

Parental Abduction

Guidelines for Parents



1. How to prevent a parental abduction.
2. Steps to take to recover a missing child.
3. What to do when a missing child returns

Please note that the masculine gender has been used to allow for easier reading.

Introduction

This resource document describes actions parents can undertake if their child is the victim of a parental abduction, as well as prevention measures to be included in a custody agreement, and steps to follow to allow for the safe return of the child.

If you are in the process of a divorce, separation, or any other situation that could lead to the risk of a parental abduction, certain concrete measures should be taken to ensure your child's safety.

HOW TO PREVENT A PARENTAL ABDUCTION

What prompts a parent to abduct his child

- The need to punish their spouse for ending the relationship;
- Refusal to accept a separation or a request for divorce;
- The belief that the clauses of the custody order and visitation rights are unjust and / or too flexible;
- Difficulty in adapting to the customs of a different country;
- The desire to pursue the role of sole parent;
- Cultural differences between the couple (i.e. religion, education, language etc.);
- Pressure from the family of origin;
- Irrational belief that the other parent is a danger to the child.

Signs of a possible parental abduction

A parental abduction is rarely a spontaneous and impulsive gesture by the parent, but rather a well-thought out plan that may include the following:

- Resigning from one's job;
- Selling of property;
- Liquidating of assets;
- Closing of bank accounts;
- Applying for a passport.

When is a parental abduction likely to occur?

- During the exercise of visitation rights;
- A trip outside of the country with the child;
- Before or after a divorce or separation especially once legal custody has been granted.

The Custody Order

If you encounter one or more risky situations and you believe your child may become the victim of a parental abduction, a concise and well-defined custody order is an important tool that will clearly establish the legal status of your child and also eliminates the possibility of an abduction by the other parent.

It is important to **find a lawyer** who has solid expertise in the litigation of child custody cases, as well as a clear understanding of international laws. Please keep in mind that certain international laws are not easy to interpret without legal expertise, coupled with the fact that you are under emotional duress. Therefore, it is recommended that you are represented by someone competent in this area. If you can afford the services of a private lawyer, please contact the Bar of Montreal; if not legal aid is another option.

In the event that the other parent is threatening to abduct your child, do not hesitate to modify the custody order to further protect yourself and your family.

Here are several elements to consider including in your custody order:

- Ask for supervised visitation rights;
- Ask for visitation rights to be suspended if necessary;
- If the other parent has visitation rights, ensure that the following conditions are clearly stipulated:
 - ❖ The child cannot travel without the written authorization of both parents;
 - ❖ His passport should be surrendered to the court;
 - ❖ Post a bond, covering the expenses of the other parent in the event a parental abduction takes place;
 - ❖ A passport may not be requested for the child unless the parent who has legal custody has given written authorization.
- In the case where a parent has visitation rights and also has permission to travel with the child, it is important to have the following pertinent information before the trip takes place. This should be given voluntarily by the other parent or obtained by the court:
 - ❖ Itinerary of the trip including all places the child will be visiting;
 - ❖ Date of departure;
 - ❖ Arrival date;
 - ❖ Photocopy of the airline tickets (ensure that the ticket is round trip);
 - ❖ Address and telephone number where they can be reached in the country they are visiting;
 - ❖ Copies of everyone's passports, as well as updated photos – this is especially important if your child has dual citizenship;
 - ❖ List that includes the following documents:
 - Driver's license numbers of the parent and other accompanying adults;
 - Social insurance numbers;
 - Medicare numbers;
 - Credit card numbers, etc.
 - ❖ If the child is authorized to go to a country that adheres to the Hague Convention, (see page 9) both parents should come to an agreement whereby the Convention's provisions will apply in case of an abduction or unlawful detention.

You should keep several certified copies of the custody agreement and remit a copy to those responsible at the school, nursery or day-care center your child attends. You must also inform them of the identity of the person authorized to pick up your child at all times.

The passport

- Being an essential traveling document, proper control of the passport could become a major prevention element.
- Since December 2001, a child must travel with his own passport. The signature of both parents is required when applying for a passport for the child. In the case of divorce or separation, only the parent who has legal custody of the child can apply for a passport;
- The parent who has custody can ask the Passport Office to have the child's name included on the alert list, by providing a copy of the custody agreement. This way, if a passport application is made in the name of your child, the Passport Office will immediately contact you.
- If your child holds dual-citizenship and the other parent could obtain a foreign passport, write to the embassy or consulate of the country concerned, attaching a copy of your custody agreement, asking them not to issue a passport or visa in your child's name.

