

BC dad fights Japan to get his kids back

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By Mata Press Service

The plan was set in motion sometime in the summer of 2004 when former Air Canada attendant Ayako Wood began telling her children that they needed to go to Japan to visit their dying grandfather.

Ayako Wood, mother of the two children

Although suspicious, Richmond teacher Murray Wood ensured his ex-wife, Ayako was aware of all the court orders that dictated the arrival and departure dates for 11-year-old Takara and eight-year-old Manami.

"I have always supported the children going to Japan because I recognize the importance of their maintaining a connection to their Japanese heritage," writes the Vancouver resident on his website.

Little did he realize that when he kissed his children goodbye at the Vancouver international airport last November, he would be embarking on a battle with Japan to see his kids again.

"As soon as the children were gone, I found out that Ayako had cancelled the child maintenance cheques she had given me at the airport. I also discovered that Ayako had shipped 18 boxes of household goods, including children's toys and clothing, to Japan and abandoned her apartment with three month's rent owing."

Alexander Takara Maniwa-Wood

She left no forwarding address with the post office, her bank, her employer, or her creditors. She also gave up her job as a flight attendant at Air Canada, calling in sick the day she left and then severing communications with her employer altogether. Unable to contact her after she had used her last three days of sick leave, the company terminated her employment on December 12, 2004," says Woods.

Wood was granted sole custody in Canada over Takara and daughter Manami in 2004. But that means nothing in Japan — the only member of the Group of Seven, the world's seven wealthiest countries, that has not signed the 1980 Hague Convention on Civil Aspects of International Child Abduction.

The convention, so far ratified by 75 countries, says any child removed from country by a parent without the other parent's permission must be returned, and the custody resolved in the original country.

This has made Japan a “safe-haven“ for parents who want to impinge on their ex-spouses’ custody, said Annette Marie Eddie-Callagain, a private U.S. family lawyer who practices in Japan.

Manami Sheona Maniwa-Wood

Wood, who over the past year has filed unsuccessfully in Japanese courts for the children’s return, was among parents and legal experts at a forum in Tokyo recently, urging Japan to sign a treaty that supporters say protects children from international custody battles.

“I want to re-establish contact with my children, to let them know I’m still here,” Wood said at the forum according to Japanese media.

“I want to let them get on with their lives back home.“

“In non-Hague countries, getting children returned is almost impossible, and Japan is one of the worst,” Eddie-Callagain said, adding that a growing number of children are being brought to Japan by one parent against the other parent’s wishes.

The U.S. Embassy in Tokyo was aware of 20 such children in Japan, said Maura Harty of the U.S. Bureau of Consular Affairs.

U.S. clinical psychologist Jim McRae said children brought to Japan by separated or divorced Japanese parents face particular emotional stress due to the country’s idea that ex-spouses should have nothing to do with each other.

“The Japanese parent often won’t talk about the other parent at all — or even about the other country,” McRae said. “This has grave consequences for the child’s identity.“

Meanwhile, international marriages have become more common in Japan. One in 20 new marriages in 2003 involved one non-Japanese spouse, a newspaper reported.

This trend has not been matched by adequate mechanisms for dealing with cross-border divorce and custody issues, Eddie-Callagain said.

But Satoshi Watanabe, a law professor at Kyoto’s Ritsumeikan University, said Japan should be cautious in accepting the Hague Convention because the Japanese legal system works on very different assumptions from those underlying the international agreement.

“Japanese family courts rarely order the removal of children from one parent to

another, but instead try to find a solution acceptable to both parents — even if that takes a long time,” said Watanabe.

“I think Japan needs more time to reconcile those differences,” he said.

Despite Wood’s Canadian custody order, the Saitama Family Court has awarded custody of the children to the mother — at first on a temporary basis, later permanently — largely on the basis of a statement by their son that he wished to stay in Japan.

The wishes of a 10-year-old boy, wholly in the sway of his mother, thus took precedence over a binding legal decision in another country, reported a Japanese newspaper.

The Family Court’s decisions also meant that an attempt to file for habeas corpus in the Japanese High Court failed. Since Wood no longer had custody over his kids in Japan, he had no legal standing in Japan to demand that they be returned to him.

The matter is now before Japan’s Supreme Court and Wood’s lawyer, Masayuki Honda, says he expects a verdict in a month or two. If it goes against Wood, the only avenue then open to him will be to return to the Family Court to seek visiting rights.

The trend in Japan, according to family lawyers is that the fiercer the dispute in the Family Court, the more likely a left-behind father is to be perceived as a disruptive influence, best kept away from the kids.

Prospects for left-behind dads seem bleak. Japanese law makes no provision for joint custody. Their chances of securing the return of their kids are small and the chances of securing adequate visiting rights are equally slim, the forum was told.

Some fathers are now reportedly considering taking matters into their own hands.

One of them who attended the forum was quoted as saying that he attempted grabbing his kids, even hiring a former U.S. Army Ranger to help with the attempt. The bid failed, and ended up weighing against him in subsequent court battles.

In Wood’s case, if he got his children to a Japanese airport, he would almost certainly be arrested and charged with abduction.

A Canadian warrant for Ayako’s arrest was issued in January, 2005. She is charged with two counts of child abduction, an indictable offense with a

maximum sentence of ten years imprisonment.

The RCMP has informed INTERPOL of the warrant and the Canadian government has made repeated formal requests of the Japanese government to return the children to Canada and to extradite Ayako Wood.

The Japanese government's response has been that, since they are not a signatory to the Hague Convention, they are not obligated to comply with the Canadian requests.

It is estimated that every year about 400 Canadian born children are abducted by a foreign-born parent and taken to the parent's country of birth.

The numbers are expected to increase.

This month, Richmond RCMP managed to intervene in a child abduction effort before the perpetrators were able to leave the country.

A three-year-old girl was abducted from her Coquitlam home by her father and his two sisters.

The girl's mother contacted the police and indicated her husband could be heading for the Vancouver International Airport.

Less than three hours later, shortly before noon, police found the young girl as they were waiting to board a flight for Seoul, South Korea.

Charged with parental abduction is Neug Yoo, 34, Kee Ok You, 47 and Hee Gu You, 55.