

CHILD ABDUCTION

What Is Child Abduction?

Child abduction is when a person takes or sends a child under the age of 16 out of the UK without the consent of those with parental responsibility or consent from the court.

If the person is the live with parent of a Child Arrangements Order, they can legally take or send the child outside of the UK without the appropriate consent for up to 28 days.

If the person has a Special Guardianship Order for the child, they can lawfully take or send the child outside of the UK without the appropriate consent for up to 3 months.

There are three broad categories of child abduction

Abduction – where a child is taken or sent abroad without the appropriate consent. This is the only category which can currently be a criminal offence in the UK.

Wrongful retention – where a child has been kept in a foreign country following an overseas trip without the appropriate consent.

Threat of abduction – where there is a risk that a child will be taken or sent abroad without the appropriate consent.



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How Long Can you Take Your Child Out of the UK for Without Breaking the Law?

If you are the holder of a Residence Order (prior to 22nd April 2014) or are the holder of a live with order named in a Child Arrangements Order, then you may take the child outside of the UK for up to 28 days without the appropriate consent. The exception is if the order expressly prohibits this clause.

If you intend to take the child outside of the UK for more than 28 days, the appropriate consent will be needed. If you cannot obtain the appropriate consent, you will need to apply for permission from the court.

The courts can place restrictions on or require that a passport be surrendered if there are concerns about the frequency of trips abroad or that there is a risk of abduction.

If you wish to take the child abroad for a short holiday, it is recommended to seek the consent of the other parent before going. Parents should be reasonable about this and provide plenty of notice.

Is it considered abduction if a child is taken to another country in the UK?

Abduction applies when a child is taken or sent outside of the UK. It is not a criminal offence to take or send a child to England, Scotland, Wales, or Northern Ireland. However, it is recommended that you receive consent from the other parent, as you may receive criticism for unilaterally moving a child from one jurisdiction to another.

If there are any existing court orders in respect of a child under 16, they will be recognised and enforced in all courts inside the UK, provided the order has been registered in the court of that jurisdiction. To register, you will need to send a certified copy of the order to the court who can then register the order and acquire the power to enforce it.

An application can be made to the High Court for the return of a child under the inherent jurisdiction, and is also the process for securing the return of a child if the child has been taken to a country which is not part of the Hague Convention. This is explained in part 3 of Practice Direction 12F.

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How can you prevent abduction?

If you fear that your child will be taken abroad without your consent, you can consider the following:

Ask your local police to issue a 'Port Alert' if your child is likely to be taken abroad (within 48 hours) without the appropriate consent. A Port Alert means the police can contact the National Border Targeting Centre to alert all UK points of departure to try to prevent an abduction. A Port Alert is active for 28 days, allowing you to seek legal advice if you have not already done so. If you wish to extend the expiration date beyond 28 days, you will need to apply for a court order.

Where there is risk of abduction, you can apply for:

A Prohibited Steps Order from the courts to prevent the removal of the child from the UK. A breach of this order would be contempt of court. To apply for a Prohibited Steps Order, you will need a C100 form. If you are low-income and/or in receipt of certain benefits, you may be eligible for a fee exemption/reduction by submitting an EX160. The EX160A has further details on the fee exemption. Once the C100 has been completed, you will need to file the form at your local family court.

A Child Arrangements Order to determine who the child should live with. This can be applied for on the C100 form.

An application to the High Court to make the child a ward of court. If you are seeking this route, we recommend you contact a solicitor, or see our information page on Wardship.

Contact the Passport Office (HMPO) as you may be able to stop your child obtaining a British passport without your consent. You will usually need a court order to do this.

Contact Reunite: The International Child Abduction Centre. They can provide parents with a Child Abduction Prevention Pack.

Call us as soon as possible to support you through the steps above.

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What do you do if your child has been abducted and may be taken to another country?

Report the incident to the police. When a child has been abducted and is considered to be in danger of serious harm or death, the police will use The Child Rescue Alert Scheme. This can provide an early warning system for local radio and television stations. The police also have the power to arrest anyone who is suspected of abducting a child, and they can circulate the child's name to all UK points of departure via the Police National Computer.

If your child has been taken abroad but you do not know their location, the police can contact Interpol. Interpol may be able to work with police forces abroad to help find your child.

