



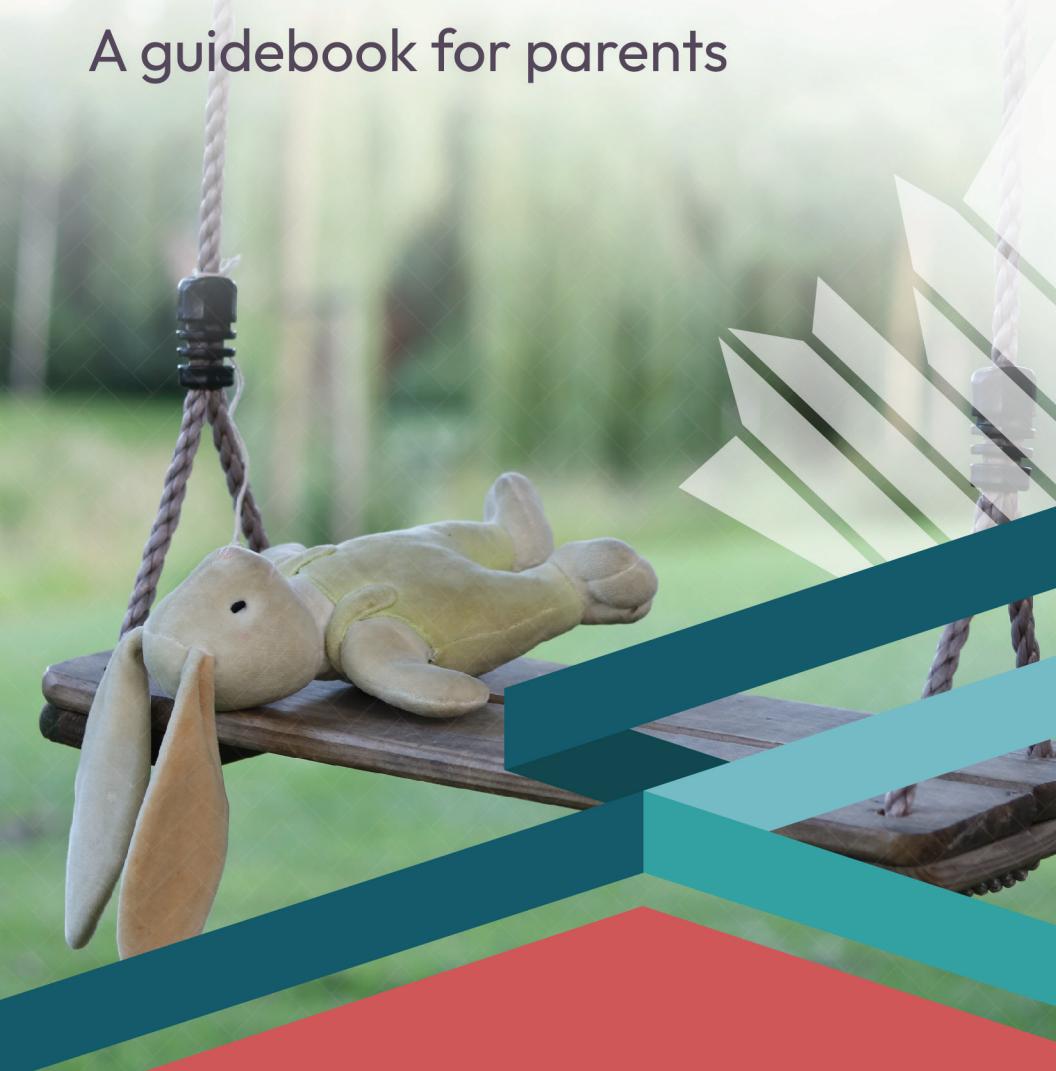
Government
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Canada

INTERNATIONAL CHILD ABDUCTIONS

A guidebook for parents



Global Affairs Canada
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Ottawa ON K1A 0G2
Canada

Cette publication est aussi disponible en français sous le titre : *Enlèvement international d'enfants : Un guide à l'intention des parents concernés*.

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INTRODUCTION

An international child abduction occurs when a child is taken from or kept outside Canada (usually by a parent or guardian) in breach of the rights of custody of another person (usually those of the other parent) or in breach of a court order.

International child abductions are difficult and complex situations. Unfortunately, they are common. Every year, Canadian children are wrongfully taken from Canada or held in another country by abducting parents.

Child abduction is a criminal offence in Canada, but when a parent abducts a child to another country, they are subject to the laws and procedures of the country they are in, which may be very different from those of Canada. The protections the other parent might expect from Canadian laws, legal systems and law enforcement agencies may not be available.

This guidebook has information about:

- preventing an abduction
- stopping an abduction in progress
- finding your child in a foreign country
- bringing your child back to Canada

It also has lists of resources and organizations you can turn to for help and checklists of information you will need during each stage of the process.

If the abduction has already happened, you should know that although each international child abduction is unique, they all share many features.

While there are many steps you can take to find and recover your child, it can be a long and challenging process. You may face legal and emotional difficulties, and you may not be satisfied with the outcome. It is important not to become discouraged. You may wish to talk to a lawyer. You may also wish to seek emotional and psychological support from friends or family members or from professional support organizations, such as victim services agencies.

Experienced consular officers at Global Affairs Canada will be available to you throughout the process.

If you have questions that are not addressed in this guidebook, please contact:

Consular Services

Global Affairs Canada

- 1-800-387-3124 (toll-free in Canada and the United States)
+1 613 996 8885 (call collect where available)
- sos@international.gc.ca
- travel.gc.ca

IS YOUR CHILD IN DANGER OF BEING ABDUCTED ABROAD?

Warning signs

Many signs might warn you that the other parent is planning to abduct your child. Be on the lookout if the other parent shows one or more of the following signs.

