodate a hearing in good time for any potential trip. It may also be possible to arbitrate this discrete issue, depending on the proposed holiday destination. The parent seeking permission would need to demonstrate to the court or to the arbitrator that the holiday is in the children's best interests. The approach from the court is likely to depend on the country involved, the connections each parent has with the respective countries, the international conventions in place between the countries involved, the length and nature of the trip, and the other parent's reasons for objecting to it. The court is highly likely to encourage parents to resolve matters of this nature outside of the courtroom. A judge may well be unimpressed if one parent is seeking to block the other's travel on rather spurious grounds; in the same vein, if there are genuine concerns of retention abroad, or other issues that ring alarm bells, a judge may act more cautiously.



If there are pre-existing or previous proceedings, then there may already be a Specific Issue Order or Prohibited Steps Order in place preventing the holiday in full.

### **What information do I need to provide?**

Generally speaking, the information that should be provided to the other parent about any proposed travel includes the dates, details of travel including flight numbers, accommodation information (for each destination) and emergency contact information whilst away. Parents may want to agree dates and times for telephone or video calls with the other parent (bearing in mind activities and time zones), and this should be provided in advance of departure.

The International Family Law Group can assist parents with any queries in relation to foreign travel involving their children, including obtaining one of the Orders mentioned in this article.

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