

I'm travelling abroad, and my child has a different surname

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When travelling abroad with a child, parents often question the legal implications, especially if the child has a different surname.

In England and Wales, the Children Act 1989 primarily governs parental rights and responsibilities. It outlines the rules regarding parental responsibility, including decisions related to a child's upbringing.

Below, we provide information on the legal considerations surrounding taking a child abroad and guidance to navigate this situation.

Understanding parental responsibility

Parental responsibility encompasses all the rights, duties, powers, responsibilities, and authority a parent has concerning their child and their property. It includes making important decisions about the child's education, health, religion, medical interventions, and general upbringing.

Permission requirement for taking a child abroad

The law is clear regarding international travel with a child. If a parent intends to take their child out of the UK, they must obtain permission from all individuals who share parental responsibility for the child or seek the court's permission. This requirement applies regardless of whether the child shares the same surname as the travelling parent or not.

Consequences of travelling without permission

Taking a child abroad without the necessary permission can be considered child abduction, which is a criminal offence. It is, therefore, crucial for parents to understand

the steps and permissions they must take before booking a holiday abroad.

Exceptions to the permission requirement

While permission from all those with parental responsibility is required to take a child abroad, there is an exception to this rule. A parent with a Child Arrangement Order specifying that the child lives with them can take the child abroad for up to 28 days without seeking permission. It is always advisable to inform the other parent if you are taking the child out of the country, as communication promotes and aids effective co-parenting, but their permission is not required.

It is essential to consult the specific terms of the Child Arrangement Order and ensure compliance with any restrictions or conditions.

Handling different surnames

In situations where a child has a different surname from the travelling parent, it is advisable to carry evidence of the parent-child relationship should you need to clarify the difference in surnames. Carrying such documentation can help mitigate potential difficulties at border controls or when questioned about the child's identity. Supporting documentation may include the child's birth certificate, divorce or marriage certificates, or a letter of consent from the other parent clearly stating their agreement to the child's travel.

What to remember when travelling with a different surname

When planning to travel abroad with a child, it is essential to understand and comply with the legal requirements surrounding parental responsibility.

- Seek permission from all individuals with parental responsibility.
- Follow the directions of any court orders concerning the child.
- If the child
- has a different surname from the travelling parent, carry the relevant supporting documents to help facilitate smooth travel.

By following the legal guidelines, parents can ensure the best interests of their children while enjoying their travels abroad.

Contact family law solicitor [Pippa Marshall](#) today.

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Note: This article is not legal advice; it provides information of general interest about current legal issues.