Relations with the other parent

- For the well-being of your child, try to maintain cordial and harmonious relations with the other parent and attempt to create a climate of trust and respect;
- Respect the other parent's visitation rights;
- Advise the other parent of the new changes in your life (change of residence, new job, travel plans, etc.);
- Seek counseling and custody mediation to maintain a harmonious relationship with the other parent;
- Attempt to maintain a cordial relationship with your in-laws and your common friends;

You have suspicions or evidence that the other parent is planning to take your child to another country without your permission.

- In the case of verbal threats of abduction from the other parent, immediately contact the police to file a report. As well, record conversations and telephone calls (acquire an answering machine and call display feature).
- Keep a dated diary as well as any correspondence received from or sent to the other parent;
- Keep a camera on hand to photograph your child leaving for a visit - the automobile, any other passengers, the parent, all other escorts;
- If it is not possible to take photos, maintain a dated diary to record any relevant information (what the child was wearing on each away visit, the description of the vehicle, license plate, passengers in the car, etc.) and all interactions of your child with the other parent;

Relations with your child

- Impress upon your child that you love him and that you would in no circumstance want your child to ever leave you;
- Establish a positive and open dialogue with your child concerning the family situation;
- Reassure your child of his innocence concerning the family turmoil;
- Ensure that your child knows his complete name, address (including postal code) and telephone number (including the area code);
- Teach your child to make long-distance calls; let him know that you will always accept collect calls from wherever the call originates;
- Attempt to know the other parent's plans (the possibility of a trip, especially if you are made aware by your child);
- When leaving for a visit with the other parent, make sure to add the following items to your child's personal effects:
 - ❖ An identification card;
 - ❖ Emergency telephone numbers in order for your child to reach you at all times;
 - ❖ Pocket money in order to make a call from a payphone - in certain areas, a local call reversing the charges may be made.
- Explain to your child that you may be contacted at any time, free of charge by calling 911 or "0";
- After returning from visits, discuss with your child what he did with the other parent (i.e. their activities, outings, etc). It is important to show interest without prying.

The Information Record

If you have any reason to believe that your child could be abducted, you should ensure that you have detailed information about your child, as well as the other parent, his family and friends. A clearly organized and concise information record is an important tool that will assist you, should your child go missing.

- Keep all original documents and always have two copies of each on hand for distribution purposes;
- Keep a copy in your safety deposit box or with a trusted individual;
- Make sure the information in this file is regularly updated.

THE INFORMATION RECORD



NAME OF THE CHILD: _____

BORN: _____

HEIGHT: _____

WEIGHT: _____

EYES: _____

HAIR (length & colour): _____

LANGUAGES SPOKEN: _____

NATIONALITY: _____

GLASSES: YES NO DESCRIPTION: _____

TATTOOS: YES NO DESCRIPTION: _____

BIRTHMARKS: YES NO DESCRIPTION: _____

SCARS: _____

PIERCED EARS: YES NO OTHER PIERCINGS: YES NO DESCRIPTION: _____

BLOOD GROUP: _____

ALLERGIES: _____

CHRONIC ILLNESS OR DISEASE: _____

DENTAL HEALTH APPEARANCE (include any dental records or X-rays): _____

DENTAL APPLIANCE: _____ HEARING AID: _____

SPEECH IMPEDIMENT: _____ LEARNING DISABILITIES: _____

MEDICARE NUMBER: _____ SOCIAL INSURANCE NUMBER: _____ - _____ - _____

CANADIAN PASSPORT NUMBER: _____ COUNTRY AND DATE OF ISSUANCE: _____

PASSPORT NUMBER OF OTHER COUNTRY: _____ COUNTRY AND DATE OF ISSUANCE: _____

THE OTHER PARENT



NAME OF THE OTHER PARENT: _____

ADDRESS: _____

Number Street Apt.

