

HOT TIP:

***“A Child’s Passport:
Deal With it in the Settlement
Agreement”***

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“A Child’s Passport: Deal With it in the Settlement Agreement”

Recently, an issue that I have handled more frequently in my day-to-day practice is the issue of how to deal with a child’s passport when parties divorce. I have found that the best way to deal with the issue is to address the child(ren)’s passport in the divorce Settlement Agreement.

Settlement Agreement language which addresses numerous issues involving the passport can alleviate – or at least ameliorate – the problem. The issue most frequently comes up post-divorce, last minute, at a crisis point. Dealing with the issue at the time of the divorce can help.

The language may address the following:

- Cooperation in applying for a passport
- Which parent holds the passport
- Notice of travel passport use requirements
- Execution of documents allowing travel with the passport
- Penalties for non-compliance with the Agreement
- Restrictions on travel to certain jurisdictions
- More than one child: divide possession of the passport(s)
- Tying possession to the actual physical custodial parent

The following sets out some of the governmental requirements for obtaining a child’s passport.

Special Requirements for Children Under Age 16

Before You Start, Please Note:

Minors under age 16 **must** apply in person
 All children regardless of age, including newborns and infants, **must** have their own passport
 There are special requirements for All Minors Ages 16 & 17

STEPS TO SUBMITTING A PASSPORT APPLICATION FOR A MINOR UNDER AGE 16:

Read and understand **Steps 1 - 7** before leaving this page.

STEP 1: Complete and Submit Form DS-11: *Application For A U.S. Passport*

Complete Form DS-11: Application for a U.S. Passport. To submit Form DS-11, the minor:

- Must apply in person** with **both parents/guardian(s)**
- Must** provide the additional **documentation** required by Form DS-11 (See Steps 2-7)
- Must not sign** the application until instructed to do so by the Acceptance Agent
- Must** provide your SSN in accordance with 26 U.S.C. 6039E

STEP 2: Submit Evidence of U.S. Citizenship

The minor's evidence of U.S. citizenship must be submitted **with** Form DS-11. All documentation submitted as citizenship evidence will be **returned** to you. These documents will be delivered with your newly issued U.S. passport or in a separate mailing.

Primary Evidence of U.S. Citizenship (One of the following):

- Previously issued, undamaged U.S. Passport
- Certified birth certificate issued by the city, county or state*
- Consular Report of Birth Abroad or Certification of Birth
- Naturalization Certificate
- Certificate of Citizenship

*A certified birth certificate has a registrar's raised, embossed, impressed or multicolored seal, registrar's signature, and the date the certificate was filed with the registrar's office, which must be within 1 year of your birth. Some short (abstract) versions of birth certificates may not be acceptable for passport purposes.

NOTE: If you do not have primary evidence of U.S. citizenship or your U.S. birth certificate does not meet the requirements, please see Secondary Evidence of U.S. Citizenship.

STEP 3: Submit Evidence of Relationship

Parent(s)/Guardian(s) must **submit** evidence of their relationship to the minor applicant.

<p>Evidence of Relationship (One of the following):</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Minor's certified U.S. birth certificate with both parents' names <input checked="" type="checkbox"/> Minor's certified Foreign Birth Certificate with both parents' names* <input checked="" type="checkbox"/> Minor's Report of Birth Abroad with both parents' names <input checked="" type="checkbox"/> Adoption Decree with adopting parents' names* <input checked="" type="checkbox"/> Court Order establishing custody <input checked="" type="checkbox"/> Court Order establishing guardianship
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*All foreign documents submitted with a passport application must be accompanied by an English translation (formal or informal).

NOTES:

Previous U.S. passports are not acceptable as evidence of relationship
 Evidence of a legal name change must be submitted, if the name of a parent/guardian has changed since the original documents were issued (e.g. photocopy of a marriage certificate, etc.)

STEP 4: Present Identification of Parent(s)/Guardian(s)

When applying for a minor under age 16, both parent(s)/guardian(s) must present acceptable identification at the time of application.

<p>Primary Identification (One of the following):</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Previously issued, undamaged U.S. passport <input checked="" type="checkbox"/> Naturalization Certificate <input checked="" type="checkbox"/> Valid Driver's License <input checked="" type="checkbox"/> Current Government Employee ID (city, state or federal) <input checked="" type="checkbox"/> Current Military ID (military and dependents)

NOTE: If none of these items are available, please see Secondary Identification.

STEP 5: Submit a Photocopy of Each Parent/Guardian ID Document To Be Presented (STEP 4)

A **photocopy** of each identification document to be presented by a parent or guardian **must** be submitted with the minor's passport application. If you are applying for multiple minors at one time, you must include a photocopy of **each** parent/guardian ID document presented with **each** minor's individual passport application.

