

Useful Addresses

The Central Authority for Child Abduction

Department of Justice and Law Reform
Bishop's Square
Redmond Hill
Dublin 2

LoCall: 1890 555 509

E-mail: child_abduct_inbox@justice.ie

See to view Conventions and EU Instruments and for list of countries signed up to the Conventions together with contact details for their central authorities.

Department of Foreign Affairs

80 St Stephen's Green,
Dublin 2

LoCall: 1890 426 700

Telephone: 01 4780822

www.dfa.ie

Irish Centre for Parentally Abducted Children (ICPAC)

Tel: 01 6620667

A registered charity offering advice on International child abduction. On request they will send out an 'information pack' in which you can record details about your child and which also contains useful information on International Child Abduction.

If you believe your child is at risk of abduction contact:
The Gardaí at your local garda station.
See www.garda.ie

Passport Office

01 6711633 LoCall 1890 426 888

www.passport.ie

www.reunite.org

a UK charity specialising in international parental child abduction.

www.pact-online.org

is a UK charity set up to fight parental child abduction across frontiers. It also tries to locate and retrieve all children who go missing.

Treoir – National Information Service for Parents who are not married to each other

14 Gandon House, IFSC, Dublin 1

LoCall: 1890 252 084

Telephone: 01 6700120

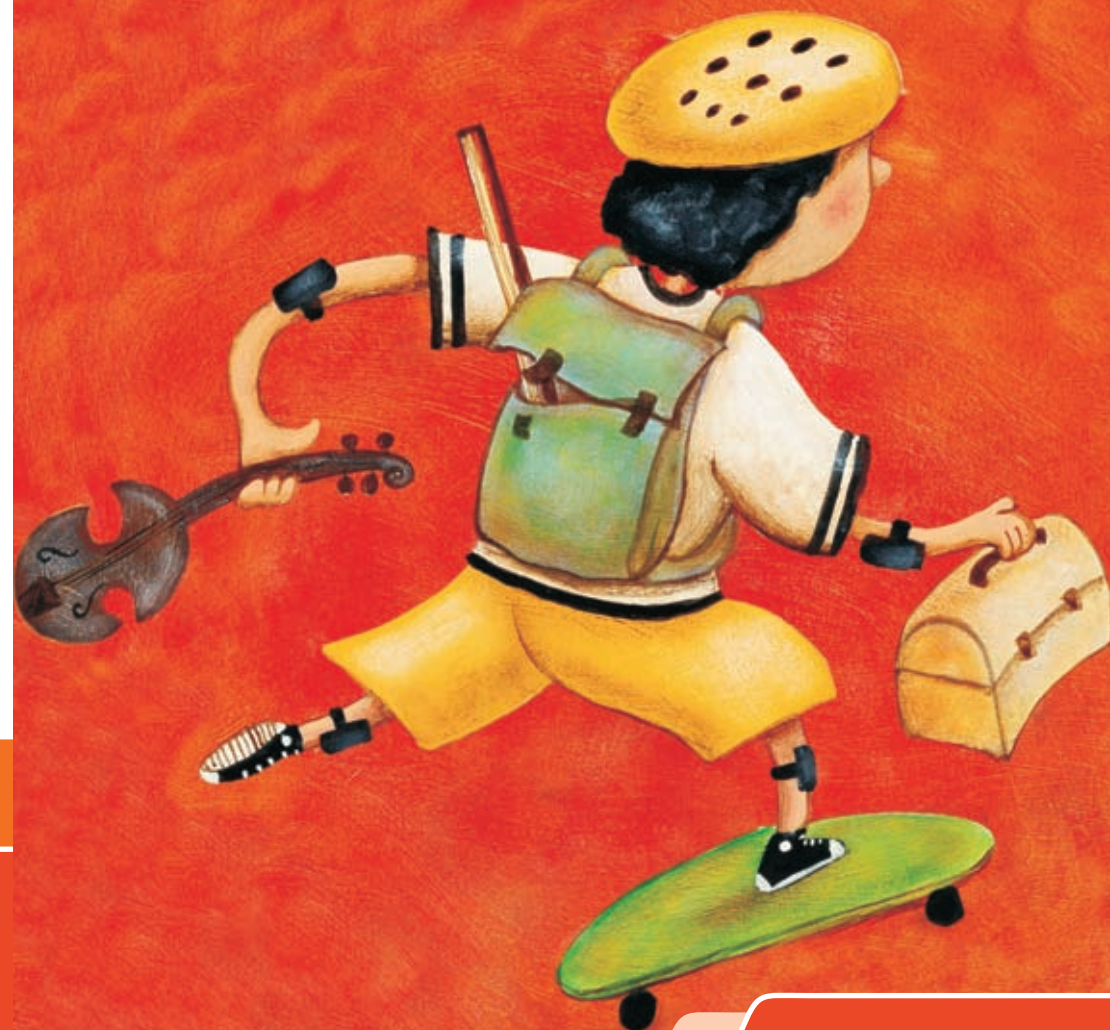
E-mail: info@treoir.ie

www.treoir.ie

While every effort has been made to ensure that the information in this leaflet is accurate, no responsibility can be accepted by Treoir for any error or omission.

International Child Abduction

where Parents are not married to each other





International Child Abduction

where Parents are not married to each other

Section 16 of the Non-Fatal Offences Against the Person Act 1997 establishes the offence of international child abduction in Irish legislation.

It is an offence for a parent or guardian* to take or send a child under 16 years out of the State in defiance of a court order or without the consent of the other parent, if that parent is a guardian. This applies where a parent has applied to the court for guardianship but the case has not yet been heard. It also applies where a parent takes a child on holiday, with or without the consent of the other guardian, but does not return the child at the end of the holiday.

*Guardian

Guardianship is the collection of rights and duties which a parent has in respect of his or her child. (See our Guardianship leaflet)

In Ireland unmarried mothers are automatically guardians of their children.

Unmarried fathers have no automatic rights to guardianship. A father may obtain his guardianship rights by either

- (a) signing a statutory instrument (SI 5 of 1998) with the mother which is appropriately witnessed (by a Peace Commissioner or a Commissioner for Oaths), or
- (b) by applying to the courts.

The rules that apply in relation to international child abduction cases are set out in

