

CHILD ABDUCTION PREVENTION GUIDE FOR **SCOTLAND**

This Prevention Guide has been produced to assist you in gathering together information relating to your children if you fear they may be abducted, as well as information which may be required in the event of an abduction.

Some of the information may be required by your local police force so that details of your children can be circulated, if necessary, which may help to prevent them leaving the country without your permission.

Some of the information may be required by others, such as your solicitor, so that if your children are taken from the country they may hopefully be returned to you.

This Guide has been produced by **reunite** International Child Abduction Centre and the Scottish Government Justice Department (Tel: 0131 2444827). It is adapted for Scotland from the original Guide produced by the Police Service and **reunite** for England and Wales with the support and guidance of the Home Office, The Ministry of Justice, The Foreign and Commonwealth Office, The Identity and Passport Service and The UK Border Agency.

Please take your time in reading all the advice in this Guide and if you are in doubt as to what is required of you, ask your solicitor or contact **reunite** for advice.

reunite offers the only advice line service in the UK specialising in international parental child abduction, open Monday to Friday, 9.30am to 5.00pm. The advice line telephone number is **0116 2556 234**. If you have an emergency situation outside of these times call the advice line and you will be directed to our 24hr emergency service.

What You Must Do

As soon as possible after receiving this Guide you should do the following:

For every child in your family you think is at risk of abduction:

1. Complete a description form.
2. Complete a fingerprint form using the guidance notes and pre-inked strip.
3. Take two photographs (passport sized photos are ideal).
4. Write on the back of the photographs the name and date of birth of the child concerned and the date the photo was taken.
5. Get one photocopy of the description form once you have completed it.
6. Get one photocopy of the child's birth certificate.
7. Get one photocopy of any court order relating to the child.

For every person you think is likely to be a future abductor:

1. Complete a description form.
2. Get one photocopy of the description form once you have completed it.
3. Try to get a photograph of the likely abductor.
4. Write on the back of the photograph the name and date of birth of the likely abductor and the date the photo was taken.
5. If the photo is of a group of people, write on the back the location in the group of the subject(s) e.g. third from left, back row.

In relation to yourself

1. Complete the details form.
2. Get two photocopies of the details form once you have completed it.
3. Get two photocopies of your marriage certificate to any likely abductor.

Split all the forms into three sets as follows:

Set 1: The originals for you

to store safely:

The original description forms, details form, birth and marriage certificates, court orders, one set of photographs and the completed fingerprint form.

Set 2: For your Solicitor:

Photocopies of descriptions forms, details form, birth and marriage certificates, court orders and one set of photographs.

We advise you to then speak with a specialist solicitor if you have not already done so. Further advice can be sought from the **reunite** advice line or by visiting our website at www.reunite.org.

Once a solicitor is appointed to your case then pass them a set of the documents for safekeeping.

Actions to be considered

If you can answer **yes** to either of the following questions then you should consider taking the following action.

1. Do you believe that your child may be abducted within the next 48 hrs?
2. Do you think your child may be taken out of the country?

Action

1. Inform your solicitor. Your solicitor must then make arrangements immediately to obtain a court order called an Interdict to prevent removal of your child from the United Kingdom. If you already have an order relating to custody, this may also provide sufficient grounds for asking the police to act to prevent removal.
2. Thereafter, have your solicitor inform the local Police Station of the circumstances. It is better to go to the Police Station so that you can give them the Police set of the Child Abduction Prevention Guide. You or your solicitor will also need to provide the police with an official copy of the court order. The police can then assess whether the risk of abduction from the UK is “real” and “imminent”. If it is, they will initiate an “**All Ports Warning**”.
3. Contact the **reunite** advice line on **0116 2556234**. A 24 hour emergency service operates outside of normal working hours.

Severe constraints are placed on the Police and The Immigration Service at UK ports on what they can physically do to prevent the removal of a child. Nevertheless, the issue of an “All Ports Warning” has met with success on many occasions leading to the return of a child to the rightful parent/carer.

“All Ports Warnings” are valid for 28 days after which they must be renewed but **ONLY** if the risk of abduction continues to be “real and imminent”.

