

HAS SOMEONE YOU KNOW GONE MISSING?

International Parental Child Abduction

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Relationship breakdowns sometimes lead to a child being taken abroad by one of their parents without the other parent's consent. Parental child abduction and residence disputes can cause distress to everyone involved. The legal position can also be complicated, depending on what has happened and who has legal custody. In certain circumstances, it may actually be a criminal offence if your partner or ex-partner has taken your child abroad without your consent.

Generally, child abduction is when a person takes or sends a child (under 16 years old) out of the UK without the appropriate consent. Appropriate consent is normally the permission of those with parental responsibility or the permission of the court (if there is a Court Order in place, for example).

This is still the case, even if the person who has taken the child out of the UK is one of their parents.

However, there are a few exceptions. For example, a mother can take a child out of the UK without the father's permission if the father does not have parental responsibility. As another example, a child may be taken outside the UK without the consent of the other parent if they are in possession of a certain type of Court Order. With some types of court order, a child may be taken on holiday for up to a month, without the permission of the other parent or the court, if the parent has a Residence Order.

Parental Responsibility

The mother of a child obtains parental responsibility automatically. A father, who is married to the mother at the time of birth, also automatically obtains parental responsibility.

A father who is unmarried at the time of the birth does not obtain parental responsibility unless his name was recorded on the birth certificate at the time of registration (after 2003). Prior to 2003, an unmarried father did not obtain parental responsibility unless by way of a Parental Responsibility Order or a Parental Responsibility Agreement. Since the introduction of the Adoption and Children Act 2002, unmarried fathers and step-parents can now obtain parental responsibility by way of consent or a Court Order.

The Civil Partnership Act 2005 allows the childless partner (where same sex partners have children) to obtain parental responsibility in the same way as step-parents and unmarried fathers.

Categories of abduction

There are three broad categories of child abduction:

- Abduction – where a child is taken overseas without the other parent's consent; this may be a criminal offence under UK law, under section 1 of the Child Abduction Act 1984, punishable by up to seven years imprisonment
- Wrongful retention – where a child has been retained in a foreign country following an overseas trip; this may also be a criminal offence under UK law
- Threat of abduction – where there is a risk that a child may be taken overseas.

If you think that your child has been taken overseas without your consent or if you fear that your child will be abducted, it is important that you take immediate action.

Contact the police immediately

- Provide the police with as much information as you can. Try to provide information on the following:
- The full name of your child, their description and nationality – provide a photograph
- Why you think your child may have been abducted
- The day, date, time and location of the abduction
- The name and details of the person they were with when they were abducted
- Where you think your child may be now and where you think they may be taken
- Details of the person you think may have taken your child or may be with your child now, including their full name, description and nationality if you know this information
- What links the person who has taken your child has to other places in the UK or other countries
- Details of any vehicle owned or used by the person you think may have taken your child
- Details of any previous threats to take your child and any previous abductions or attempted abductions

- Whether your child has their own passport and whether it is a UK or foreign passport. Provide the passport number, date and place of issue, if known
- Whether your child has dual nationality (has more than one passport)
- What the situation is in relation to custody of your child, including any custody proceedings or Court Orders and your current marital status
- Copies of your child's birth certificate and any other agreements or Court Orders which apply to the child
- Any other information you think might help the police find your child.

If it is not too late, the police may be able to take some measures to stop your child from being taken out of the country. If your child has already been taken outside the UK, the police may be able to work with Interpol and police forces in other countries to find your child.

Contact Reunite International Child Abduction Centre

If your child has been abducted by their other parent, you should also contact Reunite. This charity specialises in providing help, advice and support to people affected by international parental child abduction.

You can speak to someone from Reunite by contacting their advice line:

Telephone: 0116 255 6234

Email: reunite@dircon.co.uk

There is a lot of helpful information on their website www.reunite.org, including frequently asked questions about international parental child abduction. The website has a library of documents which you may find useful, as well as links to groups and organisations from a number of different countries that may be able to assist you. Reunite also offer a specialist mediation service.

Contact a lawyer

In some cases it may be necessary to get a High Court Order to prevent your child from being taken out of the country. You should consult a suitably qualified lawyer as soon as possible. The charity Reunite will be able to provide you with advice and, if necessary, details of qualified lawyers.

Contact the Child Abduction Section at the Foreign, Commonwealth and Development Office (FCDO)

The FCDO Consular Section can assist British nationals affected by international parental child abduction, including in countries not party to the 1980 Hague Convention.

