

Child Abduction Quick Guide

Q&A

What is Child Abduction?

Child abduction happens when a person sends or takes a child under the age of 16 out of the United Kingdom without the appropriate consent of those who have Parental responsibility. It is a criminal offence under the Child Abduction Act 1984 for a person connected with a child to take them out of the country without the appropriate consent.

The following people are “connected” for the purposes of the Act;

- a parent
- a guardian
- a special guardian
- anyone who has a residence order in force in relation to the child; and
- anyone who lives with the child

What is ‘appropriate consent’?

If there is one parent with sole parental responsibility who wishes to take the child out of the United Kingdom, they may do so lawfully so long as permission has been obtained from the court. The parent should also as matter of good practice obtain consent from:

- The other parent (regardless of whether they have parental responsibility).
- Any other person or persons with parental responsibility.
- Any other person or persons with parental responsibility where there is a residence or care order in place (this will not be unlawful if the child is taken out of the United Kingdom for less than four weeks without appropriate consent).

If the parent is unable to obtain appropriate consent or two or more people with parental responsibility cannot reach an agreement, the court may be asked for permission to take the child out of the United Kingdom.

What factors will the Court consider when deciding to grant permission?

The welfare of the child is the primary concern of the court and therefore it will give consideration to the following;

- The wishes of the child;
- Their physical, emotional and educational needs
- Any harm that the child has or is likely to suffer; and
- The effect of reduced contact with a parent and other family members due to the child being taken abroad.

The Court is also likely to assess the wishes of both parents and also assess the future plans of the resident parent and how capable either parent is in caring for the child.

What should a person with parental responsibility do if a child has been taken out of the United Kingdom without the appropriate consent?

The police should be notified immediately when it is suspected that a child has been abducted. The police will use the Child Rescue Alert Scheme. This uses local radio and television stations to put out early alerts. They will give information and show images of the child. The police will also put the child's name on the Police National Compute which is used to check all ports of departure from the UK. This however does not guarantee to prevent a child from being taken out of the United Kingdom.

You can seek advice from various organisations such as Reunite www.reunite.org, who will be able to offer practical advice and support.

You should seek advice from our solicitors who are experienced in dealing with child abduction cases.