

## Child abduction

Parental child abduction is committed by a parent removing a child from England and Wales for a period in excess of 28 days without the consent of all persons with parental responsibility for the child or the consent of the court.

There has been a recent rise in child abduction following the increase in relocation overseas, ease of travel and increase in cross-jurisdictional relationships.

The return of a child from abroad is a complex, time consuming procedure. Foreign legal systems can be protracted making the practical return of the child difficult even within EU member states and Hague Convention countries

If you fear that an abduction may be imminent you should

- contact a specialist lawyer and Reunite immediately, providing passport sized photographs of the child, documents relating to the child, completed Reunite description and fingerprint forms, and provide a photograph with date of photograph of the potential abductor.
- contact the Passport Service to establish if a new passport has been issued and to ask them not to grant a new passport without your permission on 0800222000
- you should contact the police immediately and if they believe the threat is real port alerts can be made to air and sea ports
- obtain practical information and support from Reunite on 001162556234

If your child has been taken you should

- contact a specialist lawyer immediately
- contact the police immediately
- contact Reunite. Their mediation services may achieve an agreed return of your child

An application must be made immediately for the return of the child. The court can also make disclosure orders on third parties for the whereabouts of the child to be disclosed and for the surrender of the child's passport to the court's tipstaff.

The length of time it will take to achieve a return of the child depends on the country the child has been removed to and if the child can be traced. Different procedures will be involved depending on whether the child has been removed to an EU member state or signatory of the Hague convention.

## Where has my child been removed to?

If your child has been removed to an EU member state or Hague Convention state or country, then arrangements can be commenced for the return of the child to its country of residence. However the removing parent may be able to argue in the new country of residence that the child should not be returned if

- a child has been wrongly removed for more than a year as it can be argued that the child is settled and should not be returned
- the child has sufficient understanding and does not wish to return
- there is a risk that the return of the child could expose him or her to a grave risk of physical or psychological harm

If your child has not been removed to a EU or Hague Convention state or country then there may be no protocol in place to deal with the child's return and an application will need to be made in the foreign court for an order for the return of the child to the UK. The Foreign Office (Child Abduction Section) can assist with locating an English speaking lawyer overseas on 0207 008 0878 or 0207 008 1500

## How long will it take to return my child?

This depends on where your child has been removed to, if your child can be located and how swiftly you act.

It is essential that your application is made urgently to the High Court . Leaving the matter, particularly for a period of 12 months or more will impair your chance of your child being returned.

This is a specialist area of law in which immediate action is often vital and a specialist lawyer is a pre-requisite. Joanne Houston is a member of Reunite and a Resolution accredited lawyer in international family law.