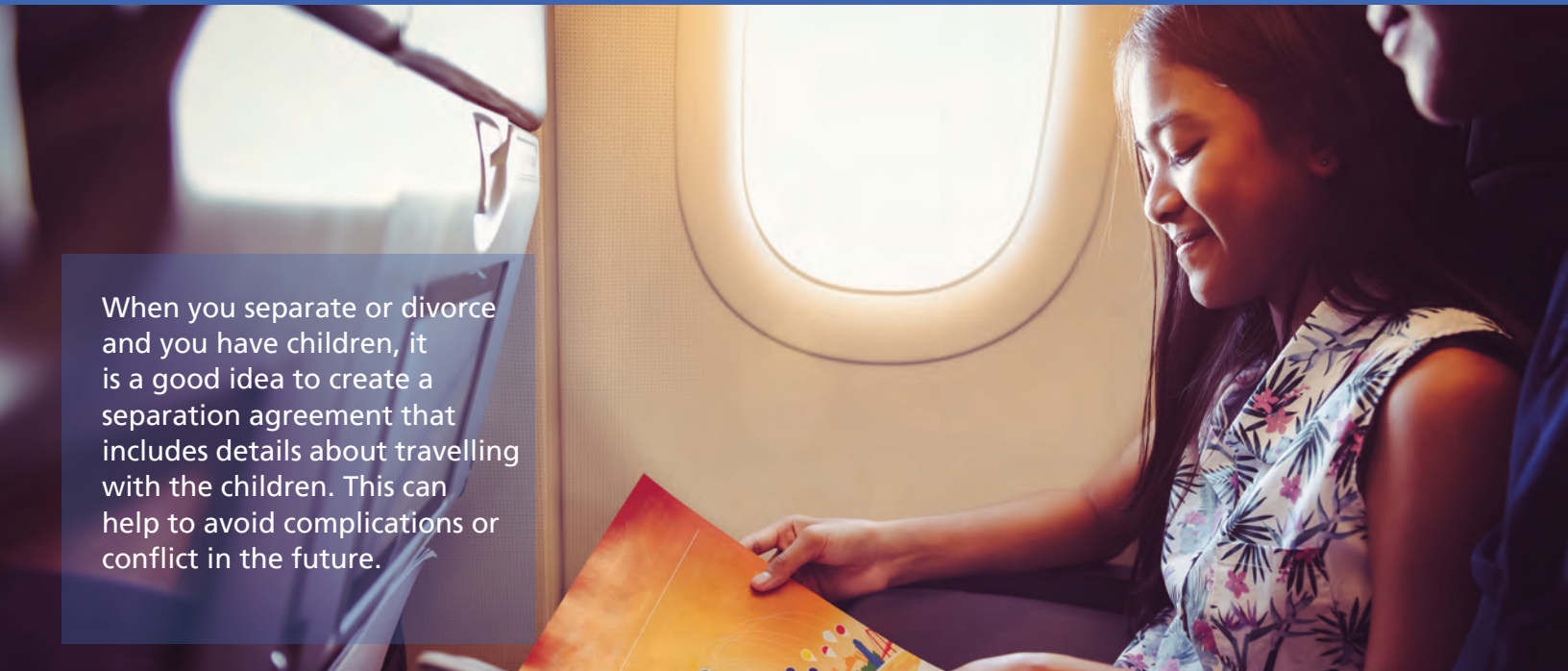


Travelling with Children

Parenting After Separation

The purpose of this series of fact sheets is to provide information on some issues related to parenting after separation. This particular fact sheet offers information about the legal requirements for **travelling with children**.



When you separate or divorce and you have children, it is a good idea to create a separation agreement that includes details about travelling with the children. This can help to avoid complications or conflict in the future.

Is anything required to travel with a child within Canada?

Separated and divorced parents should travel within Canada with their custody papers. Although there are no border guards to talk to, if medical assistance was required, the parent may need to prove that they have decision-making power for their child.

What is required for a child to travel outside the country with one parent?

