

your child cannot be arranged voluntarily, a court hearing may take place. At the hearing, your rights may be represented by a lawyer acting on behalf of the foreign central authority or by someone you have engaged privately. 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, and none of the exceptions apply, the decision should be to order the return of the child. However, any decision can be appealed to higher courts in accordance with the judicial process of the country concerned, or there could be delays by the police in implementing a court decision in your favour. 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 can take many weeks before a decision is finalized. If a decision is not reached within six weeks of the date on the application, the Canadian central authority concerned may request a statement explaining the delay. The final disposition can take considerable time, depending on the nature of the legal proceedings involved, including appeals.

The Hague Convention contains a number of exceptions that could affect the decision by the court in the foreign country. Some of the main ones are:

- 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 a 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.
- The child objects to being returned and is old enough 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, it may cease the proceedings or dismiss the application and transfer it to the country concerned.

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 services 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.