

Child Abduction Fact Sheet

1. What is child abduction?

Under the Child Abduction Act 1984, it is a criminal offence when a person takes or sends a child under the age of 16 out of the United Kingdom without the appropriate consent of those with parental responsibility or consent from the court. Child abduction can be committed by parents or family members, by people known but not related to the victim, such as neighbours and friends; and by strangers.

2. What is the *appropriate consent* in the context of child abduction?

Appropriate consent is needed from the:

1. mother of the child;
2. father of the child, if he has Parental Responsibility;
3. guardian of the child (if appointed);
4. special guardian of the child (if the child is under a Special Guardianship Order);
5. holder of a Residence Order (if granted prior to 22nd April 2014);
6. holder of residence named in a Child Arrangements Order (if applicable);
7. Local Authority if the child is in care;
8. Court if the child is detained or a ward of court.

3. How long can you take your child out of the UK for without breaking the law?

Consideration should first of all be given as to who has parental responsibility. If both parents have parental responsibility and there are no Child Arrangements orders (residence orders) or other restrictions in place, then neither can take the child outside the United Kingdom without the written consent of the other parent or any other party with parental responsibility. If consent is refused, an application to the Court will need to be made for permission

If you have a Child Arrangements Order in place that provides for the child to live with you, then you may take the child outside of the UK **for up to 28 days without the appropriate consent.** However, it is good parenting to agree arrangements in advance. The exception is if the order expressly prohibits this clause.



Criminal Defence

Family Law

Protecting Your Rights

Housing



If consent is refused, an application to the Court will need to be made for permission.

Exceptions

It is not a criminal offence if one of the following exceptions apply:

1. You have a child arrangements order that says the child lives with you.
2. You have an order from the court giving you permission to remove the child from the UK.

4. How can I prevent my child from being abducted?

It is not unusual for either parent to be anxious that the child will not be returned or if you fear that your child will be taken out of the UK without your consent, you can consider the following:

- If there is an immediate risk, you can ask your local police to issue a **Port Alert**. The police can contact the National Border Targeting Centre and ask them to alert all points of departure from the UK to try to prevent the child taken out of the country. This will apply for 28 days which can give you time to get legal advice.
- If your child does not have a UK passport, the **UK passport office (HMPO)** might be able to stop someone else getting a UK passport for them.
- You can apply for a **Prohibited Steps Order** to prevent the removal of the child the UK. You will need to submit a C100 form with your local court.
- You can apply for a **Child Arrangements Order** to determine who and where the child should live with. You will need to complete a C100 form with your local court
- You can apply for a **Specific Issues Order** which can require the other parent to do certain things, e.g. hand over passports to the court.
- You can apply to make the child a ward of court to the High Court. This is a big step as it gives the Family Court parental responsibility for your child and enables them to make any orders that they believe are in the child's best interests.

5. What steps should I take if my child has been abducted?

- Contact the police immediately.

- Interpol can issue notices that could help find your child if they are missing in some circumstances. An Interpol Yellow Notice can be circulated to other countries to let them know that your child is missing. An Interpol Red Notice can be circulated for the person who has abducted your child.
- If you are concerned for the safety of your child, the police may be able to issue a Child Rescue Alert (CRA). CRA is a partnership between the police, the press and the public.
- The procedure for bringing your child back to the UK will depend upon which country they have been taken to. The Hague Convention and the European Convention on child abduction is an agreement between certain countries to help return children who have been abducted abroad. They can help you have your child be returned to the country by enforcing orders.
- If, contrary to an agreement or a court order, your children have been removed from their home, you should seek urgent legal advice. Likewise, if you have taken the children from their home you need immediate advice about your legal position.

6. Am I entitled to Legal Aid for a Child Abduction case?

Legal Aid may be available for parents and persons with Parental Responsibility for children who are at risk of abduction or have been abducted.

You may be able to get Legal Aid to:

- Secure the return of a child who has been unlawfully removed within the United Kingdom;
- Prevent their unlawful removal from the UK; or
- Secure the return of a child who has been unlawfully removed from the UK.

Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case.

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