

lawyer in the country you will be visiting. Consular officials can provide you with a list of lawyers in foreign countries who may be able to assist.

If at any time you believe your child may be in danger of being abducted, you should discuss the matter with your local police and other organizations that may be able to provide you with assistance and advice. **Remember that it is easier to prevent an abduction than it is to recover a child after an abduction has taken place.** Do not ignore your fears. Act upon them and seek assistance.

B. Precautions and Preparations

If you have any reason to believe that your child could be abducted or retained in another country against your wishes, you should ensure that you have detailed information about your child (including travel documents), as well as the other parent and his/her family, friends and business associates both in Canada and in other countries. You should take colour photographs of your child every six months. A checklist for such information is given in Section VII. Further, you should teach your child to use the telephone and practise how to make long-distance collect calls. Special attention should be given to teaching a child how to make collect calls from a pay telephone.

There is often a revenge motive involved in child abductions, and abducting parents may try to convince their children that the other parent no longer wants or loves them. Therefore, it is important for you to impress upon your child that you do indeed love him/her, and that you would in no circumstance want your child to leave you.

C. Custody

The laws of Canadian provinces and territories generally provide for both parents to have equal legal custody of a child, as long as there is no custody order and the child is living with them. This is the law in many other countries as well. If you are considering separation or divorce, if you are already separated or divorced, or if you were never legally married to the other parent, you should discuss custodial arrangements with your lawyer. Only your lawyer can provide you with the advice necessary for your specific circumstances.

A well-written custody order is important in dealing with parental child abductions, especially if the other parent is a landed immigrant or is a Canadian citizen with ties to, or citizenship of, another country. Even if your Canadian custody order may not be officially recognized in the country to which your child could be abducted, it will serve as a formal statement of your custodial rights in subsequent discussions and proceedings. Your lawyer can advise you on what is appropriate for your situation. The custody order might include some or all of the following:

- ❖ sole or joint custody;
- ❖ access rights;
- ❖ court-ordered supervised access;
- ❖ prohibition on travel without the permission of both parents or the court, and surrender of all travel documentation for a child by the non-custodial parent;
- ❖ deposit of passport with the court;
- ❖ if travel is permitted to a country that is a party to the Hague Convention, a statement whereby both parents agree that the terms of the Convention would apply in the event of an abduction or wrongful retention;
- ❖ if one of the parents does not have Canadian citizenship, or has dual citizenship, provisions for a bond to be posted in the event of the child travelling to another country, which would be forfeited to the other parent in case of abduction or wrongful retention.

You should obtain several certified copies of the custody order. A copy should be given to your child's school or to other people who may be acting *in loco parentis*. Further, the school should be advised as to who has authority to collect or take charge of your child.