- Controlling behaviour; for example, the parent:
 - has abducted your child before or threatens to take your child away from you
 - harasses you or is obsessed with you—for example, by:
 - showing up without warning
 - constantly trying to contact you
 - using the child as a go-between to deliver messages to you and get information about you
 - criticizes or lies about you to your child or tries to come between you and your child in other ways
 - expresses unreasonable concerns about the child's safety and well-being while in your care
- Hostility; for example, the parent:
 - threatens to harm the child, you or themselves
 - shows hostility, anger or resentment toward you or your family
 - fights with you often
 - is angry about a decision
- Planning a major life change; for example, the parent:
 - shows interest in moving or returning to a country other than Canada (or your child talks about a possible move)
 - has closed bank accounts, is gathering records or seems to be preparing for a move
 - has quit a job or is selling a home
 - has immigration problems in Canada

The risks of abduction are greater if the other parent:

- is financially independent
- does not have strong ties to Canada
- has citizenship in or strong ties to another country

Prevention tips

You can take some steps if you think your child is in danger of being abducted to another country.

- keep contact with your child and the other parent
- contact Consular Services at Global Affairs Canada to get information and advice about preventing child abduction
- if you are separating or divorcing, get a parenting or custody agreement or order that sets out important details about parenting arrangements
- secure your child's passport, either Canadian or foreign. If your child does not have a Canadian passport, you may ask the Passport Program to have your child's name included in the Passport Program System Lookout List.

Keeping contact with your child and the other parent

Try to maintain a collaborative relationship with the other parent. Limiting their time with the child or creating conflict can result in extreme reactions. Children are most vulnerable when the relationship between their parents is troubled or broken. Abducting parents often try to convince their child that the other parent no longer wants or loves them.

Let your child know how to contact you and how to reach family or friends in case of an emergency.

Getting information and advice

Contact authorities and organizations that can help you and give you advice. See the “Directory of Resources” section at the end of this guidebook.

Keep up-to-date information that will help identify, find and recover your child, such as:

- your child's current height and weight
- recent photographs of your child
- the current addresses of the other parent's family and friends—in both Canada and the other country
- certified copies of legal documents having to do with the child

Parenting or custody agreement or order

Talk to your lawyer about including international travel conditions in your parenting or custody order. Make copies to give to your child's school and to any other authorities who may take care of your child.

As of March 1, 2021, Canadian courts issue parenting orders under the *Divorce Act*. The terms “custody” and “access” may be used in orders made before this date under the *Divorce Act* and under some provincial and territorial family laws.

A parenting or custody order may include conditions such as:

- a prohibition on your child from travelling abroad without the permission of both parents
- a requirement that both parents sign a travel consent letter before the child travels abroad
- an order that your child's travel documents be given to the custodial parent (the parent who makes major decisions about the child), to the court, to one parent's lawyer or to the Passport Program
- a statement by both parents acknowledging that they are aware that:
 - child abduction is a criminal offence (as described in sections 282 and 283 of the *Criminal Code*) and that they may face criminal charges if they abduct the child
 - the Hague Convention on the Civil Aspects of International Child Abduction (referred to in this guidebook as the Hague Convention) will apply if they take the child to, or keep them in, a country with which Canada applies the convention.
- a requirement that a parent post a bond if the child travels abroad (the parent would lose the bond money if they abducted or kept the child)

Other issues you may wish to discuss are:

- penalties for violating the parenting or custody agreement or order
- restrictions on the child's mobility
- restrictions on getting a passport for the child

Passports or other travel documents

Children in Canada who travel out of the country must have their own passports or travel documents. Unless one parent has clear sole decision-making responsibility for a child, as well as custody of the child, both parents will likely need to participate in getting the child a passport or travel document.

Canadian passport

If you think the other parent may be planning to abduct your child and the child is under the age of 16, you may ask the Passport Program to have your child's name included in the Passport Program System Lookout List. This will alert Passport Program staff to follow up when processing a passport application for your child. It will ensure that staff review all legal documents and that there are no restrictions on your child's mobility or other information that would prevent your child from getting a Canadian passport.

To add a child's name to the System Lookout List, contact the Passport Program or a Government of Canada office abroad (contact information is below).

To register, you will need:

- the full names and birthdates of all parents, legal guardians and the child
- copies of all custody-related legal documents

Dual nationality

Your child may have nationality in another country if either of these is true:

- they were born or have lived overseas
- one of their parents holds the nationality of another country

Canadian consular officers may be limited in the help they can give you if your child has been taken to the country of their other nationality. The local authorities may view your child as a national only of that country and may refuse to give your child access to consular service.

If your child is a citizen of a country other than Canada, you can ask government authorities of that country not to issue a passport or visa to your child.

The governments of many—but not all—countries comply with such requests as a way to prevent international child abductions. You can contact Consular Services at Global Affairs Canada if you need help contacting a foreign government office in Canada (contact information below).

When contacting another country about travel documents for your child:

- make your request in writing to a diplomatic or consular office of the country
- include certified copies of any court orders dealing with custody of your child, decision-making about them or foreign travel by them, and tell the foreign diplomatic or consular office that you have done so

Notes

Immigration authorities abroad may ask to see a travel consent letter when a child enters or leaves a country with only one parent or without any parent.

A consent letter will not prevent a child abduction. You should not sign a consent letter if you are concerned that your child may be taken or kept outside Canada.

A Canadian parenting or custody order may not be recognized in the country to which your child could be abducted, but it could still be useful because it does formally state your parenting or custodial rights in Canada.

The Passport Program System Lookout does not limit your child's mobility or create an alert for border authorities.

The Canada Border Services Agency collects entry and exit information and works with partner law enforcement agencies, including the RCMP and regional and municipal police services, to try to prevent abducted children from crossing the border.

Contact information

Consular Services at Global Affairs Canada

 1-800-387-3124 (toll-free from Canada and the United States)
 +1-613-996-8885 (call collect where available)

 travel.gc.ca

Canada's Passport Program

 1-800-387-3124 (toll-free from Canada and the United States)
 Canada.ca/passport

Government of Canada offices abroad

 travel.gc.ca

IF YOUR CHILD HAS BEEN ABDUCTED

Your child is missing, and you think the other parent is involved

- contact the other parent or friends to confirm the location and safety of your child
- look for signs that the other parent has abducted your child
- contact the other parent to try to resolve the situation
- contact police

Your child is in danger of being abducted or kept outside of Canada

Contact:

- your lawyer
- the Passport Program
- local police
- Consular Services at Global Affairs Canada

If you think your child is in danger of being abducted and taken outside Canada, was abducted abroad or is being kept from coming back to Canada, there are steps you can take—even if you are not sure that your child will be or has been abducted.

