

When One Parent Refuses: Getting a Child's Passport for Summer Travel

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Planning international travel with your child can quickly become complicated if your ex-partner refuses to consent to a passport. Under U.S. law, children under 16 generally need both parents' permission to obtain a passport. Without it, the application is typically denied.

What Happens When a Divorced Parent Says No?

If parents share joint legal custody, one parent cannot usually get their child a passport. Both parents must consent, however, when disagreements arise, the issue often requires court intervention.

A parent seeking travel can file a motion asking the court to: allow the passport application without the other parent's consent, require the other parent to sign, and/or approve specific travel plans.

How Courts Decide

Judges focus on the child's best interests, considering factors like:

- The purpose and length of the trip
- The destination and safety concerns
- Whether travel interferes with the other parent's time
- Risk the child may not return
- Whether reasonable details and safeguards are in place

If the trip is well-planned and low-risk, courts often allow it.

Courts may order the non-consenting parent to cooperate or permit the passport application without them. The court may also require travel details in advance or adjust parenting time to compensate the other parent.

Planning Ahead

These disputes can take time to resolve, so early planning is critical. Providing detailed information and attempting to work things out before going to court can sometimes avoid litigation altogether.

While one parent's refusal can delay travel, it doesn't always stop it. Courts have the authority to step in and allow a passport when international travel is appropriate and in the child's best interests.