

Do I need my ex's consent to take my children on vacation overseas?

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Most separated or divorced parents ultimately set out their parenting arrangements and other terms related to their children in a separation agreement or court order. It is common for a separation agreement or court order to include terms that pertain to travelling with the children. These terms may include but are not limited to where the parents are allowed to travel with the children, whether written consent is needed for travel outside of certain areas, and how many days of notice the parents are supposed to give each other before travelling with the children.

If the separation agreement or court order states that a parent can travel outside of Canada with the children without the other parent's consent, then it is not necessary to obtain the other parent's consent to travel with the children. It is common, however, for a separation agreement or court order to state that the written consent of the other parent is needed in order to travel outside of Canada with the kids. If this is the case, then it is necessary to obtain the other parent's consent to take the children outside of Canada. If your separation agreement or court order includes terms regarding out of country travel, simply follow the terms of the separation agreement or court order when preparing to travel with your children. You should also remember to bring a copy of your separation agreement or court order, along with the signed travel consent form from the other parent (if required by the separation agreement or court order), with you when travelling in case you are required to provide a copy to any authorities.

We receive this question more commonly from parents who do not yet have a separation agreement or court order in place. If separated or divorced parents do not have a separation agreement or court order in place, or if their separation agreement or court order does not include specific terms regarding travel, then yes, the travelling parent needs the consent of the other parent to travel outside of Canada with the children. Technically, even parents who are "together" (not separated or divorced) are supposed to have the other parent's consent to travel outside of Canada with the children if they are doing so without the other parent. The written consent of the other parent is needed so that border agents and airline officials know that it is okay for the children to be taken out of the country.

The Government of Canada provides a template travel consent form that can be filled in by the travelling parent and signed by the non-travelling parent. The link to the Government of Canada website is as follows: <https://travel.gc.ca/travelling/children/consent-letter>.

Sometimes the authorities will not ask the travelling parent to see the written authorization of the other parent, but they are supposed to ask for it, so it is always best to be prepared before travelling with your children, especially after separation or divorce.

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