

Traveling Abroad with Minors: From Passport Issues to Medical Issues

Q: I am going overseas with my newborn. Does she need a passport?

A: With minor exceptions, such as “closed-loop” tours and travel to a U.S. territory, all U.S. citizens traveling internationally outside the United States require a passport. This requirement includes newborns and infants.

Q: What documents will I need for my child?

A: You will need Form DS-11 (“Application for a U.S. Passport”); evidence of your child’s U.S. citizenship; evidence of your relationship with your child (birth certificate); your identification; and parental consent if both parents are not applying. You will also need to provide your Social Security number. The instructions and forms are available at www.travel.state.gov/content/travel/english.html, but do not sign any forms until directed to by the passport agent at your local post office (or other authorized passport-issuing agency). You and your child must appear in person.

Q: Does it take longer to get a passport for a minor than for an adult?

A: No, but it is wise to start the application process at least six weeks before you travel. If you need the passport within a shorter time frame, you can pay extra to have your passport application expedited.

Q: I am trying to get a passport for my children so I can take them to China, but I have a joint custody arrangement with my ex-husband. Does he have to help me secure their passports?

A: Yes. Both parents must consent before a passport will be issued for a minor under age 16. Generally, both parents must appear in person with the minor and sign Form DS-11 (U.S. passport application) in front of the passport agent. This can be done at most post offices. You must give the agent evidence that you are your children’s parents by providing documents that include your names as well as your children’s names and the dates and places of their births. In cases such as yours, it is possible to appear before the passport agent without your former husband. However, you must submit your ex-husband’s notarized written statement and Form DS-3053 (a consent form for the non-applying parent to sign), assuming he consents to having passports issued for your children. Specific information must be included in the notarized statement and Form DS-3053, so you should read Form DS-11 carefully and start your application process early enough to avoid any delays.

Q: Do I need my ex-wife’s consent to get a passport for my seven-year-old son if I have sole custody?

A: No. You may execute a passport application on your child’s behalf as long as you provide

documentary evidence that you have sole custody of your child. Evidence of that would be a certified copy of the court order granting you sole custody. You should provide the entire court order so there are no questions about any court ordered travel limitations with your child.

Q: I would like to take my 10-year-old grandson out of the country with me. May I get a passport issued on his behalf?

A: Yes. You may apply “in loco parentis” on your grandson’s behalf by submitting a notarized written statement or notarized affidavit from both of your grandson’s parents (or legal guardians). This statement or affidavit will authorize you to apply for the passport on your grandson’s behalf.

Q: I am planning to take my three-year-old grandson with me to Canada. Both parents have given their permission, but what would I do if Michael needs medical treatment while we are away?

A: You can ask Michael’s parents to sign a grandparent’s power-of-attorney document that will allow you to act on their behalf to seek medical treatment for Michael. This document will give you rights and responsibilities regarding Michael’s care, including the ability to consent to medical, psychological, or dental treatment for him.

7/27/2012

This “Law You Can Use” column was provided by the Ohio State Bar Association (OSBA). It was prepared by Columbus attorney Michael Oser.

Articles appearing in this column are intended to provide broad, general information about the law. Before applying this information to a specific legal problem, readers are urged to seek advice from an attorney.