



- ❖ provide you with information on how to proceed with an application under the Hague Convention;
- ❖ provide up-to-date information on the participating countries;
- ❖ discover the whereabouts of a child who has been wrongfully removed or retained;
- ❖ prevent further harm to such a child by taking provisional measures;
- ❖ secure the voluntary return of the child;
- ❖ provide or facilitate the provision of legal aid and advice, including the participation of legal counsel and advisors.

## 2. How to Apply

Your provincial/territorial central authority will provide you with a copy of the Convention-approved application form. The application will require the following:

- ❖ information on your identity, the identity and date of birth of the child and the identity of the person alleged to have removed or retained the child;
- ❖ all available information concerning the whereabouts of the child and the identity of the person with whom the child is presumed to be;
- ❖ a statement of the grounds proving your right to have the child returned; you must prove the wrongful removal or retention of the child and your custody rights;
- ❖ supporting documents, such as a certified copy of the judgement or agreement granting you custody or access rights, where such a document is applicable;
- ❖ a statement giving the foreign central authority the right to act on your behalf.

In addition to providing supporting documents in the official language of your choice (English or French), you may be required to provide translations in the official language of the country concerned.

## 3. Procedure in a Foreign Country

The Canadian central authority will transmit your application to the central authority of the country concerned. In turn, the foreign central authority will submit your application to its appropriate judicial authority. If the return of your child cannot be arranged voluntarily, a court hearing will take place at which your rights will be represented 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 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 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 that may 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 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/she were returned.
- ❖ The child objects to being returned and is old enough and mature enough to have his/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