Passports

Advice and action relating to passports is dependent upon whether your child already has a passport or is mentioned on another person's passport. Please read the following information carefully and if you have trouble understanding it then please call the **reunite** advice line for assistance.

1. If your child does not have a passport of their own, or is not mentioned on the passport of another person:

- a) Provided that no objection has been lodged at a Passport Office of the United Kingdom Identity and Passport Service by a parent or other objector, standard passport facilities are normally granted to children with the consent of either parent.
- b) However, where the parents have not been married to each other, the mother's consent is required; the father may only give consent if he has "parental responsibilities and rights" in relation to the child. He will have these if he has entered into an appropriate agreement with the mother to confer such responsibilities and rights on him or if he has been granted such responsibilities and rights by an order of court.
- c) If the child has been made a "Ward of Court" in England and Wales or Northern Ireland, or a court in those jurisdictions has made an order prohibiting the removal of the child from the United Kingdom, passport facilities are not granted unless the relevant court's permission is obtained. There is no wardship facility in Scotland but court orders are available to prevent child abduction, and, if produced to the Passport Service, a passport application for the child may be refused; such Scottish orders are effective throughout the United Kingdom.
- d) An objector can ask the Passport Service not to issue a passport for a child if a court in Scotland has made one of the following orders:
 - i) an interdict or interim interdict prohibiting the removal of the child from the United Kingdom;
 - ii) a "Residence Order" under Section 8 Children Act 1989 and the objector is the person in whose favour the order was made;
 - iii) an order confirming that the child's removal from the jurisdiction is contrary to the wishes of the court;
 - iv) an order awarding the objector custody of the child or care and control;
 - v) an order specifying that the objector's consent to the removal of the child from the jurisdiction is necessary;
 - vi) an order requiring the surrender of a UK passport and prohibiting the making of a further passport application or otherwise upholding an objection to a child having a passport or leaving the country.
- e) If there is no court order, an objection can be considered from the mother (but only if the parents have not been married to each other) or the police,

where they have notified the Passport Service of an intention to exercise their power of arrest under the Child Abduction Act 1984.

- f) Where the parents are or have been married to each other, or are unmarried but the father nevertheless has parental responsibilities and rights in relation to the child (see paragraph 2 above), then either parent should consider lodging an objection where an abduction is feared.
- g) Section 2(3) of the Children (Scotland) Act 1995 provides that where both parents have parental responsibilities and rights the parent seeking to remove the child needs a court order to do this if he/she does not have the other parent's consent. The Passport Service should therefore be advised that the objecting parent does not consent and request with reference to Section 2(3) that no passport for a child should be issued to the other parent. However, even in such a situation the best advice is for the parent fearing abduction to obtain a court order which actually prohibits the other parent removing the child from the United Kingdom since the Passport Service might not be willing to act in all cases on the strength of Section 2(3) alone.

2. If your child has a passport of their own:

- a) If you have possession of it then keep it in a safe place.
- b) If you do not have possession of it, if possible get it and keep it in a safe place.
- c) If the passport has been lost, report the loss to your local Police Station and then inform the Passport Service so that you can obtain a replacement.
- d) If the passport is with the other parent who you fear could be a possible abductor, if the other parents has been married to you, or the other parent has parental responsibility, ask that person to return the passport to you. If they refuse obtain legal advice. A court may order the surrender of any passport issued to, or which contains particulars of, any child likely to be abducted. This usually takes the form of the passport being lodged at a solicitor's office and it cannot be returned to the holder without the permission of the court.
- e) If the passport is with someone else they have no right to it unless a court has allowed them to do so. If no court order exists ask for the return of the passport. If they refuse, inform the Police.

3. If your child is mentioned on the passport of another person:

- a) If the child is mentioned on your own passport keep it in a safe place.

- b) If the child is mentioned on the passport of the likely abductor, obtain legal advice. A court may order the surrender of any passport issued to, or which contains particulars of, any child likely to be abducted.