City Province/Country Postal Code

BORN: _____ HEIGHT: _____ WEIGHT: _____

EYES: _____ HAIR (length and colour): _____

LANGUAGES SPOKEN: _____

NATIONALITIES: _____

GLASSES: YES NO DESCRIPTION: _____ CONTACT LENSES: _____

MEDICARE NUMBER: _____ SOCIAL INSURANCE NUMBER: _____ - _____ - _____

CANADIAN PASSPORT NUMBER: _____ COUNTRY AND DATE OF ISSUANCE: _____

PASSPORT NUMBER OF OTHER COUNTRIES: _____ COUNTRY AND DATE OF ISSUANCE: _____

DRIVER'S LICENSE: Yes _____ COUNTRY/STATE: _____ EXPIRY DATE: _____
Number Day Month Year

AUTOMOBILE: Yes _____ No
Make Model Year Colour

LAST KNOWN EMPLOYER: _____

OCCUPATION: _____ TEL.: () _____

ADDRESS: _____
Number Street Apt. City Province/Country Postal Code

CREDIT CARDS

Type: _____ Number: _____

Type: _____ Number: _____

Type: _____ Number: _____

BANK BRANCH: _____ ACCOUNT NUMBER: _____

_____ ACCOUNT NUMBER: _____

_____ ACCOUNT NUMBER: _____

FRIENDS AND FAMILY IN CANADA AND OTHER COUNTRIES

Name Address Telephone Relation

STEPS TO TAKE TO RECOVER A MISSING CHILD

If your child has been taken to another country, please keep in mind that the process to bring him back can be complicated. Surround yourself with caring family and friends who can comfort and support you throughout this ordeal. Negotiating your child's safe return can be a lengthy and trying process that will test your patience and endurance ... but always try to keep hope in your heart.

Initially, it is very important to determine:

- ❖ The location where your child was taken to;
- ❖ If your child is safe.

Next, you need to know what your legal status is in Canada, as well as your legal status in the country where your child is located.

Your goal is to bring back your child as quickly as possible, so you must undertake one or more steps in order to achieve positive results. It is important to be aware of the fact that the steps that you will undertake could be very costly.

There is no single way to deal with having your child abducted. **Enfant-Retour Québec** (formerly The Missing Children's Network) is available to assist you by informing you of the various options and appropriate resources available according to your own particular circumstances. Following are some of the possibilities that you will need to consider:

Criminal Option

Both parents have **the same** rights and responsibilities towards their child; after a divorce or a separation, a court judgment can restrain the access rights of one parent. In both cases, the fact that one parent withholds or abducts the child thereby depriving the other parent of his/her access rights can be considered a crime, as stipulated in Articles 282 and 283 of the Criminal Code.

- You can file a complaint for parental abduction with your local police.
- The investigation conducted by your local police can result in locating the abducting parent.
- An arrest warrant can be issued for the abducting parent.
- Extradition measures can potentially be undertaken for the abducting parent; however parental abduction is not considered a crime in many countries, so it is very possible that extradition procedures may not apply. This measure would only result in assuring the return of the abducting parent so that he can be brought before a Canadian court, which doesn't necessarily guarantee the return of your child.

The Hague Convention

The objective of the Hague Convention, ratified by 67 countries on January 1, 2005, is to eliminate the problem of international child abductions. The Convention was created to facilitate the rapid return of children who are being unlawfully detained in countries that have signed the agreement, thus ensuring that child custody rulings in the member countries are respected.

If your child is in a country that has signed the Hague Convention, then the Central Authority of *le Ministère de la Justice du Québec* will help you undertake the procedures necessary under the Convention to ensure your child's return to Canada.

Here are some of the procedures that the Central Authority can undertake:

- ❖ Indicate to you how to proceed in conformity with the terms of the Convention;
- ❖ Locate your child;
- ❖ Undertake temporary measures in order to ensure your child's safety;
- ❖ Ensure the voluntary return of your child, if possible;
- ❖ Facilitate access to a lawyer if legal proceedings need to be undertaken.

For further information, please consult the Internet site: www.justice.gouv.qc.ca

Diplomatic Option

If your child is in a country that has not signed the Hague Convention, then the Consular Affairs Office of Canada can help you.

Here are some of the measures that they can undertake:

- ❖ Try to locate your child and visit him if possible;
- ❖ Inform you about the laws in the country in question;
- ❖ Provide you with a list of lawyers who can undertake legal procedures on your behalf in the country in question;
- ❖ Follow-up on the legal proceedings in the country in question;
- ❖ Be the liaison between yourself and the authorities or organizations in the country in question.

