

Information for young people about: International parental child abduction and court



About international parental child abduction

Parental child abduction is when:

- A parent or carer takes a child to another country without the other parent's or carer's permission, and they have no plan to come back.
- A parent or carer takes a child on holiday to another country and decides not to take the child home at the end of the holiday.

The law calls this **international parental child abduction**.

The Child Abduction Convention

Australia has signed the **1980 Hague Child Abduction Convention**. This is an international agreement between Australia and some other countries to return children to the country where they usually live, when their parents can't agree.

Starting a court case

If you have been brought to Australia, and one of your parents or carers wants you to go back to the country you were living in, a court case may start in Australia.

If there is a court case about you, the judge will be asked to decide if you should return to the country where you used to live. This decision is called a **return order**.

Each of your parents, or carers, will have a chance to tell the judge what they think should happen.



What is an Independent Children's Lawyer?

The judge in your case has decided that you will have your own lawyer. That lawyer is called an **Independent Children's Lawyer**. The Independent Children's Lawyer does not work for your parents or carers. They help the judge and your parents work out what should happen.

The Independent Children's Lawyer will:

- Talk to you to find out what you want to happen.
- Answer any questions you might have.
- Read all the information about your case.
- Ask for more information.
- Work out a way for you to speak with your parent or carer in the other country, if this is safe and everyone agrees.
- Make sure that the judge knows what you want to happen.
- Tell the judge what they think should happen, based on the law and the information in your case.
- Explain to you what the judge decides.



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Privacy

What you tell your lawyer is private. They will only tell other people what you say if you agree for that to happen, or if they are worried about your safety.

Meeting a Court Child Expert

The judge might ask a **Court Child Expert** to meet with you. The Court Child Expert works at the court. They are a psychologist or social worker with special knowledge and skills to help children and families. After meeting with you, the Court Child Expert will prepare a report to help the judge make a decision.

Mediation

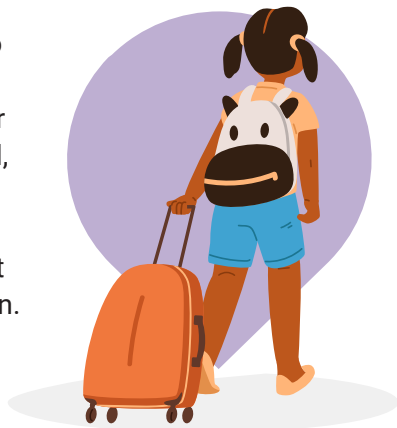
Sometimes your parents or carers will agree to go to **mediation**. Mediation is a meeting led by an independent mediator (not a judge). The mediator helps your parents or carers, their lawyers and your Independent Children's Lawyer talk through things to see if they can agree on what should happen.

What happens at court?

The judge will want to know what you think and how you feel about returning to the country where you used to live.

Your lawyer can tell the judge what you want to happen. Sometimes they might tell the judge to do something different to what you want to happen. This is because the Independent Children's Lawyer has to follow the law about child abduction.

The judge will listen to what your parents or carers and your lawyer have to say. In the end, it is the judge who will decide what will happen. You might not agree with the decision.



Returning to the country where you used to live

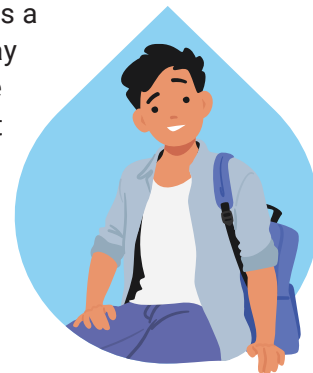
If the judge makes a **return order**, that means you will return to the country where you used to live.

The court/a judge in that country may make all the big decisions about you, like where you will live in the future and who you will spend time with. Sometimes the court/a judge in the other country might allow you to come back to live in Australia.

Can I stay in Australia?

There are only a few reasons a judge might say you can stay in Australia, where there are reasons why you should not return. These reasons are called **exceptions to return**.

Your lawyer should talk to you about what the judge decides. You can ask questions.



More information

If you have questions, you can ask to speak to your lawyer or ask someone you trust for help.

You can also speak to:

Kids Helpline | Phone Counselling Service
1800 55 1800

<https://kidshelpline.com.au/>

or visit **FindingHome**

<https://findinghome.world>



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