

International child abductions

The Canadian government has assembled a booklet specific to international child abduction. The following is a summary but getting a free copy of the booklet is advised. The publication is here: https://travel.gc.ca/docs/publications/int_child_abduct-en.pdf

Disclaimer

Do not consider this information to be legal advice. It should also not replace the advice of a lawyer or other authorities. You should contact a lawyer, police, consular officials or the Canadian government for further assistance specific to your situation. The Missing Children Society of Canada (1-800-661-6160) also has experience working with police and other officials on international child abductions.

What is an international child abduction?

An international child abduction occurs when a parent, guardian or other person with lawful care or charge of a child removes that child from Canada, or retains that child outside Canada, without either the legal authority or permission of a parent who has full or joint custody rights.

If your child/children have been taken to another country against court orders, you should contact police immediately and consult your lawyer.

You should also contact Consular Services with the Canadian government toll-free at 1-800-387-3124. Inside or outside Canada, call 613-996-8885, collect where available and direct where not. Emergency assistance is available at those numbers 24 hours a day, seven days a week.

If you are outside Canada, you can also contact the nearest Canadian government office abroad. For a list of locations and phone numbers, see the Directory of Canadian Government Offices Abroad at www.voyage.gc.ca/offices.

Consular Services is part of Foreign Affairs and International Trade Canada, a government department that is a partner in the Government of Canada's efforts against international child abductions.

Preventing an international child abduction

Some warning signs if you suspect a parental child abduction may occur:

- The parent has citizenship in another country and strong ties to that country
- Friends or family are living in the other country
- The parent has no strong ties to the child's home country
- You are being harassed or the parent is acting obsessive or controlling towards you
- The parent has engaged in planning activities such as quitting a job, selling a house, etc.



- The parent has a history of marital instability
- The parent criticizes you or lies about you to your child
- Your child starts to talk about moving to a new place

Tips to prevent a parental child abduction:

- Get a custody order – ask a lawyer about what works best for your situation
- Take updated photos of your child and keep detailed descriptions of your child's appearance.
- Have updated photos of your spouse
- Make sure your child knows your phone number and teach him or her how to use a phone so you can be called if help is needed
- Teach your child the difference between harmless and harmful secrets
- Ask anyone who sees your child regularly to alert you if he or she doesn't show up for a regular appointment or activity
- Ensure you have copies of all documentation, including your child's health card, passport, birth certificate, custody order or agreement, etc.

Custody Orders/Agreement and Rights:

A custody order is a legal document given by a court that sets out which parent has custody of a child and on what terms.

A custody agreement or parenting agreement is also a legal document setting out the terms of custody. It's signed by both parents to show that each parent agrees to the terms, and often these terms are reached by the parents themselves with help from lawyers or mediators.

Custody agreements fall under provincial legal jurisdiction, so check each province to be sure.

Types of custody:

- Sole custody: one parent has custody of the children, and the child always resides permanently with the parent having sole custody. The other parent may have access visits. The parent with sole custody makes the major decisions for the child.
- Joint custody: both parents have custody of the children – also called joint legal custody. Courts normally only award this to parents who can cooperate on parenting matters. In these cases, residency/access arrangements for the children may vary. It also means both parents must agree on major decisions.
- Split custody: one parent has custody of some of the children and the other parent has custody of the remaining children. Courts try not to split up younger children from their siblings, but older siblings sometimes choose to live with different parents.

Checklists for parents



Keeping this information on hand is important if you worry about the possibility your child may be taken to another country, or if your child has been abducted to another country.

Information about your Child:

- Full name with alternative spellings, variations and nicknames
- Date of birth
- Place of birth (hospital, town, province/territory, or state and country)
- Address before abduction
- Canadian social insurance number
- Canadian passport number as well as place and date of issue
- Details on foreign passport or other travel documents that may have been used
- Nationality (and all possible nationalities if unsure)
- Height and weight
- Gender
- Eye color
- Hair color (if you have any strands for DNA testing keep these)
- Most recent photograph
- Blood type
- Identifying features (examples include marks, scars, glasses, braces, etc.)
- Medical information
- Fingerprint/dental records

Information about Abducting Parent:

- Full name with alternative spellings, variations and nicknames
- Date of birth
- Place of birth
- Nationality, including foreign citizenship and legal status in Canada (citizen, permanent resident, student, etc.)
- Details on Canadian and/or foreign passport and other identification documents (document number, issuing office, date of issue, expiry date)
- Occupation, including professional certifications
- Information on past or present workplace
- Phone numbers and current address or other location information
- Canadian social insurance number
- 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 if applicable
- Marital status at the time of abduction
- Height and weight
- Eye color



- Hair color (strands of DNA for testing)
- Most recent photograph
- Blood type
- Identifying features
- Medical information
- Fingerprint/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 the other parent and the living arrangement when the abduction occurred
- Knowledge or suspicions of where the child might be
- Details about other people who may have assisted or continue to assist in the abduction
- Documentation
- Child's birth certificate
- Marriage certificate
- Separation or divorce agreements
- Custody order, along with any special arrangements for visitation and travel

Hague Convention:

Getting your child/children back after an international abduction can be challenging and heartbreaking, depending on which country they have been taken. There's an international treaty known as the Hague Convention on the Civil Aspects of International Child Abduction which has 83 members, of which Canada is one. (<https://assets.hcch.net/docs/e86d9f72-dc8d-46f3-b3bf-e102911c8532.pdf>)

To see a full list of the members: <https://www.hcch.net/en/states/hcch-members>

An application to have a child returned to Canada under the Hague Convention can be filed, but if your children are in a country that is not a member, the Hague Convention will have no bearing on their return.