Contact your local police

The local police will be your main point of contact. Tell them that you think your child has been abducted to another country. The police may ask:

- why you believe your child has been abducted
- information about your child and the abducting parent, for example:
 - what they look like (age, height, weight; colour of eyes, hair and skin; provide recent photos if you can)
 - their citizenship in a country besides Canada
- the most recent parenting or custody order or agreement, if you have one
- your contact information

Local police may choose to investigate and share information about your child's abduction with other national and international organizations.

Contact information

 Call 911

Tell your family and friends

Contact family and friends, as well as the child's school, doctors and daycare. Tell them you called the police and ask them to call you right away if they hear anything about your child or the abducting parent.

You can also contact the other parent's family and friends. They may be able to tell you where your child is—the most important information in a child abduction investigation. Be sure to keep the contact friendly.

Contact Consular Services at Global Affairs Canada

Consular services are the services provided to Canadians outside Canada by the Government of Canada through embassies, consulates and other points of service.

A consular case management officer (CMO) will be assigned to work with you. CMOs are very knowledgeable about international child abductions and have information about specific countries. They can also direct you to organizations in Canada and abroad that help in situations of child abductions.

When you contact Consular Services, you will be asked, among other things:

- the name, date of birth and citizenship of your child, yourself and the other parent
- when you last had contact with the other parent and your child
- to give a detailed description of the situation, including the background to it and steps you have taken already (for example, calling the police or consulting a lawyer)
- what travel documents your child and the other parent would have used (for example, passports or visas)
- to give copies of legal documents, such as a parenting or custody order, mediated agreement or signed travel consent letter for your child
- the other parent's travel plans, if you know them, or information on the other parent's ties to another country

Your CMO will request your consent before contacting other agencies.

Contact information

Consular Services at Global Affairs Canada

 1-800-387-3124 (toll-free from Canada and the United States)

+1-613-996-8885 (call collect where available)

 travel.gc.ca

Contact a lawyer

A lawyer can:

- give you legal advice and represent you in court
- tell you what options you have
- help you protect your interests when you deal with governments and organizations in Canada and other countries
- help you consider whether to get a parenting or custody order or agreement—even after an abduction has happened (a parenting or custody order or agreement helps you deal with authorities in Canada and the other country)
- help mediate with the other parent and draft an agreement

Note

If you know what country your child is in, you may need to also contact a lawyer in that country. Your CMO can provide you with a list of local lawyers in that country.

Contact information

Federation of Law Societies of Canada

 +1-613-236-7272

 +1-613-236-7233

 info@flsc.ca

Contact the Passport Program

Contact the Passport Program and give them the details of your situation. The Passport Program can:

- add your child's name to the Passport Program System Lookout List (this will alert Passport Program officials if they receive a passport application for your child, but it will not prevent your child travelling with an existing Canadian passport)
- refuse to issue a new passport if that would contradict a court order or separation agreement
- request that Public Safety Canada decide whether a passport should be revoked to keep it from being used for an abduction

Note

The Passport Program may need copies of any legal documents concerning your child (for example, parenting or custody orders or separation agreements).

Contact information

Canada's Passport Program

 1-800-567-6868 (toll-free from Canada and the United States)

 Canada.ca/passport

Contact non-governmental organizations

Many organizations in Canada can help when a child is missing. They can help in many ways, from giving emotional support to searching for the child. Some non-governmental organizations have investigators who can help find a child, whether in Canada or in another country.

Contact information

The directory at the end of this document includes a list of non-governmental organizations. You will have to decide whether their services are appropriate for you.

Gather information

Identify other sources of information that could give you useful information as you search for your child. People, organizations, records or lists could help reveal where your child and the abducting parent are. The sources will be different in every situation, so it is usually a good idea to check as many sources as you can. Some sources you can explore include:

- places where the other parent or your child would often spend time
- places where the child attended after-school activities, including preschools and daycares
- organizations the other parent belongs to, such as clubs and places of worship
- medical records, including dental records
- school records
- the other parent's social media accounts
- the child's or the other parent's contact lists

Take notes on who you contact, when you contacted them and what you learned, so you have a record of what you have done and know.

Notes

Ask your local police or lawyer for advice before contacting an organization.

Some organizations have privacy regulations that will keep them from giving you confidential information.

A person you contact might be helping the other parent abduct your child.