If your child is travelling with just one parent, even if you are not separated, it is a good idea for the parent travelling with the child to gather documents to prove his or her authority over the child. These could include:

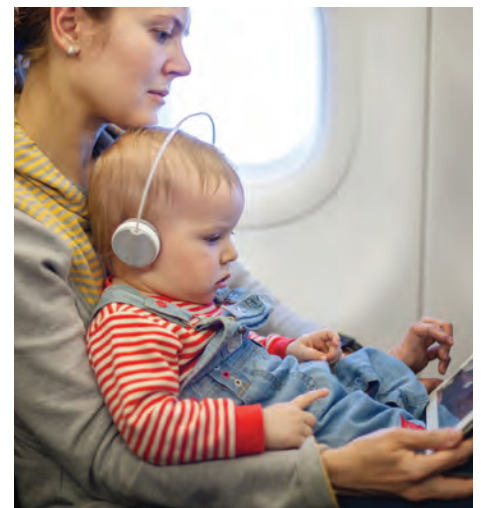
- The child's passport
- The child's birth certificate (make sure you have a version of the birth certificate that has the child's parent's name listed on it)
- A consent letter to travel from the child's other parent

- A copy of any court order granting you sole custody or a right to travel with the child
- A consent letter to travel from anyone who has been given access, visitation, or joint custody rights with the child by a court order
- Anything else required by the country you are visiting

What is a consent letter?

A consent letter says the other parent of the child agrees to you travelling with the child on specific dates to a specific location. A consent letter is not required in Canada but it can make travelling with children much easier. It may be requested by immigration authorities when entering or leaving a foreign country or by Canadian officials when re-entering Canada.

The Government of Canada website has published a sample consent letter (<https://travel.gc.ca/travelling/children/consent-letter>).



You can make changes to it as necessary. Alternatively, you could ask a family law lawyer to draft a consent letter.

The person giving consent to the child's travel should sign the letter in front of a commissioner of oaths or notary public. This will make border officials less likely to question the authenticity of the letter.

Travelling With Children



If you have concerns about your child travelling without you, particularly outside of the country, you should seek legal advice.

What should I do if I cannot get a Consent Letter?

If it is not possible to get a consent letter, you should carry a copy of a court order granting you sole custody. If there is no court order you should talk to a lawyer before travelling with your child.

If the other parent refuses to sign a consent letter for you to travel with your child, you can apply to a judge for an order that states you are permitted to travel with the child without the other parents' consent. In granting this order the judge will consider if the travel is in the best interest of the child.

Carrying a consent letter does not guarantee that customs officials will allow your children to enter or leave a country, because every country has its own entry and exit requirements. You should always check with that country's embassy or consulate in Canada for their rules on travelling with children before you travel.

If your child is a dual citizen, you should find out what rules will apply to them when entering their other country. Some countries will apply different rules to their own citizens.

Who should keep the child's Medicare Card and Passport?

Typically the parent with primary care holds the children's passports and Medicare cards. This is the parent who the children live with more than 60% of the time.

Parents with shared custody who get along well should come up with a system regarding passports. Often the parent who last used it will hold it until the other parent needs it.

If they do not get along well, they will need to develop a system that works for them or have a third party hold the child's passports, like a law office.

Medicare cards should travel with the child as much as possible. Both parents should write down the child's Medicare number so that they have it if it's needed and they can't access the card. Booking clinic appointments usually requires the Medicare card.

What should I do if I do not want my child travelling with their other parent?

If your child is travelling with the other parent and you are concerned the other parent may not bring the child back or that your child might be in danger, you should talk to a lawyer right away. They will be able to advise you on what you should do.

You may be able to make an application to the court to prevent the other parent from taking your child out of the province or country.



This is general information about the law and laws change from time to time. Anyone requiring advice on their specific situation should consult a lawyer. If you have questions on your options call the toll-free [Family Law Information Line](tel:1-888-236-2444) at:

1-888-236-2444

info@familylawnb.ca



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and Information Service
of New Brunswick**

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