Additional information relating to passports

- When a court orders a passport to be surrendered, your solicitor must immediately notify the Passport Service to prevent another one being issued; the Passport Service must always be provided with a copy of the court order.
- However, to avoid delay, we strongly recommend that the Passport Service be notified of the circumstances separately, by you or your solicitor.
- Ideally you should ensure that all relevant children have their own passport and any reference to them in anyone else's passport is deleted by the Passport Service (this only applies in the case of British passports).
- It frequently happens that when an objection is accepted by the Passport Service, the child already has a valid passport or the child's name is already included in the valid passport of a relative. The Passport Service is not able to compel the surrender of such a passport in order to give effect to the objection. The most that can be done is to note the name of the child for a period of 12 months, so that if during that time the passport should come into the possession of the Passport Service or another application for passport facilities for the child is made, the Passport Service could then act on the objection.
- Where an abduction is suspected in the future, and you are visiting a foreign country with your child or children, you are advised to have details of the numbers of both your passport and your child/children's passport(s). In the event of theft or loss you will be able to obtain a replacement from the nearest British passport issuing authority more easily.

Dual Nationality

1. Every British passport contains a warning about dual nationality.
2. If your child is British and you are unsure whether he or she may also be a national of another country, you should check this with the Embassy or Consulate of the other country.
3. If your child is a dual national or is not a British National, you must contact the Embassy or Consulate of the other country and ask them not to issue a passport to your child. They are not obliged to do it, but may do so voluntarily. If you do not succeed, take legal advice. It is possible that the court may order surrender of the foreign passport.

Birth Certificates

1. Births are registered with the "District Registrar" for the place of the child's birth within the area of the local council. You may obtain one of two documents from the District Registrar: an abbreviated certificate of birth; and an extract of an entry in the Register of Births.
2. The abbreviated certificate of birth contains details of the child and the child's birth, but no details relating to parentage. The "extract" contains, in addition, details of parentage and is needed for court proceedings.
3. A fee is payable for the issuing of an extract. This fee is usually refunded to your solicitor by the Scottish Legal Aid Board if you are in receipt of legal aid. Your solicitor will therefore if necessary obtain one for you, but it is always in your interests to give your solicitor the extract if you have it for this often saves valuable time.
4. In addition to the local registers, the Registrar General in Edinburgh keeps an index of the entries in all the Register of Births in Scotland. Application may be made to him, on payment of the appropriate fee, to search the indexes and issue an extract where required.
5. Any person is entitled, on payment of the prescribed fee, to request either an abbreviated certificate of birth or an extract of an entry in the birth register from the District Registrar, or of an extract from the Registrar General.
6. If someone has made an application for an extract of a specific birth entry, you have no automatic right to be informed of this by the District Registrar or the Registrar General. But if you have obtained an interdict or other court order which is intended to prevent your child being removed from the United Kingdom, the General Registrar's Office will be willing to assist in any way it can with this information. You must realise, however, that

anyone can obtain an extract on payment of the fee, and there may be no practical way of stopping this.

7. If you are notified that an extract of a specific birth entry has been obtained by a potential abductor, then you can consider notifying the police of an imminent danger of abduction. Bear in mind, however, that there is nothing to stop a third party obtaining an extract on behalf of the potential abductor.
8. You or your solicitor will need to telephone your local council to establish the address of the applicable District Registrar, or look it up in the phone book if you have sufficient information available to you. The address of the Registrar General is:

General Register Office (Scotland)

New Register House
3 West Register Street
Edinburgh
EH1 3YT

Tel: 0131 334 0380

www.gro-scotland.gov.uk

Child Protection Committees

Local child protection committees have been established in all local authority areas of Scotland with representatives from local authorities (Social Work and Education Departments), Police, Health Services, Reporters to the Children's Panel, Procurators, Fiscal and representatives of relevant voluntary organisations.

These Committees are charged with a duty to consider the most effective way of co-ordinating services to protect children at risk of abuse. For further advice contact your local authority's Social Work Department.

In addition, you should consider letting the following people know about the threat of abduction as these are people that are likely to have regular contact with your child.

