

CHILD ABDUCTION PREVENTION GUIDE FOR SPAIN

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 to help prevent them leaving the country without your permission.

This guide has been drawn up by **reunite** International Child Abduction Centre, an international charity dedicated to the prevention and monitoring of international child abduction, with guidance on the Spanish version being provided by the firm of Spanish and English lawyers, DOMENECH ABOGADOS (see contact details at end of Guide).

Please take time to read all the advice in this Guide and, if you have any doubts, ask your current lawyer or contact DOMENECH ABOGADOS or **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 (UK time). The advice line telephone number is **+44 (0) 116 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 Should Do

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

1. Complete a description form (see below).
2. Obtain three recent photos of the child (passport sized photos are ideal).
3. Write on the back of each photo the name and date of birth of the child concerned and the date the photo was taken. If there are other people in the photo, indicate on the back his/her position, eg "back row, third from left".
4. Get an official copy of the child's birth entry from the relevant Civil Registry (or official copy of the child's birth certificate).
5. If you are separated or divorced, get photocopies of any court orders relating to that.
6. Get a photocopy of any residency certificate issued from your local Town Hall regarding the child or yourself (*certificado de emprodronamiento*, in Spanish).
7. Get a photocopy of any European Union registration certificate issued in your name (*certificado de registro de ciudadano de la unión*, in Spanish).
8. Get a photocopy of any court orders relating to the child covering custody, contact, parental responsibility (*patria potestad*, in Spanish), etc.
9. Take a hair sample from the child, following the instructions below.
10. Make two photocopies of each of the above documents.

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

1. Complete a description form (see below).
2. Try to get a recent photo of the likely abductor.
3. Write on the back of the photo the name and date of birth of the likely abductor and the date the photo was taken. If there are other people in the photo, indicate on the back his/her position, eg "back row, third from left".
4. Try to obtain a photocopy of the DNI/identity card and/or passport and/or driving licence of the likely abductor.
5. If you are or were married to the likely abductor, obtain a copy of any separation or divorce order, a photocopy of your family record book (*libro de familia*, in Spanish)* and a photocopy of your marriage certificate.
6. If you maintain or maintained a permanent unmarried relationship with this person, obtain a photocopy of the public deed establishing this relationship, if there is one (as well as any court order or document dissolving such relationship).
7. Make a list of the full addresses (including postcodes) and phone numbers where you think the likely abductor and/or the child may be located/contacted.
8. Make two photocopies of each of the above documents.

* In Spain, those who marry enter such event in a family record book, as well as details on the birth of their children.

You should speak to a lawyer specialising in child abduction work (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 lawyer is appointed to your case, pass him/her a set of the documents for safekeeping, plus one each of any photos.

Actions to be considered in a case of international child abduction

- When an unlawful removal or retention occurs, you should go to your nearest Spanish Police Station or Police Court as soon as possible and file the relevant complaint, handing in the originals of the documents set out above, retaining two photocopied sets yourself: one to give to your lawyer and the other to be kept by you in a secure place.
- Except in extreme cases, in which the complaint itself indicates violence or an evident risk for the child's personal safety, the Spanish Police will have difficulties in making an immediate detention of a parent or putting into play an "all ports warning". The reason is that there is a predominant tendency to treat this type of case as a civil matter, in which the Police prefer to become involved only once there exists a prior Spanish court order requiring them to act.
- Consequently, immediately following the filing of a Police complaint, it is essential that the matter be placed in the hands of a lawyer with a view to their monitoring the progress of the complaint and, at the same time, requesting the Spanish courts to adopt opportune measures.
- If you fear your child may be at risk of future abduction, and you have ended your relationship with the child's other parent, consult with an expert lawyer about legalising your relationship breakdown (eg, through obtaining a divorce, separation or civil partnership dissolution order in which the child's custody is determined as well as where the child should live in the future).
- Advice on passports depends on whether the child has their own passport or whether they are included on the passport of an adult. If the child does not have their own passport, bear in mind that under Spanish law either parent, by showing the family record book (*libro de familia*, in Spanish)* or other documentation proving the child's parentage, can get the child included on their own Spanish passport (permitting them to travel abroad with the child).

* In Spain, those who marry enter such event in a family record book, as well as details on the birth of their children.

Complete the details below for each child at risk of abduction

Surname(s):			
Forename(s):			
Gender:		Nationality:	
Date of birth:		Place of birth:	
Address:			
Postcode:			
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 and place of issue	
Any relevant court orders:	If existing, please provide details here:		

Complete the details below for each potential abductor

Surname(s):			
Forename(s):			
Maiden name: (if applicable)			
Relationship to child(ren):			
Gender:		Nationality:	
Date of birth:		Place of birth:	
Last known address:			
Postcode:			
Home phone number:		Mobile phone 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 existing, please provide details here:		
Passport number:		Date and place of issue	
Number of DNI/NIE/identity card		Vehicle Details: (Registration, make, model, colour)	

Details of potential abductor's links overseas

RELATIVES:	
Name:	
Address:	
Phone number:	
Name:	
Address:	
Phone number:	

FRIENDS:	
Name:	
Address:	
Phone number:	

BUSINESS CONTACTS:	
Name:	
Address:	
Phone number:	

If necessary continue on a separate sheet.

Your own details

Surname(s):			
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 lawyer

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

Instructions for taking hair sample from child

- It is best to pull out from the roots a minimum of ten of the child's hairs. Put the sample thus obtained in a little plastic samples bag, seal it and label it with the following information: child's name, date of birth and ethnic origin and date of taking sample.
- A DNA analysis from hair samples can help make a correct identification of an abducted child whose whereabouts remains unknown for a long time.

Useful Addresses:

Subdirección General de Cooperación Jurídica Internacional
Ministerio de Justicia
c/ San Bernardo Nº 62
29071 MADRID
Spain
Tel: +34 91 390 4437 / +34 91 390 4273
Fax: +34 91 390 2383
Web: www.justicia.es

Doménech Abogados (Spanish and English Lawyers)
C/Madrado, 33, 4^o, 1^a
08006 Barcelona
Spain
Tel: +34 93 415 06 77
Fax: +34 93 415 13 31
Email: cl@domenechabogados.com
Webs: www.legaladviceinspain.com www.domenechabogados.com
Contact: Mr Christopher Lee or Ms Margarita Doménech
(Languages: Spanish, Catalan, English, French, German)

reunite International Child Abduction Centre
PO Box 7124
Leicester
LE1 7XX
Tel: +44 (0) 116 255 6234 Advice Line
+44 (0) 116 255 5345 Administration
Fax: +44 (0) 116 255 6370
Email: reunite@dircon.co.uk
Web: www.reunite.org