For further information, please consult the Internet site: www.voyage.gc.ca

Civil Option

You may have to obtain the services of a lawyer who can validate your legal status by obtaining a judgment that grants you sole custody of your child in Canada. As well, the judge could issue an order that obligates the abducting parent to return the child to the family home. If this order is not respected, then certain procedures can be undertaken against the abducting parent.

It may be necessary to undertake the same steps in the country where your child is being held. If this is the case, then you may have to travel to the country where your child is being held in order to ensure that your rights are respected.

Some Helpful Suggestions During the Search

It is important to keep in mind that the process of locating and bringing home your child is a complex one. No one can determine how long it will take to have your child returned. Here are some helpful suggestions to facilitate the return and integration of your child into his family milieu:

- Keep his room exactly the same;
- Continue to buy presents for all special occasions (i.e. birthdays, Christmas, etc.);
- Leave a message on your answering machine ("If this is (*name of the child*), please tell me where you are");
- Keep a detailed journal of all your on-going efforts while trying to find your child.

WHAT TO DO WHEN A MISSING CHILD RETURNS HOME

Repercussions of a Parental Abduction

A parental abduction has very strong emotional and psychological repercussions on both parents and children. Children suddenly find themselves uprooted. Their normal environment ceases to exist. Children become anxious, fearful, not knowing what will happen to them, nor whom to turn to, apart from the person who has abducted them. The anguish of these children isn't always obvious immediately, since parents who abduct their children usually don't permit them to express their feelings about being abducted. On top of this, these children must depend on their abductor for their survival. A process of alienation quickly becomes established.

Parents who abduct their children tell them that the other parent has either: abandoned them, doesn't love them anymore, has a different life now, or is in jail. The children then become more and more attached to the abducting parent and become increasingly vulnerable to what he has to say about the other parent (or the fact that the other parent isn't mentioned at all). It is at this point that the children have no other choice but to share these negative opinions about the other parent since the children have absolutely no other point of reference than that of the abducting parent. The children become completely alienated from the other parent. This phenomenon is sometimes described as brainwashing, conditioning, or programming.

This feeling of alienation from the other parent can be very serious, depending on the children's age, temperament, and the length of separation from the other parent. Upon their return, if in fact they are returned, some children refuse to see the parent that they feel abandoned them. This is why *Enfant-Retour Québec*, along with its partners in the community and the children's parents, tries to locate the abductor as quickly as possible, in order to prevent the alienation from taking hold completely, because in certain cases, it is irreversible.

The Reunion

When children are found, there is a lot to do, both for the parents and the children. The children can be hesitant to accept the other parent, because they wonder why the parent wants to take them away from the life that they have become accustomed to. After all, that parent hasn't been seen or heard from for a very long time and is considered by the child as the person who abandoned him/her.

This very disturbing situation must be anticipated by parents who find their children. It is essential to prepare parents for this possibility and offer them the support and the tools necessary for them to regain their children's trust, to allow parents and children to reestablish ties that are both quantitative and qualitative. In order to do this, the court will often order that children not have any contact with the abducting parent for a given time (be it several months or a year) in order for the children to reestablish ties with the other parent who has become a stranger due to the abduction. Thereafter, other precautions may be established in the children's interest, in order to avoid any interference on the part of the abducting parent in the children's renewed relationship with the other parent.

RESOURCES

**Minister of Foreign Affairs
Consular Affairs**
125 Sussex Drive
Ottawa, ON K1A 0G2
Tel.: 1 800 387.3124
www.voyage.gc.ca

**The Hague Convention
Central Authority of Quebec**
Tel.: 418.644.7153
www.justice.gouv.qc.ca

Passport Office
Ottawa, ON K1A 0G3
Tel.: 1 800 567.6868 or 819.994.3500
Fax: 819.953.5856
www.ppt.gc.ca

The « Our Missing Children » Program
National Missing Children Services
General Information: Tel.: 1 877 318.3576 or 613.993.1525
Enquiries: Tel.: 613.993.7860 or 613.993.1525
Border Alert: Tel.: 613.990.8585 Fax: 613.993.5430
www.ourmissingchildren.gc.ca

Enfant-Retour Québec
7101 Du Parc Avenue, Suite 100
Montreal, (Quebec) H3N 1X9
Tel.: 1 888 692.4673 or 514.843.4333
Fax: 514.843.8211
www.enfant-retourquebec.ca