

Has someone you know gone missing? International Parental Child Abduction

Factsheet 8

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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 the 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.

What to do if you believe your child has been abducted

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 (so 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

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 and Commonwealth Office (FCO)

The FCO 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**.

More information can be obtained from the FCO website and their useful guide on parental child abduction.

FCO website:

www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/child-abduction

FCO International Parental Child Abduction Guide:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/584038/Int_Child_Abduction_web_130117.pdf

Get information from the International Child Abduction and Contact Unit (ICACU)

More information on parental child abduction can also be obtained from the ICACU. The ICACU website contains a lot of useful information, including details of what action to take when a child is abducted and a child abduction checklist.

You can contact the ICACU on:

Telephone: **0203 681 2608**

Email: enquiries@offsol.gsi.gov.uk

Action to take when a child is abducted

<https://www.gov.uk/return-or-contact-abducted-child>

What to do if you think your child is at risk of being abducted

Contact the police

If you think that your child is at risk of being abducted by your partner or ex-partner, you should contact the police and explain why. Tell the police about any threats made or any previous attempts to abduct your child. In some circumstances, the police may be able to assist you, for example by taking certain measures to ensure that the child is not taken out of the country. The police would need to be assured that there is a real and imminent risk of your child being abducted.

Contact Reunite

Reunite can provide you with advice and information on what to do if you think that your child is at risk of being abducted. You can speak to someone from Reunite by contacting their advice line on:

Telephone: **0116 255 6234**

Email: reunite@dircon.co.uk

There is a lot of useful information on their website www.reunite.org, including guides on what to do to prevent your child from being abducted.

Contact a lawyer

If you are not sure about the legal position in relation to your child and think that you might need to get a custody order or preventative court order to stop your child being taken out of the country, you should contact a suitably qualified family lawyer. The charity Reunite will be able to provide you with advice and details of qualified lawyers if required.

Contact the Identity and Passport Service

In some cases, the UK Identity and Passport Service (IPS) may be able to prevent your partner or ex-partner obtaining a passport for your child without your consent. Normally, the IPS will issue a passport for a child if the application is made by either parent, or a person with parental responsibility for that child. If you have (or can get) a court order that forbids the issue of a passport without your consent, or the consent of the court, you

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should let the IPS know. The IPS will then not issue a passport for your child for anyone but you.

For more details or to ask the IPS not to issue a passport for your child, contact the IPS Advice Line on **0300 222 0000** or find out more:

<https://www.gov.uk/get-a-child-passport>

If the other parent of your child is not British, they may be able to get a passport for the child from their own country. You can write or get your lawyer to write to the relevant Embassy, High Commission or Consulate, asking them not to issue a passport for your child, but they do not have to follow your instructions. More information on this can be obtained from Reunite or the FCO as above.

Contact the Child Abduction Section at the Foreign and Commonwealth Office

The FCO may be able to provide you with more information about what you can do. You can contact them on **0207 008 1500**.

More information and a useful guide on Parental Child Abduction, can be obtained from their website:

FCO website:

www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/child-abduction

FCO International Parental Child Abduction Guide:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/584038/Int_Child_Abduction_web_130117.pdf

Get Information from the International Child Abduction and Contact Unit

The ICACU website contains a lot of useful information, including advice on child abduction law and preventing child abduction. You can contact the ICACU on:

Telephone: **0203 681 2608**

Email: enquiries@offsol.gsi.gov.uk

Information on police notices and alerts

If you think that your child may be taken outside the UK, tell the police why because there are some measures that can be taken to prevent your child from being taken overseas.

Interpol Notice

It might also be appropriate for an Interpol Yellow Notice to be circulated for the missing child. This is a notice that can be circulated to other countries to let them know that your child is missing and it may help with their location. In some circumstances, it may be appropriate for a Red Notice to be circulated for the person who has abducted your child. Interpol also maintains a missing children database and details of a missing child can be added to this database at the request of the relevant country if a Yellow Notice has been circulated for the child.

Child Rescue Alert

If you are concerned for the safety of your child, the police may be able to issue a Child Rescue Alert. CRA is a partnership between the police, the press and the public. The aim of a CRA is to locate an abducted child by using the media to promptly publish details about the child's disappearance to the public.

Certain criteria must be met before a CRA can be launched:

- The child is under the age of 18 and
- There is reasonable belief that the child is in imminent danger of serious harm or death and
- There is sufficient information available to enable the public to assist the police in locating the child.

Not all cases will result in a CRA being activated. The decision to launch a CRA is an operational one, made by the Senior Investigating Officer for the police force concerned. More information can be obtained from your local police force.

The Hague Convention on child abduction

It is helpful to be aware of the *Hague Convention of 25 October 1980 on the International Aspects of Child Abduction* and how it might be able to help you. It is an agreement between certain countries to assist in the prompt return of children who have been abducted to another country.

The Convention provides a legal basis for you to try to get your child returned home. If your child has been taken to one of the countries which have signed up to the Convention, you can apply to your Central Authority to request assistance in getting your child returned to you. The International Child Abduction and Contact Unit (ICACU) is the Central Authority for England and Wales; in Scotland, the Central Authority is the International and Human Rights Branch of the Scottish Government; and in Northern Ireland, the Central Authority sits within the Northern Ireland Courts Service. The country where the child is thought to be must take the steps required by the Convention to help return your child.

If your child has been taken to one of the countries which have signed the Convention, it is important that you take action as quickly as possible. After a child has lived in a new home in a different country for some time, it may be harder to get them returned to you. This is because the courts may think that it is not in the child's best interests to move them again.

More information on the 1980 Hague Convention, including an up-to-date list of the countries which have signed up to it, can be found on the website for the Hague Conference on Private International Law.

Hague Conference on Private International Law:

Website:
http://www.hcch.net/index_en.php

List of countries that have signed up to the Convention:

Website:
<https://www.hcch.net/en/states/hcch-members>

Wording of the 1980 Convention:

http://www.hcch.net/index_en.php?act=conventions.text&cid=24

Central Authority contact details:

Contact the relevant Central Authority for where you and your child live:

Central Authority for England and Wales

Telephone: **0203 681 2608**
Email: ICACU@offsol.gov.uk
Website: www.gov.uk

Central Authority for Scotland

Telephone: **0131 244 4827**
Website: www.scotland.gov.uk

Central Authority for Northern Ireland

Telephone: **0289 072 8808**
Website: www.nics.gov.uk

Central Authority for the Isle of Man

Telephone: **01624 685 452**

Accessing more information and advice

Some of the organisations listed below may be able to assist if your child has been abducted by your spouse or partner and taken abroad, in addition to those mentioned already.

Reunite

Reunite is the leading UK charity specialising in international parental child abduction. It provides advice and support to anyone affected by child abduction or those who fear their child may be abducted.

Reunite can provide information on preventing child abduction and can send you a list of lawyers in the UK who specialise in child abduction cases. There is also a host of other information and resources on its' website. Reunite has an advice line and also offers an international mediation service to help parents reach workable solutions.

Advice Line: **0116 255 6234**
Email: reunite@dircon.co.uk
Website: www.reunite.org

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>

Children and Families Across Borders (CFAB)

CFAB assists people who have been separated from family members as a result of divorce, migration and abduction. CFAB assists in cases where children are separated from one or both parents, aiming to reunite children with their families.

Telephone: **0207 735 8941**
Email: info@cfab.uk.net
Website: www.cfab.org.uk

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

To enquire about the content of this document or request the information in an alternative format, please contact the UK Missing Persons Unit on 0800 234 6034 or email ukmpu@nca.gov.uk

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