The Central Authority for England and Wales.

How it works?

Victoria Damrell
International Child Abduction and Contact Unit
Introduction

This presentation will look at:

- Who is the Central Authority for England and Wales?

- The Role of the Central Authority for England and Wales.

- What is the 1980 Hague Convention on the Civil Aspects of International Child Abduction?
The United Kingdom

There are central authorities in UK

- England & Wales - the office of Official Solicitor and Public Trustee
- Scotland - the Scottish Executive
- Northern Ireland - the Northern Ireland Court Service
The International Child Abduction and Contact Unit

- The International Child Abduction and Contact Unit (ICACU) is the Central Authority in England and Wales for the operation of the 1980 Hague Convention in relation to International Parental Child Abduction, EU regulation Revised Brussels II and the European Convention on Recognition and Enforcement of Custody decisions.
- Requests under article 21 of the Hague Convention for contact. These are handled in a very similar way to Convention return applications.
- Requests under the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and Restoration of Custody (Luxemburg Convention).
- Since 1 March 2005, the implementation of the Revised Brussels II Regulation.
The role of ICACU

- The ICACU performs the administrative functions associated with making an application under the 1980 Hague Convention and acts as a point of contact for England and Wales for the 1980 Hague Convention.

- The ICACU’s main role is to assist parents to gain access to the legal system in England and Wales or overseas. So that they may request either the return of their child who has been taken by their other parent or to establish contact with their child who lives in another country.
What is the 1980 Hague Convention?

The 1980 Hague Convention (on the Civil Aspects of International Child Abduction) is a multi lateral treaty which aims to prevent the removal of children from the country in which they are habitually resident without the consent of both parents or an order of the court.
The Central Authority

- Each member country has its own Central Authority which is the contact point in that country for applications under the Hague Convention.

- the 1980 Convention says that Central Authorities shall co-operate with each other and other agencies in their own country to secure the speedy return of children.
When can the Convention be applied?

- The child must be under 16
- The Child must have been taken from one Hague Convention country to another
- The applicant must have rights of custody in relation to the child and have been exercising those rights at the time of the child’s removal or retention
What are rights of custody?

- “Rights of Custody” is a legal term
- It differs from Country to Country
- Must include the right to determine in which country the child should live
Abduction occurs in and out of the country

- The Central Authority for England and Wales deals with applications under the Hague Convention in both directions.
  - **Incoming**: children taken from a Hague country to England and Wales
  - **Outgoing**: children taken from England and Wales to a Hague country
How do you make an outgoing Hague Convention for application for return of a child?

- The left behind parent completes the ICACU’s application form and returns it along with supporting document.

- The ICACU checks the application to see if the parents can apply under the 1980 Hague Convention

- The ICACU then forward the parents request for the return of their child/ren to the overseas Central Authority
The ICACU arranges for the applications and relevant documents to be translated into the language of the country where the child has been taken to. This is provided free of charge.

The Unit monitors the progress of the case by requesting updates from the overseas Central Authority and we stay in communication with the applicant parent and the foreign Central Authority until the case has concluded.

Each Contracting State has its own methods and processes for handling Hague cases and the speed and manner in which the case is conducted in the overseas country are entirely dependent on the internal procedures in that country.
How do you make an incoming Hague Convention for application for return of a child?

- The ICACU receives an application from our counterpart Central Authority or from the parent directly.
- The ICACU will assess the application and if it meets the requirements of the Convention.
- We will refer the application to an experienced solicitor who specialises in Hague Convention applications.
The Solicitor is then responsible for making an application to the High Court of England and Wales requesting the return of the child.

All incoming cases are dealt with in London by a High Court judge of the Family Division of the High Court of England and Wales.

The court tries to hear applications requesting the return of child under the 1980 Hague Convention within 6 weeks of the case being issued in court.

The solicitor for the applicant will advise him/her whether she needs to attend the final hearing and assist the applicant to make the necessary travel arrangements.
How many cases does the unit deal with?

- In 2009 the unit dealt with 193 new incoming cases and 214 new outgoing cases.

- The average active case load for the unit is around 350.
If in doubt please contact the Unit

Contact information
International Child Abduction and Contact Unit
81 Chancery Lane
London
WC2A 1DD

Tel: 020 7911 7047

Email: victoria.damrell@offsol.gsi.gov.uk

www.officialsolicitor.gov.uk