Make them aware of what you fear, why and what you would like them to do if they see or hear anything suspicious:

- The midwife
- The health visitor
- The family doctor
- The nursery officer or nursery nurse
- The head teacher
- The social worker
- The registered child minder
- The cub, scout, brownie or guide leader
- The youth club leader

You may also think of others.

Remember, tell them of your fears, who can have legitimate contact with your child and, more importantly, who should not.

Advice, Assistance and Legal Aid

The Scottish Legal Aid Board (SLAB) is able to provide funding in a number of different situations relating to the abduction or possible abduction of a child. However, applications for assistance can only be made by a solicitor acting on your behalf; you cannot apply to SLAB direct. Not all solicitors provide legal aid. If you would like information about solicitors who provide legal aid you should contact The Law Society of Scotland at 26 Drumsheugh Gardens, Edinburgh EH3 7YR, Tel: 0131 226 7411. Additional information can be found on their website at www.lawscot.org.uk.

The Advice and Assistance Scheme (A&A)

SLAB can make funding available to allow a solicitor to provide you with oral or written advice on the application of Scots law to any particular circumstances which have arisen in relation to you. This means that it can be made available to advise on the abduction or potential abduction of a child or to advise on other family law matters.

Before granting A&A your solicitor has to assess whether you are financially eligible. Even if you do meet the test for financial eligibility you may still have to pay a small contribution towards your solicitor's costs. At the moment the maximum contribution you could be asked to pay is £119 for 2006/2007; £124 for 2007/2008.

If your child is abducted to Scotland and the Scottish Executive has certified the case as one under the Hague Convention on Child Abduction, A&A can be granted without any financial eligibility tests being applied.

A&A cannot be made available to provide advice in foreign law. This means it cannot be granted for work connected to proceedings in courts outside Scotland. However, it can be used to allow a solicitor in Scotland to take steps to put you in touch with a lawyer in another country.

If your child is abducted from Scotland, A&A can be granted to allow a solicitor in Scotland to correspond with the Scottish Executive with a view to making an application under the Hague Convention on Child Abduction.

The Civil Legal Aid Scheme

A&A does not cover legal representation in court proceedings. Funding for legal representation in court proceedings in Scotland is made available through the civil legal aid scheme. Legal aid cannot be made available for representation in proceedings which take place outside Scotland.

A&A can be made available to cover the costs of preparing and submitting an application for civil legal aid.

There are a number of situations where legal aid may be granted.

Proceedings for the return of a child under The Hague Convention On Child Abduction

- **Application by the person seeking the return of the child from Scotland**

If you have a certificate from the Scottish Executive, legal aid will be made available without any tests being applied.

- **Applications by the person opposing return of the child from Scotland**

Applicant opposing applications for a return of a child under the Hague Convention do not receive certificates from the Scottish Executive. This means SLAB must be satisfied that you meet the usual eligibility tests; you must have a plausible case for opposing the proceedings, it must be reasonable for you to receive legal aid and you must be financially eligible.

- **Appeals in cases under the Hague Convention on Child Abduction**

Applications by the person seeking return of the child from Scotland

If a certificate was issued by the Scottish Executive for the original proceedings you will be financially eligible for any appeal against the original decision. However, legal aid is not available automatically for appeals. SLAB has to be satisfied that you have a plausible case for an appeal and that it is reasonable to make legal aid available.

Applications by the person opposing return of the child from Scotland

Any application for legal aid for an appeal which is made by the respondent in the original proceedings has to meet all three tests mentioned above.

Other Proceedings

Legal aid can be made available to pursue or defend a number of other proceedings relating to children, e.g. residence, contact, interdict against their removal from Scotland etc. Unlike cases under the Hague Convention on Child Abduction, there are no special rules assessing applications for legal aid. You must be able to show your application meets all three tests which are mentioned above.

SLAB has published leaflets which explain about the availability and consequences of receiving legal aid. These are available from The Scottish Legal Aid Board at 44 Drumsheugh Gardens, Edinburgh, EH3 7SW.

Tel: 0131 226 7061. Website: www.slab.org.uk. They are also widely available in solicitors' offices, advice agencies, libraries etc.