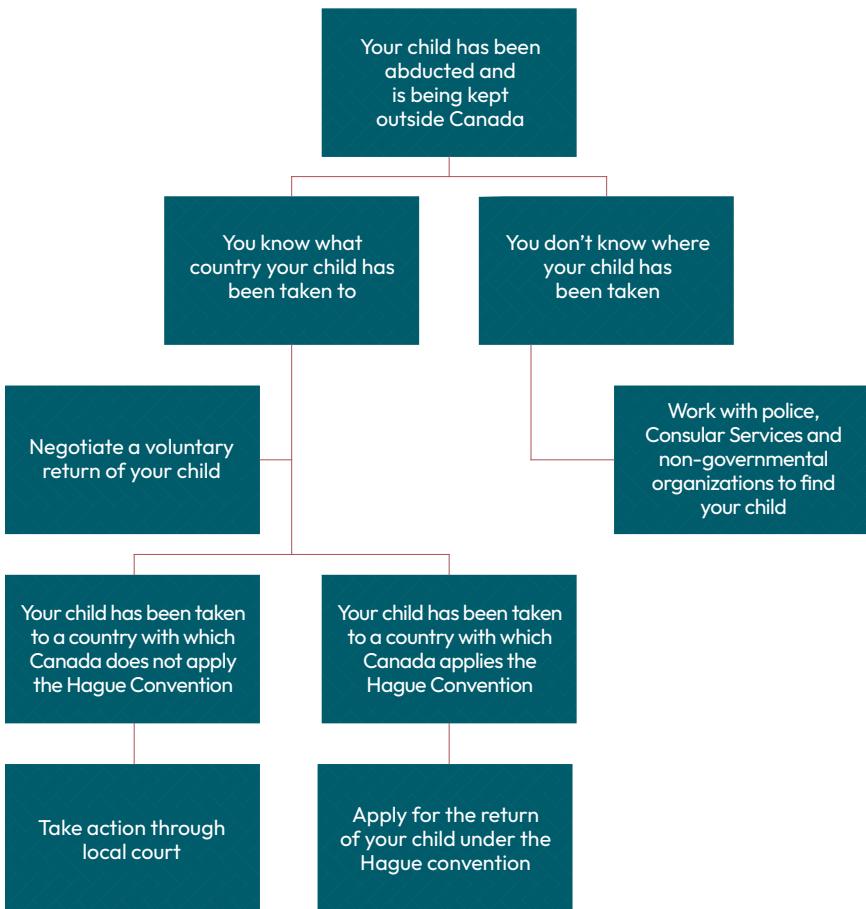
Use social media and local media

You may want to use social media or contact local media to raise awareness about your missing child or your child's abduction, but public attention may not be helpful.

Sometimes, media attention may let abducting parents know people are looking for them. That could make them go into hiding, making them harder to find and making the situation more stressful and dangerous for the child.

To help you consider all factors, you can discuss the possibility of using social media or contacting local media with a lawyer and any organization that is helping you.

HOW TO SEEK THE RETURN OF YOUR CHILD TO CANADA



If you know where your child is, there may be different ways to seek their return, such as:

- negotiating a voluntary return of the child
- applying for the return of the child under the Hague Convention (see below)
- applying for a parenting or custody order in the other country

You may want to try more than one way at the same time. To better understand your options, get as much information as you can on the family and child welfare laws and customs of the country your child is in.

Talk to a consular case management officer

Contact a consular case management officer (CMO) at Global Affairs Canada. There are many ways a CMO can help you, but there are also things a CMO cannot do.

CMOs may be able to:

- help you contact officials in the country where your child has been abducted.
- ask officials in that country to inquire into the safety and well-being of your child
- give you information about the country, including its local customs and practices
- give you a list of local lawyers, notaries and legal translation services
- refer you to general information on travelling to the country and make sure Canadian consular officials can provide consular services there
- try to contact the other parent and help you communicate with them, if the other parent refuses to speak with you directly

CMOs—and other Government of Canada officials—cannot:

- directly search for a missing child
- give you legal advice, act as mediators or lawyers or represent you in court
- pay your legal fees or other expenses
- intervene in your private legal matters or in any legal processes in the other country
- enforce a Canadian custody agreement in the other country
- force the other country to make any decision in your parenting or custody case
- force the other country to apply its own laws in a particular way
- take actions that may violate the laws of the other country
- help you re-abduct your child, even if your child is Canadian
- take charge of your child, whether physically or legally

You may also seek legal assistance in gathering information. You want to know what legal processes you may have to go through, in both Canada and the country where your child has been taken. A lawyer in Canada may be able to give you advice on dealing with authorities and lawyers in the other country. You may also find it useful to hire a lawyer in the other country who can give you advice on the country's legal system, even if you don't go to court in the other country to have your child returned. You may want to have a contract that clearly sets out your lawyer's services and fees.

If you are applying for the return of the child under the Hague Convention, you should also contact the Central Authority in your province or territory for help (see the section “If the Hague Convention Applies” for more information).

Notes

The other country's authorities may not have information about your child or the other parent.

Other countries might not share information about your child.

Be prepared to travel on short notice to retrieve your child or participate in legal proceedings in the foreign country.

Voluntary return

Usually, the first thing you should try is to negotiate with the abducting parent to return your child. A parent who has abducted a child may sometimes change their mind about what they have done. You may be able to convince them to return the child—to make a voluntary return—by talking to them or negotiating with them through someone else.

Get the other parent's friends and family involved. They may help you communicate with the other parent to find a solution. They may also make it possible for you to visit your child.

Hold negotiations in a safe, neutral place. No one involved should feel as though they are in enemy territory when trying to reach an agreement.

Talk to police. Police officers may negotiate with the other parent to find a solution. Even if they do not and you do your own negotiating and reach an agreement, you may have to clear the agreement with them or with the prosecutor.

Contact your CMO. Tell your CMO as soon as you decide to try negotiating a voluntary return. Keep in touch throughout the process. Your CMO and consular officers in the other country can help you contact the abducting parent. If the other parent refuses to talk directly with you (or vice versa), consular officers can try to make contact.

Consider professional mediation. A mediator is a trained, impartial professional who works to help two sides resolve a conflict in a way they can both accept. In Canada, you can find a qualified mediator through the Department of Justice Canada's Inventory of Government-Based Family Justice Services (online at justice.gc.ca).

If the Hague Convention applies, contact the Central Authority in your province or territory. The Central Authority may help you secure the voluntary return of your child.

Some advantages of negotiating a voluntary return of your child:

- The outcome of the negotiation is relatively quick
- The private negotiations happen out of court

- Negotiating out of court is usually less expensive than resolving differences through litigation
- Negotiation may minimize conflict between the parents and prevent unnecessary upheaval for the child

If it works, negotiating is the easiest and least complicated option.

Even while you are negotiating, you can also begin other procedures, such as making an application under the Hague Convention.

If the Hague Convention applies

The 1980 Hague Convention on the Civil Aspects of International Child Abduction is the main international treaty that helps parents of children abducted to certain countries get their children returned.

The Hague Convention sets out a procedure by which left-behind parents can ask the courts of the country where their child was taken or is being kept for the return of the child to the country of habitual residence. It also creates a system of cooperation between the different countries through designated “central authorities.”

A decision under the Hague Convention cannot rule on issues of parenting, decision-making responsibility, custody or access. When you apply to have your child returned under the Hague Convention, you are asking authorities in the other country to return your child to Canada so that the courts in Canada can decide on parenting issues.

