

## Do I need permission from my ex to take my child on holiday?

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With the new school year well underway people often begin to think about any family holidays they might take in the coming year. For those who are co-parenting, arranging to take your child away following a separation can be a worrying and stressful time.

One parent may not wish for the child to go away, either because they do not want to be separated from their child, out of worries about where they are going, or even out of spite.

The welfare of your child is always what should be considered first. If your child is very young, is it fair for them to be completely separated from their other parent for a long period?

You should always let the other parent know as far in advance what you plan to do. This will not only prevent any other plans from being made that may cause conflict, but also allow them time to raise any issues and prepare.

The other parent has a right to know where their child is going and who they will be with. This will again allow them to raise any issues they may have regarding the safety of the child and how they may be able to get in touch with you if there is an emergency.

### Obtaining consent to take your child overseas

To take a child abroad, you will need permission from any person who holds parental responsibility, unless there is a court order in place.



Parental responsibility is always held by the birth mother as well as by fathers who were married to the mother at the time of the birth. Fathers who are named on the birth certificate of a child after 1<sup>st</sup> December 2003 will also hold parental responsibility.

This means that where both parties have parental responsibility, each will need the written consent of the other to take their child overseas.

It is a criminal offence under the Child Abduction Act 1984 for a parent to take a child under the age of 16 out of the UK without proper consent.

## Residence order or child arrangements order

Where one parent has a residence order or a child arrangements order confirming that the child lives with them, then that parent can take the child abroad for up to 28 days without the written consent of the other parent.

## Where the other parent does not agree

If there is no court order in place and the other parent disagrees with your plans and refuses to give their permission you can apply to the court for a “specific issue order”.

This is where the court deals with a specific set of facts and makes a decision in respect of a single issue.

The court will always decide on what is in the best interests of the child, and usually a holiday with their mother or father will be seen as in their best interests.

For all involved, especially the children, it is always better to have an open discussion about the issues and what is best for the child, rather than resorting to court action.

You will usually be required to attend a mediation session before you can apply to the court for a specific issue order. A neutral mediator will speak to you both and try to help you agree upon an acceptable outcome together, avoiding the need for a hearing.

It is best to try and start dealing with the situation as soon as possible so that the issue does not become a fraught last-minute problem. If there is plenty of time to talk over any plans and concerns, the objecting parent is more likely to be reassured as to the arrangements.

## How can we help

If you would like further advice on holiday or any other arrangements for your children, our expert family team are here to help you and advise whatever your situation may be. Find out more about our [family law](#) areas of expertise or [contact us](#) when you are ready.

Written by