The FCDO can:

- provide a list of overseas lawyers who speak English, some of whom will be specialists in family law
- in certain circumstances, arrange to meet a child (this will depend on whether or not a parent has contact details for their child and if the other parent agrees)
- contact the relevant authorities overseas to check what progress has been made in finding a child
- offer travel information and help with finding accommodation locally
- help a parent contact the relevant local authorities and organisations when they are overseas
- where appropriate, contact the courts, police, or social services overseas to express interest in a case and ask about progress
- provide information about translation services
- where appropriate, issue travel documents

The FCDO cannot:

- 'rescue' a child or get involved in any illegal attempts to bring a child back to the UK
- guarantee the return of a child, even if a UK court orders this
- find a child
- offer legal advice or interfere in the legal proceedings of another country
- pay bills, including legal fees, translation services, travel or accommodation costs
- remove a child from a country without valid UK travel documents
- help families with no British nationals in them, even if they live in the UK

The FCDO can provide you with more information about what you can do if you think your child has been abducted.

You can contact them on **0207 008 1500 (24hrs)**

Website:

www.gov.uk/government/publications/international-parental-child-abduction

Contact The International Child Abduction and Contact Unit (ICACU)

The ICACU discharges the Lord Chancellor's duties as the Central Authority for England and Wales for the Hague Convention on the Civil Aspects of International Child Abduction 1980 ('1980 Hague Convention'). The ICACU is part of the Ministry of Justice and is based in the Office of the Official Solicitor and Public Trustee. Scotland and Northern Ireland each have their own Central Authority and contact details for these are provided below.

What is the 1980 Hague Convention?

- The 1980 Hague Convention is a multilateral agreement which aims to return children who have been removed or retained from the country where they usually live by a parent in breach of the rights of custody attributed to the other parent (or other person), an institution or any other body
- The decision whether to return a child under the 1980 Hague Convention is taken by the family court in the country where the child has been taken to currently operates the 1980 Hague Convention.
- A full list of members can be found at www.hcch.net/index_en.php?act=states.listing. The countries with which the UK operates the 1980 Hague Convention are shown at www.hcch.net/en/publications-and-studies/details4/?pid=3282&dtid=36

What is a Central Authority and the Role of the ICACU?

- Each contracting state to the 1980 Hague Convention has an administrative body called a Central Authority. Their role is to act as a central point of contact for their jurisdiction and fulfil the administrative duties associated with the 1980 Hague Convention such as processing new requests and forwarding updates
- Each territory has exclusive jurisdiction within their country and the ICACU is unable to influence the speed and manner in which a requested country deals with an application made under the 1980 Hague Convention
- The ICACU can only assist a parent where it is known which country a child has been taken to and in some jurisdictions, it is not possible to locate a child unless precise location information is known.

Contact Details for the Central Authority for England and Wales - ICACU

Tel: +44 (0)20 3681 2756 Email: ICACU@ospt.gov.uk (for new requests and general enquiries only)
Website: www.gov.uk/government/organisations/official-solicitor-and-public-trustee

Contact Details for Central Authority for Scotland: Scottish Government

Central Authority & International Law Team
Tel: +44(0)131 244 0460
Email: childabduction@gov.scot

Contact Details for Central Authority for Northern Ireland:

Tel: +44(0)2890 728945
Website: www.courtsni.gov.uk

NCA UK Missing Persons Unit

The UK Missing Persons Unit works with the police and related organisations to help find missing people. The MPU acts as the centre for the exchange of information on missing and unidentified people. The MPU also co-ordinates with Interpol and overseas agencies in order to assist with international missing person enquiries.

Telephone: 0800 234 6034
Email: ukmpu@nca.gov.uk
Website: <http://missingpersons.police.uk>



If you require more information, other factsheets can be downloaded from the UK Missing Persons Unit website: <http://missingpersons.police.uk>.

The information in this guide is not definitive and should be utilised in conjunction with police guidance and independent legal advice.

ABOUT THE UKMPU

The Missing Persons Unit is the UK national and international point of contact for all missing person and unidentified body cases. We're the only UK agency focused exclusively on missing people. We serve all UK police forces as well as overseas police agencies.

We are a hub for the exchange of information and provision of expertise on the subject of missing persons. We provide a comprehensive service for all missing person investigations, supporting law enforcement and other agencies.



www.missingpersons.police.uk



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