

other country, it may be necessary for you to be there in person at some stage of the proceedings.

Lawyers' fees vary widely from country to country and could be in excess of what would be paid in Canada. Therefore, you should be very direct when making arrangements for legal representation in another country: ensure that the arrangements are in writing and that you fully understand what the lawyer will and will not do, when it will be done and at what cost. If necessary, Canadian consular officials can assist with translation and provide guidance. They can also maintain contact with your lawyer to obtain status reports and to verify that your rights, as provided for by the laws of that country, are respected.

Your lawyer will advise you on the information and documentation that will be required in order to represent you within that country's justice system. In addition to providing a certified copy of your custody order, it may be necessary to supply copies of your marriage and/or separation or divorce documents, along with copies of the relevant provincial/territorial and federal laws relating to custody and child abductions. The Department of Foreign Affairs and International Trade in Ottawa can authenticate these documents before they are sent. For information, contact the Authentication and Service of Documents Section, tel.: (613) 995-0119; fax: (613) 944-7078; e-mail: jlac@dfait-maeci.gc.ca. Your Canadian lawyer can assist you in gathering this material and having it delivered to your lawyer in the foreign country.

A custody order issued by a Canadian court has no automatic binding legal force beyond the borders of Canada. Nevertheless, there may be procedures and laws in place in the foreign country to have that order recognized and enforced there. In addition, such an order could be persuasive in support of any legal action that you undertake. Courts in other countries, like those in Canada, must decide child custody cases on the basis of their own domestic laws. This may give an advantage to the person who has abducted your child, if the abduction is to the country of his or her nationality or origin. You could also be disadvantaged if the country has a legal tradition in deciding custody cases on the basis of gender. If custody is given to the abducting parent in another country, you should make every effort to have the court specify your access rights. Some countries, even if they award custody to you or provide for access for you, will not permit the child to leave without the consent of the other parent.

Your chances of having your Canadian custody order recognized and enforced in another country are subject to all these factors and conditions. While it may appear that the deck is stacked against you, it is important to accept that recourse to the courts of another country may be the only hope for the safe return of your