

International
CHILD ABDUCTION



What is an ABDUCTION?

When a child is taken without the consent of a person who has the right in law to care for the child, or the consent of a court, then that child has been abducted. When the child is taken across an international frontier or retained in a foreign country (for example where the child is not returned after an agreed period of contact) then an international child abduction has occurred.



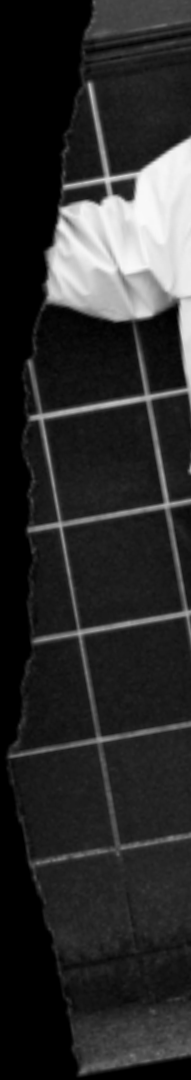
The Hague Convention

The Hague Convention on the Civil Aspects of International Child Abduction is a civil legal mechanism available to parents seeking the return of, or access to, their child. The states which are party to the Convention have agreed that a child who is habitually resident in one party state, and who has been either removed to, or retained in, another party state in breach of a person's rights of custody, shall be swiftly returned to the country of habitual residence. The principle of the convention is that matters concerning the custody of a child are best dealt with by the courts in the place of the child's habitual residence. For an up-to-date list of member states please contact the Scottish Executive Justice Department (the address can be found at the back of this pamphlet).

Under the Convention you can also seek to enforce rights of access.

Central Authority Role

Under the Hague Convention the Scottish Executive Justice Department acts as the Central Authority in Scotland. The Central Authority is entirely neutral in the process and acts as an information point between contracting states, solicitors and members of the public, ensuring applicants are kept up-to-date on progress made and offering advice on the working of the Convention. The Central Authority arranges for applications to be transmitted to other countries and can also arrange for translations of documents.





How to Apply

You or your solicitor should make contact with the Central Authority as soon as possible after an abduction or wrongful retention has taken place. Staff will take brief details over the phone and will send you a questionnaire to complete. This should then be returned, accompanied by certified copies of any applicable court order, photos of the child and abductor, birth certificates and an affidavit. This is then sent to the appropriate foreign authority after being translated if necessary. Generally speaking, applicants will incur no costs when making an application under the Hague Convention.

