



INTERNATIONAL CHILD ABDUCTION

What help is available and where can you find it

This leaflet

In this leaflet, you can read about how the Danish authorities can help you if your child is wrongfully removed to another country or retained abroad. You can also read about whom to contact and how a single authority, the Child Abduction Unit, coordinates efforts in this area.

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What is an international child abduction?

There are a number of conditions, which must all be met in order for a child to be regarded as wrongfully removed from Denmark to another Hague Convention State or wrongfully retained there.

- Before the wrongful removal the child must have had habitual residence in Denmark.
- The parent who wants the child to be returned must have (joint) custody of the child under the rules of Denmark.
- The removal of the child to another Contracting State must be in breach of the rights of custody in Denmark.
- The parent who wants the child to be returned must have exercised his or her rights of custody before the wrongful removal. However, this does not mean that the child necessarily must have lived with the parent who wants the child to be returned before the wrongful removal.

A wrongful removal may, for example, be the case if the parents had originally agreed that the child was going to another Contracting State on holiday, and one of the parents refuses to let the child go back to Denmark after the end of the holiday.

Whom should I contact and what help is available?

If you share custody of the child and believe the other parent has removed your joint child from the country or is wrongfully keeping your child abroad, you can contact the **Child Abduction Unit**, regardless of the country to which your child has been abducted.

The Child Abduction Unit is part of The Ministry of Social Affairs and the Interior and can be contacted on: **+45 40 50 50 26**.

The Child Abduction Unit offers various forms of help. It can:

- Help you bring proceedings to secure the return of your child
- Provide guidance about the proceedings and the options available to you
- Coordinate administrative procedures with other Danish authorities

If you bring proceedings to secure the return of your child, the Child Abduction Unit will always ask you to a personal meeting to ensure you receive swift, competent guidance.

Naturally, you are welcome to bring a lawyer or other representative to the meeting.

Attorneys and legal aid

On boernebortfoerelse.dk you can find a list of attorneys specialised in dealing with cases of child abduction.

You can also apply for legal aid. Legal aid is a financial support scheme and can cover some of the main expenses you may incur in connection with proceedings regarding the return of your abducted child.

For example, legal aid can cover reasonable costs for Danish and/or foreign legal assistance and the costs of having relevant documents translated. Legal aid may also cover your reasonable travel and accommodation costs, if you should need to attend court hearings overseas.

Legal aid is independent from your income, but you are not eligible if you have a private legal expenses insurance that covers the costs, or if your costs are covered in the country to which your child has been abducted.

It is up to the Child Abduction Unit to decide whether you are eligible for legal aid and the amount to which you are entitled. If you would like more information about the legal aid scheme, please contact the Child Abduction Unit.

How to bring child abduction proceedings in another convention state

In all Convention States there is a Central Authority that receives and transmits requests from parents on the return of children who have been wrongfully removed. In Denmark, The Ministry of Social Affairs and the Interior has been designated as the Central Authority.

Administrative procedures

- 1 | If a parent asks for The Ministry of Social Affairs and the Interior's assistance in getting the child back, an application is sent to the Central Authority in the State where the child is staying.
- 2 | When the Central Authority receives the application for return of a child, the application is sent to the public authority or the court who tries the case.
- 3 | It is the public authority/the court in the other Contracting State who decides whether it is a case of child abduction. The foreign Central Authority only handles the contact between The Ministry of Social Affairs and the Interior and the public authority/the court in the other Contracting State. If the public authority or the court decides that the child has been wrongfully removed, the child shall be returned immediately to Denmark.

However, the public authority/the court may in certain exceptional circumstances decide that the child is after all not to be returned to Denmark. This can, for example, be the case:

- If at the date of the lodging of the application for return more than one year has elapsed since the wrongful removal, and the child has settled down in its new environment.
- If there is a grave risk that the child's return would expose the child to harm mentally or physically, or in another way put the child in a situation he or she should not tolerate.
- If the child objects to being returned and has reached such an age and maturity that the child's opinion should be taken into consideration.
- If the return would not be permitted by the fundamental principles of the Contracting State in relation to the protection of human rights and fundamental freedoms.

How to bring proceedings in a country with which Denmark does not cooperate under a convention

The best way to resolve child abduction cases in countries with which Denmark does not cooperate internationally is for us to help establish contact and reconciliation between you as parents, so you can jointly find an amicable solution that is in your child's best interests.

The Child Abduction Unit coordinates Danish efforts in these cases and guides you about your options as regards to other Danish authorities.

In cooperation with the Danish Ministry of Foreign Affairs, the Child Abduction Unit will attempt to mediate in the case, often through the Danish representation in the country concerned. This is usually done by directly contacting the parent who has abducted the child and explaining the consequences of his or her action, for example. Sometimes contact is made through family members or others in the local community.

The Danish Ministry of Foreign Affairs can also help recommend lawyers able to offer legal advice about family law in the country in which the child is staying. In this instance, the legal basis for the child's stay in the country concerned may be assessed, as well as the possibility of a positive outcome if the case is brought to court.

The Danish Ministry of Foreign Affairs can also contact the authorities in the country in which the child is staying regarding the handing-over of the child, if deemed likely to be constructive. However, in some parts of the world, this step does not always lead to the resolution of the case, because a parent's abduction of his or her own child is not necessarily recognised as being against the law.

Continuous contact may also be made regarding purely practical matters, such as contact with relatives in Denmark and teaching materials and books in Danish, etc. for the abducted child in cases where this is possible.

More about the rules

This folder contains only the principal aspects of the legislation that applies in the field. If you want to know more about the rules you can either call The Ministry of Social Affairs and the Interior or read more on our website:

www.boernebortfoerelse.dk

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