

PARENTAL ABDUCTION OF MINORS: PREVENTION

GUIDE

There is parental abduction when one or both parents, or the custodial person takes the child against the will of the other parent or institution the child is under the care of, to another location within the country or to a foreign country.

Parental abduction can be national or international.

In cases of international abduction, the proceedings for the restitution of the child to the place of habitual residence become very complex, once the abduction has taken place. Hence, it is essential to **prevent** these situations.

¿WHAT ARE THE RISK FACTORS IN A PARENTAL ABDUCTION?

1. Crisis or breakup of the couple.

There is no doubt that withholding a child is one of the most effective mechanisms to cause major harm to a former partner. Therefore, unfortunately, in many occasions, retaining or abducting a child is an expression of the couple's internal conflict. The minor is used, regardless of his/her needs, as an emotional blackmail tool against the other parent, either in an attempt to save a broken relationship, as an expression of vengeance or jealousy, when the former partner initiates a new relationship, or because of failure to accept that the relationship is broken, and the fact that there will be no daily relationship with the child.

2. Mixed couples with different cultural or religious backgrounds.

Termination of a relationship should not, on its own, imply a parental abduction risk. However, there are elements of risk, in couples where one of them doesn't feel integrated in the culture of the country of residence, or maintains traditions within the family, or very strong ties (family, friends) with the country of origin, or is unemployed and can make a living in any other country or is economically independent.

3. When a parent denies regularly, the other parent, access to the child, in the course of the separation or divorce proceedings.

It has been verified that in these situations, the parent that is being denied access, loses patience and takes the opportunity to remove the child when the child is not under the supervision of the other parent.

It is therefore important, to facilitate communication of the child with the other parent.

4. When the parent has a negative experience with the court or the attorney handling the case.

It can happen that a parent might remove the child to avoid an “unfair” judicial decision or to avoid enforcement of a divorce or separation judgment.

5. In cases of domestic violence, gender violence, or emotional or mental problems.

6. When a parent has recently left his/her employment, has sold the house or abandoned the lease of the house, has cancelled bank accounts or liquidated any other assets, has requested that a passport be issued for the child or other documents such as medical certificates, school records, etc.

7. When a parent perceives as an attack from the former partner the fact that the child doesn't want to be with him/her.

8. When a parent has previously abducted or retained the child or threatened doing it.

PREVENTIVE MEASURES

If you identify with one or several of the above situations and suspect that abduction can take place, please take in consideration the following preventive measures:

1. Seek advice from a specialized family law attorney.
2. Initiate, as soon as possible, court proceedings to fix parental/child relationship. Try to get a commonly reached agreement that would avoid parental abduction. To obtain this, look for FAMILY MEDIATION where you can get the assistance of different professionals that will help you clarify the situation and to reach an agreement taking into consideration the child's best interest.
3. Monitor your child's mood when returning from visitation with the other parent. See if the child is saddest or acts elusive or refuses to tell about what

happened during the visit, or tells you he/she suffered psychological pressures (such as speaks ill of you constantly, doesn't allow contact with other children, or ask the child not to repeat any of the things that happen when they are together).

4. If your child is under 10, be aware of the type of relationship the child has with the other parent and his/her family, how the child feels being treated with whom the child relates and the places the child is taken.
5. Try to obtain information about the other parent's family (names, country of residence, address, work information ...etc.) specifically, if the family resides in another country and you suspect the parent can take your child to that country in the near future.
6. Obtain and keep safe the following documents:
 1. For your child:
 - Full description (height, weight, eyes and hair color, glasses, piercings, scars, orthodontics etc.).
 - Passport and national or resident ID number (DNI), if available
 - Recent photograph (keep the date when the photo was taken)
 - Birth certificate
 - Municipal registration certificate (empadronamiento)
 - Think about the possibility of taking your child's DNA sample, especially if your child is a baby or very young. A root hair kept in a sealed plastic bag or a tooth brush, could be good samples.
 2. In relation to the other parent:
 - Full description
 - Recent photograph (keep the date when the photo was taken)
 - Copy of passport or national or resident ID number (DNI)
 - If married, copy of marriage certificate
 - If separated, copy of divorce or separation judgment (translated to the language of the country where the child might be taken)
7. Alert those close to the child's environment your fears or suspicion of abduction (kindergarten, school, house assistant, social worker, doctor) so they can be aware of the circumstance.
8. If you have clear evidence that there will be an abduction, ask your attorney to request precaution measures from the court, under article 158 of the Spanish Civil Code, to avoid parental abduction of your child. Should the Judge concur that there is parental abduction risk, any of the following orders can be issued:
 - Prohibition to exit Spain, notifying the prohibition to custom authorities.
 - Prohibition to issue a passport to the child or the mandatory surrender of the child's passport to the court, should the passport be issued. (Notification will be made to passport authorities to avoid issuance of new document).

- Obligation to notify the court of any modification to the child's residence.
 - Establishment of visitation in a family meeting point supervising such visits by the entity's professionals.
 - Should your former partner have a foreign nationality and strong ties to his/her country of origin, request that visitation rights be mandatorily exercised in the country where the child has residence without authorization to take the child out of the country. This measure is even more important if the parent's country of origin is not part of The Hague Convention on the Civil Aspects of Child Abduction, dated October 25, 1980 (ratified by Spain on May 28, 1987).
9. Teach your child (especially if between 10-14) to always take with him/her a cell phone, and a charger, with your phone number and that of other relatives of trust registered, including overseas call prefix, ready to be used in an emergency situation.
10. Remember that our team of psychologists, social workers and attorneys is available 24 hours a day 7 days a week at 116000 ANAR Helpline for missing children.

Remember that at 116000 a professional team of psychologists, social workers and attorneys, is available to provide assistance to you 24 hours a day seven days a week.

**If you want more information please go through our website:
www.anar.org/116000**