Fingerprinting Your Child

Reasons for doing it

You are asked to take fingerprints because they may be used in the future to identify your child.

Whilst this is less relevant for older children where identification is unlikely to be an issue, this is certainly true of babies and very young children. It is possible that if an abduction of such a child from England & Wales is successful they may not be found for some time in another country. In the absence of other identifying marks, such as birthmarks or dental impressions, parents may find it difficult to prove that their child is the same person as the abducted child. Hence, the taking of fingerprints will go a long way to assisting in these cases.

However, please note that the courts of the foreign country may not accept this "fingerprint evidence".

Taking of fingerprints

Please follow the instructions below so that the fingerprints are clear and can be used correctly.

Before you do anything else

1. Fold the fingerprint form along the lines shown. This will greatly assist you in the taking of the prints.
2. Ensure that the hands of your child are thoroughly washed and dry **BEFORE** you start to take the fingerprints.
3. Make sure that you take the fingerprints of the correct hand.
4. Avoid contact between the ink and clothing.

After taking the fingerprints

1. Put the fingerprint form in a safe place to dry for 15 minutes.
2. Ensure that it cannot be smudged.
3. To remove the ink from the hands of your child use an ordinary hand cleanser.

Complete the details below for each child at risk of abduction

Surname:			
Forename(s):			
Gender:		Nationality:	
Date of Birth:		Place of Birth:	
Address:			
Post Code:			
Telephone Number:			
Ethnic Appearance:	White / Mixed (please state) / Asian / Black / Chinese Other (please state)		
Height:		Build:	
Eye Colour:		Glasses Wearer:	Yes / No (please circle)
Hair Colour:		Hair Length:	
Birth Marks/Distinguishing features:	If yes, please provide details here:		
Blood Group:		NHS Number:	
Any special medication required:			
Passport Number:		Date & Place of Issue	
Any relevant court orders:	If yes, please provide details here:		

Complete the details below for each child at risk of abduction

Surname:			
Forename(s):			
Gender:		Nationality:	
Date of Birth:		Place of Birth:	
Address:			
Post Code:			
Telephone Number:			
Ethnic Appearance:	White / Mixed (please state) / Asian / Black / Chinese Other (please state)		
Height:		Build:	
Eye Colour:		Glasses Wearer:	Yes / No (please circle)
Hair Colour:		Hair Length:	
Birth Marks/Distinguishing features:	If yes, please provide details here:		
Blood Group:		NHS Number:	
Any special medication required:			
Passport Number:		Date & Place of Issue	
Any relevant Court orders:	If yes, please provide details here:		

Complete the details below for each potential abductor

Surname:			
Forename(s):			
Maiden Name: (if applicable)			
Relationship to Child(ren):			
Gender:		Nationality:	
Date of Birth:		Place of Birth:	
Last Known Address:			
Post Code:			
Telephone Number:		Mobile Telephone Number:	
Ethnic Appearance:	White / Mixed (please state) / Asian / Black / Chinese Other (please state)		
Height:		Build:	
Eye Colour:		Glasses Wearer:	Yes / No (please circle)
Hair Colour:		Hair Length:	
Facial Hair:		Distinctive Accent:	
Birth Marks/Tattoos/ Distinguishing features:	If yes, please provide details here:		
Passport Number:		Date & Place of Issue	
UK N.I. Number		Vehicle Details: (Registration, Make, Model, Colour)	

Details of potential abductors links overseas

RELATIVES:	
Name:	
Address:	
Telephone Number:	
Name:	
Address:	
Telephone Number:	

FRIENDS:	
Name:	
Address:	
Telephone Number:	

BUSINESS CONTACTS:	
Name:	
Address:	
Telephone Number:	

If necessary continue on a separate sheet.

Your own details

Surname:			
Forename(s):			
Maiden Name: (if applicable)			
Relationship to Child(ren):			
Address:			
Post Code:			
Home Telephone Number:		Mobile Telephone Number:	
Date of Birth:		Place of Birth:	
Nationality:			
If you are / were married to the abductor, the date of the marriage			

Details of your solicitor

Name:			
Firm:			
Address:			
Post Code:			
Telephone Number:		Mobile Number:	

The following information should
be used if you believe an abduction
is imminent, or if your child
has been abducted.