Your child is in a country with which Canada applies the Hague Convention

Seek advice from your lawyer: Options depend on many factors

Voluntary return: Involve family, friends, mediator, lawyer, Consular Services, Central Authority

and/
or

Application under the Hague Convention: Contact Central Authority to apply

For more information, visit the Hague Convention's Child Abduction Section at hcch.net.

How to apply under the Hague Convention

If your child is in a country with which Canada applies the Hague Convention, you can apply to have them returned to Canada under the convention if:

- your child is less than 16 years old
- your child was habitually resident in Canada before being wrongfully taken to or retained in another country
- your child was taken to, or is being retained in, that country in violation of your rights of custody or of a court order

Applying through your Central Authority

The Central Authority in your province or territory will help you determine whether the conditions for applying for the return of your child under the Convention are met. Try to contact your Central Authority as soon as you can after your child has been abducted.

If you meet the conditions to apply, the Central Authority will give you information on the application process, the steps you will have to take, including before the court in the country where your child has been abducted, and the documents you will need.

If you choose to work with your Central Authority, it will send your application to the Central Authority in the country to which your child has been abducted.

Local court hearing takes place on Hague Convention application

Local court orders return of child

Local court does not order return of child

Appeal

Appeal successful

Appeal not successful

Other actions through local courts:
Seek parenting or custody order or recognition of Canadian parenting or custody order in other country

The two central authorities work together and with other authorities in their countries to facilitate the return of your child or, in some cases, give you access to your child. To do this, they will:

- try to find out where your child is
- if possible, help arrange the voluntary return of your child or help you and the other parent come to an agreement
- exchange information with each other relating to the social background of the child and keep each other informed on your case
- give you general information about local laws relating to family law and, where applicable, provide you free or reduced-fee legal assistance.
- work to remove any obstacles that keep the Hague Convention from being applied
- make administrative arrangements, where necessary, to secure the safe return of the child

Central authorities will try to get the parents to come to an agreement to have the child returned to Canada. Unless you and the other parent agree to a voluntary return of the child, the next step very likely is a hearing in the foreign court to determine whether the child should return to Canada.

You may choose to apply directly to the court in the country of abduction for the return of your child, without going through the Central Authority.

The court will determine whether the conditions for the return of your child under the Hague Convention are met. At this point, you may need to hire a lawyer to represent you in court, if you have not already done so.

If your Hague Convention application is granted

The court will order the return of your child to their state of habitual residence if:

- the court decides that your child was wrongfully removed or kept in another country that is a Contracting Party under the terms of the Convention
- none of the exceptions in the Convention apply.

The Central Authority may help with administrative arrangements that are needed for the safe return of your child. If the other parent does not comply with the order to return your child, you may need to try to have the order enforced.

Note

Canada cannot enforce an order in another country.

If your Hague Convention application is refused

In some cases, a court may refuse to return a child under the Hague Convention. Among other reasons, a court may refuse because:

- the court proceeding started more than a year after the date of the abduction and the child has settled into the new environment
- you were not exercising your rights of custody when the other parent abducted the child
- you gave your consent or later agreed to the child being taken from or kept outside Canada
- there is a grave risk that returning the child would expose them to physical or psychological harm or put them in an intolerable situation
- the child objects to being returned and is old and mature enough to have a say in the decision

Even if the court refuses your application, you still have other legal options to consider with your lawyer to keep seeking your child's return:

- You may be able to appeal your case to a higher court in the same country
- You may try other legal actions in the same country; for example, you may ask a court to give you decision-making responsibility and custody of your child under the laws of that country

Notes

The Hague Convention process may take many months or even years.

Final decisions may depend on local law and regulations and may be challenging to enforce.

Under the Convention, you must have rights of custody. Although you may not need a parenting or custody order to apply for a return under the convention, having one may help the authorities in the other country decide whether your child was abducted. You may want to discuss your particular situation with a lawyer.

You may be eligible for free or reduced-fee legal representation in the other country. The other country's Central Authority may provide information on the application process.

If the Hague Convention does not apply

Your child is in a country with which Canada does not apply the Hague Convention

Seek advice from your lawyer

Voluntary return: Involve family or friends, mediator, lawyer, Consular Services

Actions through local court: Seek parenting or custody order or recognition of Canadian parenting or custody order in other country

Child abductions to countries with which Canada does not apply the Hague Convention are challenging. These countries often differ from Canada in their politics, cultures and religions, and this can make it difficult or impossible to return the child to Canada.

There may be other options you can pursue to seek the return of your child, such as:

- having a Canadian parenting or custody order recognized by a court in the other country
- seeking a new parenting or custody order under the laws of the other country

A lawyer from the other country may help you explore all your options.

Talk to your consular case management officer (CMO), to other organizations involved in your case and to your lawyer. In this situation, hiring a lawyer is a very good idea. In fact, you may need to hire a lawyer in the country where your child is retained and one in Canada.

Laying criminal charges against the abducting parent

In Canada: In some circumstances, laying criminal charges in Canada against the parent might be an option to explore with your lawyer. It is against the law for a parent to abduct their child. Police or prosecutors decide whether to lay charges after you file a complaint.

In the other country: Not all countries consider parental child abduction a criminal act. But if they do, they may be able to prosecute a possible offender for an abduction committed abroad. Any such prosecution, however, will not result in the return of your child to Canada. Your CMO can give you general information on the other country's criminal justice system and whether it is likely to cooperate in a child abduction case.

Possible benefits

The main benefit of laying criminal charges is that it may give Canadian law enforcement more tools to help locate the abductor in the other country and facilitate their arrest.

Other advantages of laying criminal charges, in either Canada or the other country:

- Police in Canada could ask authorities in the other country to locate and arrest the abductor, and this may also lead to locating the child
- A Canadian judge could issue a nationwide warrant for the abductor's arrest, improving the chances of finding and arresting them if they are in Canada
- The abductor could decide to return your child voluntarily when informed of the criminal charges
- Posters of your missing child could be broadcast publicly
- The abductor may be extradited to Canada

Possible risks

Criminal charges against the abductor may hurt your efforts to obtain your child's return to Canada. And there is no guarantee that the other country will be able to locate and arrest the abductor or, if it can locate them, that it will arrest them immediately.

