



## The International Rights of Children Society

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The following recommendations are based on personal experience and advice given to members of the IROCS. We are not lawyers. If you are worried that your child is in danger of being abducted overseas it is essential that you seek legal advice immediately.

If your children leave Canada, neither Canadian law nor international agreements can guarantee their return. However, refusing to allow your children to travel outside of Canada could deny them important opportunities to build relationships with their extended family and gain knowledge of their heritage. Consequently, parents may find themselves in a position where they are sending their children to another country with someone they suspect may not intend to return to Canada. The age of your children is an important factor that you should consider before providing your consent for them to travel abroad. As infants, they are at the mercy of their surroundings.

Before your children leave on a trip to a country which is not signatory the Hague Convention on the Civil aspects of International Child Abduction (<http://hcch.e-vision.nl/>) or has a history of non-compliance with the provisions of that convention ensure that there is a court order or notarized letter specifying the exact destination, the purpose of the trip, and the departure and return dates. Without a specific return date confirming the intent of the trip, a criminal investigation might conclude that no criminal charges of parental child abduction can be laid in Canada. The Government of Canada has produced an example of a consent letter [http://www.voyage.gc.ca/main/before/consent\\_letter-en.asp](http://www.voyage.gc.ca/main/before/consent_letter-en.asp)

You might also wish to consider having the taking-parent undertake the necessary legal steps to have the Canadian Court Order recognised in the jurisdiction of the destination country. The local law enforcement will only assist if there is a local court order directing them to do so.

In addition, write up a separate agreement stating that the left-behind parent is authorized to bring the children back to Canada should they overstay the return date specified in the court order governing the trip. The document should also grant the left-behind parent power to obtain emergency travel documents without the signature of the other parent. Otherwise, the abducting parent could block the children's return to Canada by refusing to turn over the children's passport. Have the document signed by both parents, notarized, translated into the language of the destination country and authenticated by the embassy of the destination country prior to the children's departure. Remember this agreement is to be kept by the left-behind parent.

As an added suggestion, there is nothing preventing you from entering into a private agreement with the taking-parent outlining consequences of non compliance of the initial agreement outlining the parameters of the international trip. In some cases, IROCS has seen a bond or the deed of the home, vehicle, etc. of the taking-parent as a “guarantee” of compliance with the initial agreement. This private agreement can be brokered by your respective legal representatives.

If you have the financial means, you may wish to consider travelling to the destination country and escorting your children back to Canada at the agreed upon date. Should the taking-parent not comply with the initial agreement, you will have in hand the Canadian Court Order already recognised in the local jurisdiction and the notarised letter giving you the taking-parent’s consent to return to Canada with the children.

There are no guarantees in any of this. Even if you took all of the above precautions you could still find yourself entangled in a protracted legal battle in a foreign jurisdiction while your children were being denied access to you and their home and family in Canada. Consequently, before they leave, you might wish to teach your children how to make an international collect call and instruct them to retain their travel documents and return tickets if at all possible. Ensure they have an email address and know yours, know their home phone number and address, and know how to contact and, if possible, travel to the nearest Canadian consulate or embassy.