Check if your child is in a country to which the 1980 Hague Convention on International Child Abduction applies. The Convention is an agreement between various countries, which can help return an abducted child who is under 16 years old to the country where they usually live. Call the FCDO on +44 (0)20 7008 5000 to check whether the country where your child has been taken operates the Convention with the UK (or the country where your child usually lives).

If a child has been abducted to a country that has signed up to what is known as the Hague Convention, then it is possible to submit an application to the Central Government Authority in the UK, namely the International Child Abduction and Contact Unit (ICACU). When ICACU receives your application for the return of your child, unless you already have a legal representative in England and Wales whom you want to act for you, it will send your application to a solicitor whom it knows to be experienced in international child abduction cases and ask them to take the case for you. You will then be the solicitor's client and the solicitor will make an application for public funding to meet your legal costs. The solicitor will then apply to the High Court for an order for the return of your child.

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What is the Hague Convention?

The aims of the Hague Convention are:

To secure the prompt return of children who have been wrongfully removed to or retained in a contracting state (i.e. to return the abducted child back to their place of residence).

To ensure that arrangements for children under the law of one contracting state are effectively respected in other contracting states (i.e. to ensure arrangements for the children issued in one country are implemented and respected in another).

To rely on the Hague Convention, your child must be under the age of 16 and have been habitually resident in one contracting state and taken to another.

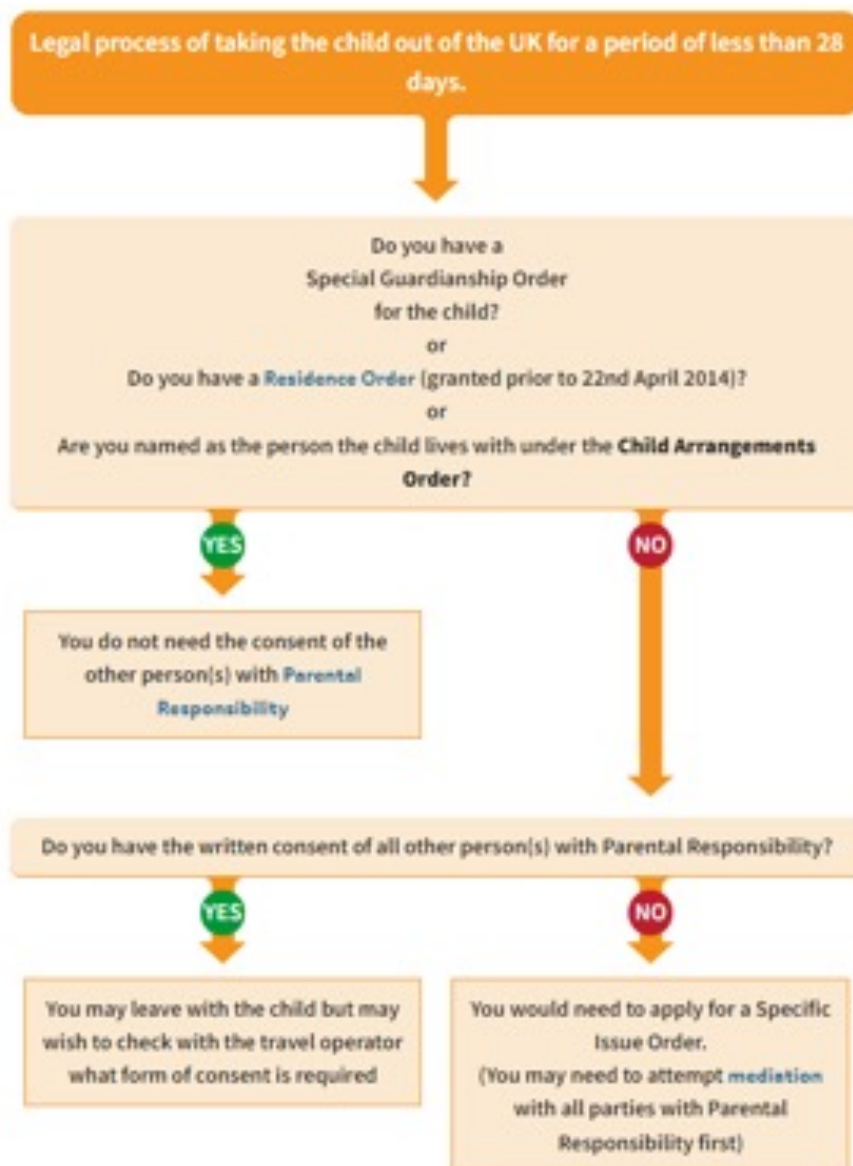
Useful Contacts

International Child Abduction and Contact Unit (ICACU)
Office of the Official Solicitor, Victory House 30–34 Kingsway, London, WC2B 6EX
Telephone: 0203 681 2608