Photocopy **must** be on plain white, 8 1/2 x 11" standard paper stock, showing the **front** and the **back** of your ID

Photocopy **must** contain images on only one-side of each page submitted.

If copies cannot be made on the same side of one page, you may present two separate pages; one displaying the front of

the ID and the second displaying the back of the ID.

The paper should be free of other images and/or markings.

The 8 1/2 x 11" paper size **cannot** be substituted with a larger or smaller size paper, even if the alternative folds down to the 8 1/2 x 11" size.

You **may** enlarge the image of your ID on the 8 1/2 x 11" page, but you **may not** decrease the size of the image.

Other situations that require a photocopy of identification, but are less common, include:

If you are presenting Secondary Identification, you must provide a photocopy each document being presented with your application

An assistant to a disable applicant who witnesses the signature or signs on the disabled customer's behalf must present a photocopy of his or her ID

A person acting as an Identifying Witness (Form DS-71) must present a photocopy of his or her ID

STEP 6: Provide Parental Consent

Both parents **must** provide consent **authorizing passport issuance** for a minor under age 16. See the scenarios below, and follow the instruction that best applies to your circumstance:

<p>Both Parents MUST:</p>	<p>Appear in person with the minor Sign Form DS-11 in front of an Acceptance Agent</p>
<p>One Parent MUST:</p>	<p>Appear in person with the minor Sign Form DS-11 in front of an Acceptance Agent Submit the second parents' notarized Statement of Consent (Form DS-3053)</p>
<p>One Parent (with sole legal custody) MUST:</p>	<p>Appear in person with the minor Sign Form DS-11 in front of an Acceptance Agent Submit primary evidence of sole authority to apply for the child with one of the following:</p> <ul style="list-style-type: none"> Minor's certified U.S. or foreign birth certificate listing only the applying parent Consular Report of Birth Abroad (Form FS-240) or Certification of Birth Abroad (Form DS-1350) listing only the applying parent Court order granting sole custody to the applying parent (unless child's travel is

	<p>restricted by that order)</p> <p>Adoption decree (if applying parents is sole adopting parent)</p> <p>Court order specifically permitting applying parent's or guardian's travel with the child</p> <p>Judicial declaration of incompetence of non-applying parent</p> <p>Death certificate of non-applying parent</p> <p>NOTE: If none of the above documentation is available, the applying parent must submit <u>Form DS-3053</u> stating why the non-applying parent/guardian's consent cannot be obtained</p>
<p>A Third Party (in <i>Loco Parentis</i> applying on behalf of a minor under the age of 16) MUST:</p>	<p>Submit a notarized written statement or affidavit from both parents or guardians authorizing a third-party to apply for a passport</p> <p>When the statement of affidavit is from only one parent/guardian, the third-party must present evidence of sole custody of the authorizing parent/guardian.</p>

IMPORTANT NOTE: The written consent from the non-applying parent that accompanies an application for a new passport must be **less than 3 months old**. New written consent from the non-applying parent must be obtained and submitted with any future passport application for the minor under age 16.

STEP 7: Pay the Applicable Fee

Please see Current Passport Fees and methods of payment.

STEP 8: Provide Two Passport Photos

We can help you submit clear and correctly exposed passport photos the **first time** - especially when applying for the **U.S. Passport Card**. See Quality Requirements for Passport Book & Passport Card Photographs to avoid photo processing delays.

Your Photographs Must Be:

- Identical
- In color
- 2 x 2 inches in size
- Taken within the past 6 months, showing current appearance
- Full face, front view with a plain white or off-white background
- Between 1 inch and 1 3/8 inches from the bottom of the chin to the top of the head

Taken in **normal street attire**:

Uniforms should **not** be worn in photographs except religious attire that is worn daily

Do **not** wear a hat or headgear that obscures the hair or hairline

If you normally wear prescription glasses, a hearing device, wig or similar articles, they **should** be worn for your picture

Dark glasses or nonprescription glasses with tinted lenses are **not** acceptable unless you need them for medical reasons (a medical certificate may be required)

NOTES:

Vending machine photos are not generally acceptable

See [Digitized Passport Photos](#) for information on acceptable digital photos

Professional photographers, see [Guidelines for Producing High Quality Photographs for U.S. Travel Documents](#)

NEED A U.S. PASSPORT IMMEDIATELY?

You should make an appointment to be seen at a Regional Passport Agency **only** if:

The U.S. passport is needed in **less than 2 weeks** for international travel

The U.S. passport is needed **within 4 weeks** to obtain a foreign visa

Contact the [National Passport Information Center](#) to make an appointment or locate a Passport Agency.