

International Family Disputes on the Rise

The recently published Annual Report of the Office of the Head of International Family Justice for England and Wales has revealed the number of international family legal disputes where a UK Court has intervened has quadrupled in four years. In 2012 the Office of the Head of International Justice handled 253 cases. This is an increase from handling 65 cases in 2008. The team is relied upon to offer advice to judges and lawyers acting in international disputes mainly over child abduction and other child custody disputes between parents living in different countries. The Office also facilitates trans-national judicial collaboration and negotiation.

Lord Justice Thorpe, Head of International Family Justice for England and Wales has attributed the rise in disputes to the increase in “international family cases” and to the growing number of families where the parents are of different nationalities. This has in turn seen an increase in numbers of children born to foreign parents. Additionally there has been an increase in the awareness of the Office and therefore utilisation of the same. Lord Justice Thorpe has said that co-operation between countries on family law was needed due to “globalisation, increasing movement of persons across borders, and the ever rising number of family units which are truly international”.

Arguably one of the most emotionally distressing types of international cases is child abduction. Child abduction is the removal of a child by a parent from the country where they are living without the permission of the other parent or person with parental responsibility. The removal has to be when that parent was exercising their rights of custody or permission of the court by way of a court order. Child Abduction is also the retention of a child abroad beyond a period for which permission was given by the other parent or the court. These are commonly called wrongful removal and wrongful retention.

If your child is abducted or you believe there is an imminent threat of abduction you should immediately alert your local police station of the abduction or the threat of abduction. The local police should then put a Port Alert in place. You should then quickly contact solicitors to make an urgent application to the High Court for various orders with the assistance of the High Court Tipstaff.

For advice on your particular situation please contact one of the specialist family lawyers at Russell-Cooke.

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