



Guidance

Family law disputes involving EU after Brexit

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Family law disputes: what will change

If the UK leaves the EU without a deal on 12 April 2019, some EU family law agreements will no longer apply to the UK.

This will affect rules on:

- the country that family law disputes are heard in
- how decisions made in one country will be recognised and enforced in another

This applies to cases in England and Wales for:

- divorce
- matters relating to children
- child maintenance
- EU rules on child abduction

This guidance only relates to cases involving the courts of England and Wales. If you have a cross-border case relating to the courts in [Scotland](#) or [Northern Ireland](#) you should seek advice there.

If you are currently or soon to be involved in a case that you think may be affected by this you should speak to a lawyer or [Citizens Advice](#) as soon as possible. You should also speak to a lawyer or [Citizens Advice](#) if your case involves an EU country and [Scotland](#) or [Northern Ireland](#).

If the UK leaves the EU with a deal there will be no change to the process during the Implementation Period until December 2020.

Divorce

- If you apply for divorce after 12 April 2019, the new rules will be in place but you should apply in the same way. Speak to your lawyer for advice.
- If your case is ongoing on 12 April 2019 your case will continue under current rules.
- If your divorce was made final before 12 April 2019 you will not be affected.

Speak to a lawyer or [Citizens Advice](#) to get specific advice about your case and any action you need to take.

Matters relating to children (parental responsibility)

- If you start a case about arrangements for your children where you have a dispute with your partner [parental responsibility](#) after 12 April 2019, the new rules will be in place but you should apply in the same way. Speak to your lawyer for advice.
- If a case about arrangements for your children (parental responsibility) is ongoing in England or Wales on 12 April 2019, your case will continue under the current rules.
- If a case about arrangements for your children (parental responsibility) is ongoing in an EU court or needs to have judgments accepted and put into action in an EU country after 12 April 2019, this may need to be done in a different court or under a different procedure. Speak to your lawyer for advice.
- If a case about arrangements for your children (parental responsibility) has been made final and has been recognised by a court in England or Wales before 12 April 2019 it should not be affected. However, if you make further applications (even about the same child(ren)) these may need to be made to a different court. Speak to your lawyer for advice.

Maintenance

Maintenance cases in court

- If you have an ongoing case about maintenance payments for a child or husband/wife in England, Wales or an EU country on 12 April 2019, your case will continue unchanged.
- If you make new or further applications after 12 April 2019, your application may need to be made to a different court or under a different process. Speak to your lawyer for advice.
- If you have a child maintenance decision which you want to have recognised and enforced in an EU country after 12 April 2019, you can contact the [Reciprocal Enforcement of Maintenance Orders \(REMO\) unit](#)
- If your maintenance case was resolved and has been recognised by the relevant court in an EU country before 12 April 2019, you should not be affected.

Visit the [Child maintenance if one parent lives abroad](#) page to learn more about what you need to do.

Child Maintenance Service cases

The [Child Maintenance Service](#) applies to cases where the paying parent, the receiving parent and the child are all in the UK; it will not change.

International parental child abduction

Whether the UK leaves the EU with a deal or not, the rules about abduction or wrongfully retained children in EU countries will mostly not change.

If you are the applicant in a case to return a child who has been abducted to an EU country by the other parent or a relative you should, if possible, get legal advice from a [specialist lawyer](#)

You should also, if possible, get local legal advice in the country the child has been taken to, and you should contact the Central Authority for England and Wales (ICACU) and the charity Reunite:

- [ICACU](#)
- [Reunite International Child Abduction Centre](#)

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