

"Child Abduction happens in France too"

"Child abduction", sounds dramatic doesn't it, conjuring up images of fleeing across hostile borders in the dead of night, smuggling children hidden under blankets in the boot of a car. Everyone has heard of someone who is divorcing and has had difficulties with their ex-partner over contact with the children and we have all read articles in the press about children "being abducted" by one parent who refuses to return them to the other parent at the end of a holiday. It tends to be the case that only the sensational child abduction stories are reported in the press giving everyone the impression that this is something which only happens "somewhere else to someone else" and never to us. The reality is very different.

For example, take the Potter* family who moved to France a couple of years ago. To begin with everything went well; indeed for several months, a year or possibly longer everyone was busy settling into their new life, their new schools. Slowly that new life began to take shape. Granted, John Potter recognised that his wife Sally, seemed a little unsettled, a little homesick, but perhaps that was only to be expected; people need to be able to make the necessary adjustments in their own time. To be honest, John was so busy settling in himself that perhaps he wasn't quite as sympathetic towards his wife's problems as he should have been. Of course, he realised that their eldest son, Robert, was unhappy, that he missed watching his local football teams with his mates and he mourned the lack of cricket and that the other two children didn't seem very happy either. But they would get over it, it would just take time. Then, Sally took the children back to England for a short holiday to see their grandparents and their friends. On the day they were due to return John set off to meet them at the airport, but they didn't arrive. He tried to call them but the answerphone at the grandparents was switched on and the mobiles were switched off. Eventually, after a nail-biting few hours, communication was restored and after several emotional telephone calls he realised that Sally didn't intend to bring the children back.

Today, the above scenario is far more likely to be the reality of child abduction and it is an increasing phenomenon as people are more mobile, are much more likely to spend time living in different countries and to marry or set up home with people of different nationalities.

So what do you do if this happens to you? What can you do?

Well first you need to be reassured that, with experienced legal help there are procedures in place designed to ensure that the children are returned to the country of their usual or, to use the legal term, "habitual residence". So, John would need to apply to the English court and, if it decided that France was the Potter children's place of "habitual residence" it would make an order that the children be returned to France for the matter of their long term residence to be decided by the French courts. If Sally really were keen to move back to England permanently she would then need to ask the French court to let her take the children with her back to England.

The Hague Convention sets out the procedure to be followed for the return of children to the country in which they are usually or "habitually resident". This Convention provides for the return of the children so that where and with whom the children will live in the future can be sorted out by the courts of that country. England and France have both signed this Convention and follow the procedure laid down in it where a child has been abducted from one country to the other. There are still many countries that have not signed the Convention and if a child is abducted from France to such a country then there is no set procedure for the return of that child. These are the stories we may read about in emotive newspaper articles.

So, I hear you ask, what did the Potter family do? It would be nice to think that their story had a happy ending. Realistically none of these stories can ever have a happy ending, but let's try to create one for them. John realised how selfish he had been in imposing the move on the family, they sold up in France and bought a small house there for the holidays. They came back to England and all lived happily ever after. Well, what did you expect?

*Not their real name

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