

yet another country, it 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 advisors 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 your Hague Convention application. However, it would simplify matters if you, as the custodial parent, could be present to accompany the child on his/her return to Canada. You will be

responsible for the travel costs involved 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 assistance 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 those 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.

IV – Other Actions

In the event that your child has been abducted to a country that is not a party to the Hague Convention, it is possible for you to take other actions both in Canada and abroad that could lead to the return of your child. (Some of these actions may also be relevant if the abduction has been to a Hague Convention country.) In Canada, the civil justice system can be used to reinforce your custody rights and, if appropriate, the criminal justice system can be used to initiate criminal action against the abductor. It may be possible to take similar actions in the other country. As every situation is unique, it is important for you to seek legal and other professional advice and guidance before taking specific action.

A. Using the Civil Justice System

Once you have obtained a custody order from the appropriate Canadian court, the next step is to decide whether or not you wish to use the justice system in the country to which your child has been abducted.

The Consular Affairs Bureau can provide you with general information on the legal system of that country, customs and practices as they relate to parental rights and the experience of other people in seeking to use that country's justice system to have an abducted child returned.

It is important to remember that neither the case officer nor consular personnel overseas can provide authoritative advice and guidance on the laws of a foreign country or on what might be the most appropriate legal action to take. For that, you will need to retain a lawyer in that country who is knowledgeable and experienced in dealing with custody cases involving foreigners. Canadian officials in Ottawa and at Canadian diplomatic or consular missions can provide you with a list of lawyers who speak English or French, who may be experienced in parental child abduction or family law and who may have represented Canadians in circumstances similar to yours. However, as this lawyer will be working for you, it is most important that you, and only you, make the selection. If you decide to undertake legal action in the 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 in making arrangements for legal representation in another country and 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

