

hearing will take place at which your rights will be presented by a lawyer acting on behalf of the foreign central authority. The other parent can have legal representation at the hearing and can contest your application.

If the conditions contained in the Hague Convention are met, the only decision can be the return of the child. However, any decision can be appealed to higher level courts in accordance with the judicial process of the country concerned. The Hague Convention calls for fast action in recovering a child, first seeking the voluntary return of the child by the abducting parent. If this fails and legal procedures are initiated, it could take many weeks before a decision is finalized. If a decision is not reached within six weeks of the date of the application then the concerned Canadian central authority may request a statement explaining the delay. The final disposition could take considerable time, depending on the nature of the legal proceedings that might be involved, including appeals.

The Hague Convention contains a number of exceptions that could affect the decision by the court in the foreign country. These include:

- ❖ the other parent proves that you were not exercising custody rights when the child was abducted/retained, or that you consented to the child's removal or later acquiesced to it;
- ❖ there is grave risk that the child would be exposed to physical or psychological harm or would otherwise be placed in an intolerable situation if he or she were returned; or
- ❖ the child objects to being returned and is old and mature enough to have his or her views taken into account.

If the central authority in the country that received your Hague Convention application has reason to believe that the child has been taken to yet another country, they may cease the proceedings or dismiss the application and transfer it to the country concerned.

#### **D. Costs**

Central authorities do not impose charges for the application. There could be costs associated with court proceedings and legal counsel. Some countries will provide legal advisers free of charge; in other countries you may be entitled to legal aid; and in others it may be necessary for you to engage your own lawyer.

It is not essential that you travel to the country handling the Hague Convention application. However, it would simplify matters if you, as the custodial parent, could be present to accompany the child on his or her return to Canada. You will be responsible for the travel costs in having your child returned to Canada. (Refer to Section II for details on the RCMP's Travel Reunification Program, which may be able to provide support in having the child returned to Canada).

#### **E. Assistance in the Exercise of Access Rights**

If you are having difficulties in exercising your access rights, your provincial/territorial central authority can also process an application under the Hague Convention for organizing or securing the effective exercise of these rights. In so doing, the Central authorities are promoting a second goal of the Convention, which is to promote the peaceful enjoyment of access rights. You should contact your provincial/territorial central authority if you are having such difficulties.