- the Hague Convention on the Civil Aspects of International Child Abduction
- the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (Luxembourg Convention)
- EU Regulation No. 2201/2003

The **Hague Convention on the Civil Aspects of International Child Abduction** is the main Convention covering child abduction and this has been signed by 81 countries, including Ireland. The Hague Convention seeks to protect children from the harmful effects of abduction and retention across international boundaries by providing a procedure to bring about their prompt return. It is based on the principle that the Court of the child's habitual residence is best placed to decide any custody disputes.

What can I do where there is a perceived threat of abduction?

There are a number of things you can do if you fear that your child may be abducted



- Contact the gardaí informing them of the perceived threat.
- Request an 'information pack' from the Irish Centre for Parentally Abducted Children (contact details below) in which you can include details of your child such as DNA samples, photographs and description. This information should be kept updated and will be useful to the authorities in the event of an abduction (this pack is also available to download from www.treoir.ie).
- If you are the legal guardian of your child (or have applied to be a guardian) you may contact the Passport Office and request that you are informed if the other parent has applied for a passport for your child.
- Apply to the court requesting that they direct who should hold the passports, e.g. yourself, the gardaí, the courts.

What can I do when my child has been abducted?

Where a child has been removed from Ireland without your consent to a country which has signed the Hague Convention, you can apply to the Irish Central Authority for Child Abduction or to the Central Authority for Child Abduction in the state to which the child has been removed to request to have your child returned to you. Contact details are below.

All child abduction cases are treated as a matter of urgency. The Central Authority for Child Abduction does not charge for its services.

Where a child has been removed to or retained in a country which has not signed up to any of the international conventions contact the Department of Foreign Affairs. Contact details are below.

Will the court order the return of my child?

Under the Hague Convention the court will generally order the return of the child unless in situations where one of the exceptions contained in Article 13 of the Convention applies. These include where it can be shown that the child would be at risk and appropriate steps have not been taken to remove this risk. If the court is of the opinion that the child is mature enough the court will consult the child before making its decision.

Note: In a situation where a child is removed/abducted within the state contact your local Gardaí. In general, these situations will be dealt with in your local district court as part of custody/access proceedings.