You may also want to consider the following:

- The process of seeking the return of your child is separate from the legal process against the abductor
- You may not be able to stop the criminal process once charges are filed; for example, the abductor may agree to return the child only if criminal charges in Canada are withdrawn—but that decision is up to the Crown prosecutor
- You will still have to go to family court to request permanent changes in the parenting or custody order or agreement
- In Hague Convention cases, a foreign court could take into consideration the fact that the abducting parent will be arrested and face criminal charges upon their return to Canada, which could result in a decision not to return the child
- Abducted children cannot be extradited, and if the country extradites the abductor to Canada, your child may not come with them

The criminal process can be complex and difficult. It may lead to results you did not expect or want. In addition to the concerns listed above, you may also want to consider the following:

- You, your child and your family may need to testify in court if the case goes to trial
- Your child's feelings toward you may change if you cause the other parent to be arrested, put on trial or imprisoned

Re-abduction

If you try to take the child out of the country where they are being held without the permission of the other parent or the local authorities, it may be considered an abduction, which is a crime. Remember:

- the other country may issue arrest warrants and extradition requests
- trying to re-abduct your child could harm future legal steps to seek the return of your child
- you could be arrested, imprisoned or deported from the country and prohibited from visiting your child there again
- re-abduction could provoke yet another abduction by the other parent

Note

Consular officers at Canadian government offices in another country must follow that country's laws. They cannot help you break the law. For example, they cannot help you re-abduct your child. Nor can they take charge of your child.

IF YOU ARE REUNITING WITH YOUR CHILD

Bringing your child back to Canada is a process, and you and the child may need to go through a period of readjustment.

Bringing your child back to Canada

The handover of your child may take some time. This will depend on the local authorities and your child's particular situation.

If your child does not have a valid Canadian passport, the Canadian embassy, high commission or consulate may work with the Passport Program to issue a Canadian travel document in accordance with requirements.

Getting used to each other

Reunification can be stressful for your whole family. After an abduction, you, your child and the rest of your family may need to get used to being together again. Many factors can affect the ease or difficulty of this process, including:

- how long your child was gone and their understanding of the current situation
- what kind of relationship your child has with you and your family
- how close your child was to the parent who abducted them and their family
- how integrated your child felt into life in the other country
- whether religious, cultural or linguistic differences developed between you and your child during your separation

Some children make a smooth transition back into life with their left-behind parents and families. Others have a hard time with it. Psychological or family counselling may help. See the directory at the end of this booklet for a list of organizations that can help you with counselling.

Ongoing legal issues

Once you and your child are reunited, there may be ongoing legal issues.

Depending on the steps you took to bring your child home, you may still have to go to court to resolve matters related to custody and access or you may have to act as a witness against the abductor in criminal court.

To try to keep another abduction from happening, you may wish to discuss various options with your lawyer, such as seeking a parenting or custody order.

Be sure to inform anyone you contacted during the search and recovery process that your child has been returned to you. They may include individuals, organizations, media, local police, RCMP, lawyers, Crown prosecutors, consular officials and—if you applied for the return of your child under the Hague Convention—the relevant Canadian Central Authority.

GLOSSARY

Central Authority: In Canada, there is a Central Authority in each province and territory, as well as a federal Central Authority. The main role of the provincial and territorial central authorities is to manage all incoming and outgoing Hague Convention cases for their respective jurisdictions. The main role of the federal Central Authority is to receive applications from foreign central authorities when the exact whereabouts of a child within Canada is unknown and to provide other assistance to the public and central authorities on matters of operation of the Hague Convention.

International child abduction: An international child abduction occurs when a child is taken from Canada or is kept outside Canada (usually by a parent or guardian) in breach of the custody rights of another person (usually the other parent) or in breach of a court order.

Habitual residence: Under the Hague Convention, a court will determine the country where the child was usually a resident at the time immediately before the abduction. The court will determine habitual residence based on all the facts of the case, including but not limited to the duration, regularity, conditions and reasons for the child's stay and the child's nationality.

Parenting or custody order: A written decision made by a court that sets out important details about a parenting arrangement, such as the time the child will spend with each parent and each parent's decision-making responsibilities. As of March 1, 2021, the *Divorce Act* no longer uses the terms "custody" and "access." Instead, courts now make "parenting orders" about decision-making responsibility (previously called custody) and parenting time (previously "access"). This change doesn't affect orders made before March 1, 2021, which will continue to use "custody" and "access." In many cases, parenting issues are decided under provincial or territorial legislation. Depending on the province or territory, those orders may refer to "guardianship," "custody," "access" or "parental authority."

Parenting or custody agreement: The parents' common understanding of the parenting arrangements for their child. An agreement's terms have been reached by the parents working together, often with help from their lawyers or mediators.

Rights of custody: The Hague Convention uses the concept of "rights of custody" and defines them as including rights relating to the care of the person of the child and, in particular, the right to determine the child's place of residence.

DIRECTORY OF RESOURCES

The names, addresses and contact information listed are subject to change.

Government of Canada contacts

GLOBAL AFFAIRS CANADA

Consular Services

125 Sussex Drive

Ottawa ON K1A 0G2

1-800-387-3124 (toll-free from Canada and the United States)

+1-613-996-8885 (call collect where available)

sos@international.gc.ca

travel.gc.ca

CANADA'S PASSPORT PROGRAM

Gatineau, QC K1A 0G3

1-800-567-6868 (toll-free from Canada and the United States)

Canada.ca/passport

CANADA BORDER SERVICES AGENCY

1-877-318-3576 (toll-free from Canada and the United States)

+1-204-983-3500

+1-506-636-5064

cbsa.gc.ca

ROYAL CANADIAN MOUNTED POLICE

National Missing Children Services

CanadasMissing-DisparusCanada

@rcmp-grc.gc.ca

canadasmissing.ca

Central authorities in Canada (for Hague Convention cases)

For the contact information of central authorities in other countries, visit hcch.net.