Action to be taken in the event of an imminent abduction

If you fear that your child may be abducted in the immediate future, you must act quickly to convince the police that the risk is real and imminent. Information on the role of the Police and how they can assist you and consider issuing an all ports warning is given on page 4 of this Guide.

We strongly recommend you contact the **reunite** advice line on 0116 2556 234. If you call this number outside of office hours you will be directed to our 24-hour emergency service.

Action to be taken in the event of an abduction

Each country which operates the 1980 Hague Convention and the Revised Brussels II Regulation has to appoint a Central Authority which functions as the contact point for all applications under the Convention and the Regulation. The Central Authority for Scotland can be contacted using the following details:

Central Authority for Scotland
International and Human rights Branch
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

Tel: 0131 244 4827
Fax: 0131 244 4848

Then you should contact **reunite** using the following details:

reunite
PO Box 7124
Leicester
LE1 7XX
Tel: 0116 2556234 Advice Line
www.reunite.org

Assistance of the Foreign And Commonwealth Office

You can contact the Child Abduction Section (CAS) at the Foreign and Commonwealth Office (FCO) for advice and assistance if either you or your child is a British national:

Child Abduction Section
Consular Directorate
Old Admiralty Building
London
SW1A 2PA

Tel: 0207 008 0878 (or the FCO Response Centre on 0207 008 3350 outside of office hours); Website: www.fco.gov.uk/childabduction

If your child has been abducted by a parent CAS can tell you whether the country your child has been taken to has signed the 1980 Hague Convention on the Civil Aspects of International Child Abduction. This Convention aims to return an abducted child to the country where he or she normally lives, so that custody and access can be decided by the local courts. If your child has been abducted to a Hague country CAS can put you in touch with the relevant authorities in the UK so that you can submit a Hague application requesting the return of your child.

CAS takes the policy lead on parental child abductions to countries that have not signed the Hague Convention. Abductions to non-Hague countries tend to be harder for all involved as the left behind parent may need to start legal proceedings in the local courts if they cannot come to an agreement with the other parent concerning custody and access. CAS can give you a list of overseas lawyers who speak English. Some may be specialists in family law. However, it cannot pay any legal fees or offer legal advice. Where appropriate it can ask consular staff overseas to contact the local courts to express an interest in a case and ask about progress. Consular staff cannot, however, interfere in foreign court proceedings. CAS can also provide information about translation services overseas.

The CAS can give you basic practical information about the customs and legal procedures of the country to which your child has been taken. It can also provide travel information and, if necessary, offer guidance on finding accommodation locally. It can also ask British consular staff to help you contact the relevant local authorities and organisations when you are overseas.

If you want us to, CAS can contact the relevant UK police force to ask about progress in tracing your child and whether Interpol is involved. If your child is found, and the other parent agrees, CAS may be able to arrange a check on your child's welfare for you if the country's government cannot offer this facility. If you do not know where your child is CAS can ask consular staff

overseas to try to verify with immigration whether your child has arrived in a particular country. It can also arrange for the relevant authorities to be contacted overseas to check what progress has been made in finding him or her. In order to do this you will usually need to have reported your child missing with the police overseas in the first instance.

CAS can consider ways to help establish and keep open lines of communication between you, the other parent and your child. Grandparents may also be involved in custody cases, for example, where one parent has died. You should be aware that, in some countries, local law can favour the paternal grandparents (the father's parents) over the mother. That makes it even more important to have formal residence arrangements in place before giving permission for the child to leave the UK.

The FCO has published a leaflet called *International child abduction* (with more general information) and a separate leaflet on *Child abduction in Pakistan* (with details of an agreement with Pakistan about handling these cases). You will find copies of these at the attached website:
www.fco.gov.uk/childabduction

The actions of the UK's Embassies and High Commissions are subject to the local laws and regulations of the countries in which they are based. The FCO cannot 'rescue' a child or become involved in illegal attempts to return your child to the UK.