



International Abduction



In cases where children are brought to England from abroad and kept here without the permission of both parents or carers, Cafcass' role is to tell the court what your children's views are to help it make a decision about what should happen next.

These cases are often called child abduction cases or 'Hague Convention' cases because of the international law which governs them. In countries which have signed up to the Hague Convention, the courts must return children to their country of 'habitual residence' (this is the place where they usually live) so that the courts in that country can make a final decision about what should happen, unless there is a specified defence under the Hague Convention. The English courts must listen to the views of your children when deciding whether a 'defence' has been established – if they decide that it has, the case may remain before the English courts.

What is the role of Cafcass in these cases?

We have a team of Cafcass workers (sometimes called Family Court Advisers or Children's Guardians) in London who specialise in these complex cases, and working with the children concerned. Their role is to let the court know about your children's views. Depending on your children's age and understanding, they will usually talk to your children alone and discuss with them what they think and how they feel. The Cafcass worker will usually meet with your children in London and there will always be an interpreter there if they are not fluent in English. The Cafcass worker's most important role is to tell the court what your children's views are so they will not usually spend time talking to either parent or carer.

As part of their work, the Cafcass worker may ask for your cooperation to run checks with the UK police and appropriate English local authority to see whether there is any relevant information about your children's safety in England. If we believe that your children are at risk of harm we

may make a referral to the local authority so that it can make sure that your children are kept safe. We may commission international police checks and we may sometimes work with overseas child protection agencies if we need information about your children's safety. If we are unable to obtain international police checks we will ask you to provide these.

What will happen at court?

Because of the seriousness of these kinds of cases a hearing at court will usually take place very quickly after the Cafcass worker has met and talked to your children. The Cafcass worker will either write a short report for the court, which they will share with your solicitor (if you have one, or in person if you do not) and the other parent or carer before the hearing. Or they will go to court and tell it in person about your children's views. If you are unhappy with what is in the report or what the Cafcass worker says, you must tell the court at the hearing. The court will consider all the information it has received before making a decision. It will set out its decision in a 'court order' which you must stick to. If it decides that the child(ren) should be returned to their home country our role in the case will end. If the courts decide that the parent who brought the child has a legal defence which justifies bringing the child here, the case may remain before the English courts and a Cafcass worker may continue to work with your family in this country.



Further Information

Reunite

www.reunite.org

01162 556 234

reunite@dircon.co.uk

Recognised as the leading UK charity specialising in international parental child abduction and the movement of children across international borders.

UK Foreign and Commonwealth Office

www.gov.uk/government/publications/international-parental-child-abduction

020 7008 0878

Information from the UK Foreign and Commonwealth Office

PACT

www.pact-online.org

PACT was created to lobby for fundamental improvements in child protection policies and practices, above all in the UK.



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