CANADA

Minister of Justice and Attorney General of Canada as represented by Justice Legal Services, Global Affairs Canada

125 Sussex Drive
Ottawa ON K1A 0G2
Canada
Fax: +1 (613) 944-0076

Contact person:

Véronique Gervais
+1(343) 551-1689
veronique.gervais@international.gc.ca

ALBERTA (CALGARY)

Alberta Justice
Legal Services Division
Family and Surrogate Court Litigation
Suite 1660
Standard Life Building
639-5th Avenue SW
Calgary AB T2P 0M9
Canada

+1(403) 297-3360
Fax: +1(403) 297-6381
Contact person:

Kim M. Berlin
Kim.berlin@gov.ab.ca

ALBERTA (EDMONTON)

Alberta Justice
13th floor
102A Street Tower
10025-102A Avenue
Edmonton AB T5J 2Z2
Canada
+1 (780) 415-1888
Fax: +1 (780) 427-5914
Contact person:
Vanita PILLAY
vanita.pillay@gov.ab.ca

MANITOBA

Manitoba Justice
Family Law Section
Legal Services Branch
1230-405 Broadway
Winnipeg MB R3C 3L6
Canada
+1 (204) 945-0268
Fax: +1 (204) 948-2004
fbl@gov.mb.ca
Contact person:
Candray Mehkary
+1 (204) 945-5264
Candray.Mehkary@gov.mb.ca

NEWFOUNDLAND AND LABRADOR

Attorney General of Newfoundland and Labrador
Department of Justice
4th floor, East Block
Confederation Building
Prince Philip Drive
PO Box 8700
St. John's NL A1B 4J6
Canada
Contact person:
Heidi Wells
+1 (709) 729-1007
+1 (709) 727-1541
Fax: +1 (709) 729-2129
HeidiWells@gov.nl.ca

BRITISH COLUMBIA

Ministry of Justice
Legal Services Branch
PO Box 9280, Station Provincial
Government
1001 Douglas Street
Victoria BC V8W 9J7
Canada
BCCentralAuthority@gov.bc.ca
Fax: +1 (250) 356-8992
Contact persons:

Jane Connell
+1 (250) 356-8433
Jillian Stewart
+1 (250) 356-8449
Sharna Kraitberg
+1 (250) 356-8931

NEW BRUNSWICK

Office of the Attorney General
Family Crown Services
14th floor
Assumption Place
770 Main Street
PO Box 5001
Moncton NB E1C 8R3
Canada
+1 (506) 869-6211
Fax: + (506) 869-6148
moncton.fcs/spcf@gnb.ca
Contact person:
Sonia Doiron

NORTHWEST TERRITORIES

Department of Justice
4903-49th Street
PO Box 1320
Yellowknife NT X1A 2L9
Canada
Contact person:
Mark Ishack
+1 (867) 767-9257, extension 82128
Fax: +1 (867) 873-0234
Mark.Ishack@gov.nt.ca

NOVA SCOTIA
Department of Justice
Legal Services Division
8th Floor
1690 Hollis Street
PO Box 7
Halifax NS B3J 2L6
Canada
+1 (902) 240-4973
Fax: +1 (902) 424-1730
Contact person:
May S. Knox
May.knox@novascotia.ca

NUNAVUT
Department of Justice
PO Box 1000, Station 540
Iqaluit NU X0A 0HO
Canada
Contact person:
Shaanzéh Ataullahjan
+1 (867) 975-6523
Fax: +1 (867) 975-6349
Sataullahjan@gov.nu.ca

ONTARIO
Ministry of the Attorney General
Central Authority for Ontario
Steeles West Post Office
PO Box 600
Toronto ON M3J 0K8
Canada
+1 (416) 240-2411
hague.abduction@ontario.ca
Contact persons:
Vivian Giang
Shane Foulds
Elizabeth Kay
Melanie Llerena
Sharon Wiltshire

QUEBEC
Ministère de la Justice
Direction des services professionnels
Entraide internationale
4th floor
1200 route de l'Église
Québec QC G1V 4M1
Canada
enlevement.enfant@justice.gouv.qc.ca

YUKON
Deputy Minister of Justice
PO Box 2703
Whitehorse YT Y1A 2C6
Canada
+1 (867) 667-5086
Fax: +1 (867) 393-6379
Contact person:
Kelly McGill
Kelly.McGill@gov.yk.ca

PRINCE EDWARD ISLAND
The Department of Justice and Public Safety Family Law Centre
1 Harbourside Access Road
Charlottetown PE C1A 7J8
Canada
+1 (902) 368-4794
+1 (902) 368-4842
Fax: +1 (902) 368-6474
Contact person:
Jeremy MacDonald
Jeremymacdona@gov.pe.ca

SASKATCHEWAN
Ministry of Justice
Family Justice Services
100-3085 Albert Street
Regina SK S4S 0B1
Canada
+1 (306) 787-5709
Fax: +1 (306) 787-2599

Contact persons:

Kim Newsham
Kim.Newsham@gov.sk.ca
Suneil Sarai
+1 (306) 787-3211
Clair McCashin
+1 (306) 787-2008
Rolande Wright
+1 (306) 787-6513

Non-governmental organizations

The following organizations offer a variety of services with respect to child abductions. Global Affairs Canada takes no responsibility for the services or actions of these organizations.