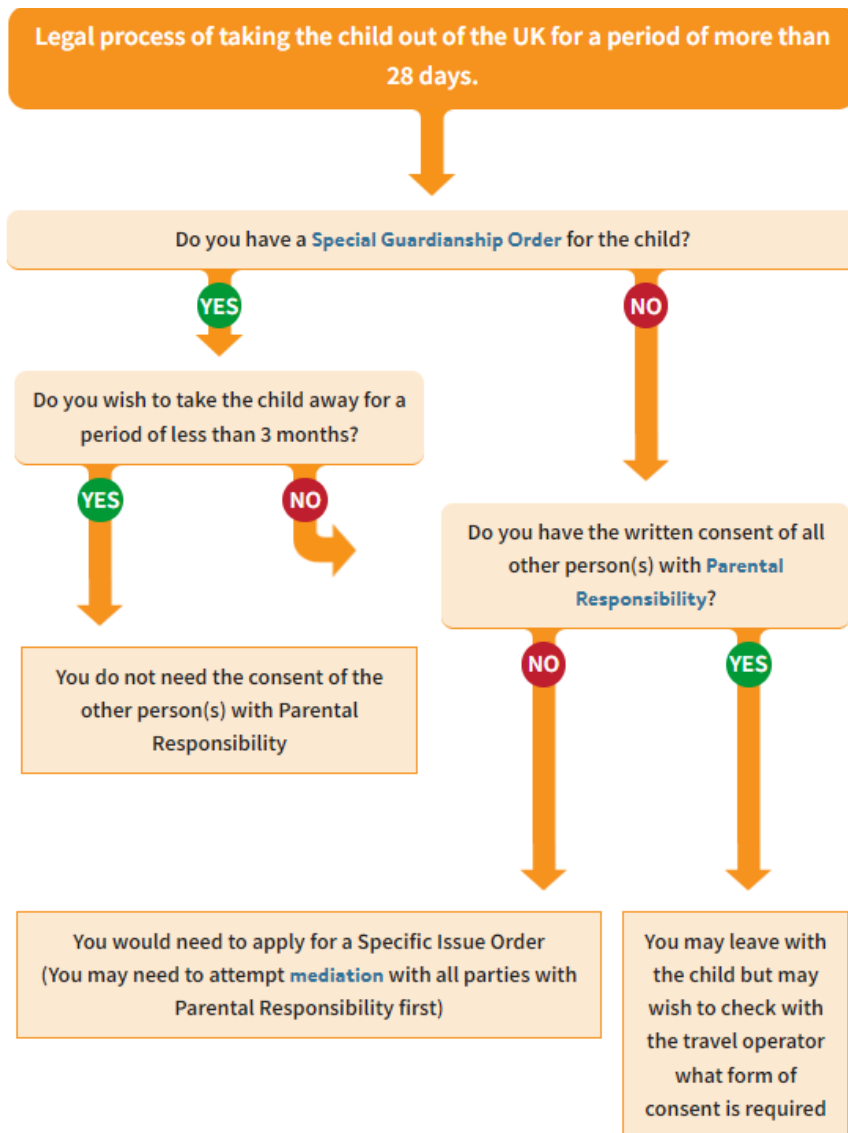
Reunite International Child Abduction Centre
PO Box 7124, Leicester, LE1 7XX
Advice Line: 0116 2556 234
Telephone: 0116 2555 345
Email: reunite@dircon.co.uk

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Temporary Removal from the UK for a period of less than 28 days (for a parent with PR) - Flowchart



Temporary Removal from the UK for a period of more than 28 days (for a parent with PR) - Flowchart



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