**CANADIAN CENTRE FOR
CHILD PROTECTION**
615 Academy Road
Winnipeg MB R3N 0E7
1-800-532-9135 (toll-free)
+1-204-560-2083
protectchildren.ca

CHILD FIND BRITISH COLUMBIA
Suite 208
2722 Fifth Street
Victoria BC V8T 4B2
+1-250-382-7311
1-888-689-3463 (toll-free)
childvicbc@shaw.ca

CHILD FIND MANITOBA

343-800 Portage Avenue
Winnipeg MB R3G 0N4
+1-204-945-5735
childmb@aol.com
childfind.mb.ca

CRIME STOPPERS

1-800-222-8477
canadiancrimestoppers.org

**INTERNATIONAL MEDIATION
CENTRE FOR FAMILY CONFLICT
AND CHILD ABDUCTION**

Fasanenstraße 12
10623 Berlin-Charlottenburg
Germany
Phone: +49 0 30 74787879
info@mikk-ev.de
mikk-ev.de/en/

**MISSING CHILDREN SOCIETY
OF CANADA**

1270 73 Avenue SE
Calgary AB T2H 2V5
+1-403-291-0705
1-800-661-6160 (toll-free)
info@mcsc.ca
mcsc.ca

**CHILD FIND PRINCE
EDWARD ISLAND**

106 Kensington Road
PO Box 21008
Charlottetown PE C1A 9H6
+1-902-566-5935
1-800-387-7962 (toll-free)
childfind@pei.aibn.com

FAMILY MEDIATION CANADA

Box 46003, Quail Ridge PO
Kelowna BC V1V 0B1
1-877-269-2970 (toll-free)
+1-778-674-4362
admin@fmc.ca
fmc.ca

MISSING CHILDREN'S NETWORK

950 Beaumont, Suite 103
Montréal QC H3N 1V5
+1-514-843-4333
1-833-632-4673 (toll-free)
info@missingchildrensnetwork
missingchildrensnetwork.ngo

**REUNITE INTERNATIONAL CHILD
ABDUCTION CENTRE**

PO Box 7124
Leicester
LE1 7XX
United Kingdom
+44 0 116 255 6234
reunite@dircon.co.uk
Reunite.org

RETURN OUR CHILDREN HOME

contact@returnourchildrenhome.ca
www.returnourchildrenhome.ca

CHECKLISTS

This section will help guide you through the process. It will ensure you gather all the information you need and take necessary steps.

Information and documentation checklist

It is important to have a complete file of information and documentation about your child, the other parent and details relating to the abduction. Ask anyone acting on your behalf, including lawyers, to give you copies of written correspondence.

Child

- Full name, with alternative spellings, variations and nicknames
- Date of birth
- Place of birth, including hospital; town; province, territory or state; and country
- Address before abduction
- Canadian passport number or other Canadian travel document, along with place and date of issue
- Details on foreign passport or other travel documents that may have been used
- Nationality (include all possible nationalities, even if you are not certain)
- Height (measurement and date)
- Weight (measurement and date)
- Gender
- Eye colour
- Hair colour (keep hair strands for DNA testing)
- Most recent photograph
- Blood type
- Identifying features (such as marks, scars, glasses, tattoos, braces)
- Medical information
- Fingerprints
- Dental records

Abducting parent or other person

- Full name, including alternative spellings, variations and nicknames
- Date of birth
- Place of birth
- Nationality, including foreign citizenship and legal status in Canada (such as citizen, permanent resident, student)
- Details on Canadian and/or foreign passport and other identification documents (such as document numbers, issuing offices, dates of issue, expiry dates)
- Occupation, including professional certifications
- Information on past or present workplace
- Phone numbers and current address or other location information
- Names and addresses of relatives and friends in Canada and abroad
- Date and place of marriage or start of common-law relationship
- Date and place of separation or divorce, details of courts involved and documents issued
- Marital status at time of abduction
- Height
- Weight (measurement and date)
- Eye colour
- Hair colour (keep hair strands for DNA testing)
- Most recent photograph
- Identifying features (such as marks, scars, glasses, tattoos, braces)
- Medical information
- Fingerprints
- Dental records

Abduction details

- Date of departure from Canada or beginning of wrongful retention
- Location where child was taken, circumstances and persons involved
- Means of transport and route
- Legal relationship between you and other parent and living arrangement when abduction occurred
- Knowledge or suspicions of where the child might be
- Details about other people who may have helped, or continue to help, in the abduction in Canada or abroad
- Documentation
- Child's birth certificate
- Marriage certificate
- Separation or divorce agreements
- Parenting or custody order, along with any special arrangements for visitation and travel
- Provincial or territorial laws and regulations concerning child welfare and parental time and decision-making responsibility or custody
- Text of Hague Convention on the Civil Aspects of International Child Abduction
- Text of sections 281, 282 and 283 of the *Criminal Code of Canada* relating to parental child abductions

Action checklist

This checklist assumes that your child has been, or is suspected of having been, abducted to a country that is not party to the Hague Convention. If the country is party to the Hague Convention, one of your first steps should be to contact your provincial or territorial Central Authority. For a list of states that are party to the Convention, visit hcch.net.

Emergency action

- Contact local police and file a missing persons or abduction report
- Contact Global Affairs Canada's Consular Services and ask for help
- If you do not have a parenting or custody order or one that prohibits the other parent from travelling with your child without your permission, contact your lawyer to obtain one
- Contact the Passport Program to see whether a Canadian passport or another Canadian travel document has been issued to your child and to have your child's name placed on the System Lookout List
- If you and the other parent have joint credit cards or bank accounts, find out whether you are liable for unwanted expenditures and take appropriate action
- If your child has dual citizenship or the other parent has ties to another country, tell a diplomatic or consular office of that country in Canada that your child has been abducted and ask whether a passport or visa has been issued to your child
- Seek the support of family and friends to help you cope with the situation

The search

- Contact local police
- Ensure you have certified copies of your parenting or custody court order or agreement
- Get information on the family and child welfare laws and customs of the country to which your child has been taken
- Investigate the legal aspects of your situation under Canadian law; a lawyer's advice can greatly help with this
- Contact relatives and friends of the other parent in Canada and abroad and seek their support
- Tell your child's school, doctor and (if appropriate) hospital about the abduction and ask them to let you know if the other parent contacts them
- Consider obtaining information on where the abducting parent is through various organizations
- Contact non-governmental organizations that could help you

After you find your child

- Seek advice on whether you need to hire a lawyer in the foreign country
- Have a clear idea what the foreign lawyer will do, how long it will take and how much it will cost
- Give the foreign lawyer certified copies of relevant documents
- Consult with Consular Services to find out whether you will need to travel to the foreign country

Legal proceedings in Canada

- Seek advice on how to proceed from the Crown attorney, your lawyer and/or your provincial or territorial Central Authority

NOTES