
International Parental Child Abduction Service Established in Melbourne

Anne Tuohey, the training and development worker with the International Parental Child Abduction Service, explains how the newly launched response will assist.

The release of 170 balloons marked the official launch of the International Parental Child Abduction (IPCA) Service. Based at International Social Service (ISS) Australia, the Service was launched by the Chief Justice of the Family Court of Australia, the Hon. Diana Bryant. In opening the service the Hon Diana Bryant said, 'I can say without hesitation that, from the perspective of a family lawyer and Head of Jurisdiction, a service like that which is being launched today has been desperately needed'.

The newly appointed patron of the Service, the Hon. Alastair Nicholson also expressed his support for the service. In his speech he said, 'I consider that this service meets a long felt need by the parties and by those dealing with these difficult international child abduction cases. Many family law cases are difficult but these remain the most difficult of all'.

The balloons acknowledged the official number of children taken to and out of Australia each year without the consent of a parent. We know that the actual number of cases is higher because statistics are only kept on cases with countries which have signed the Hague Convention on the Civil Aspects of International Child Abduction. Statistics from the Attorney-General's Department show that in 2003-04 there were 174 officially recorded cases of international child abduction. Of these 97 were abductions of children out of Australia. New Zealand consistently has the highest rate of abduction, followed by the UK and then the USA.

The Federal Attorney General's Department has provided modest funding for one year to ISS to establish the service. ISS is ideally placed to auspice the service given the international nature of all its work.

Research supporting the service

Prior to receiving the funding to establish the service, ISS undertook a research project to better understand the scope of this issue. A report, *Living in Limbo: The Experience of International Parental Child Abduction* was launched by Chief Justice Bryant in April this year. This report provided a picture of international child abduction and called for the establishment of a support service, with references to services already established overseas. The report is available on www.iss.org.au

Defining abduction

Abduction is a confronting term, particularly when used in the context of parents and their children. It connotes "child snatching", but in fact, the unlawful removal is usually well planned. There also seems to be a common scenario: a failed relationship, usually involving parents who come from different cultural backgrounds with the removing parent returning to his or her country of origin

Current profile of abductors

Compared with thirty years ago, it is now more likely that the abductor is a mother. The research undertaken by ISS showed that in 70% of cases the abductor is the mother. The most common reason for abduction is to escape family violence. Other reasons include:

- extensive hostility between the former or estranged parents
- a deep sense of unfairness felt by one parent in relation to Family Court residence and contact arrangements
- fear of and inability to communicate between former partners
- the proprietorial nature of some parents' relationships with their children
- inability to tolerate the religious or cultural beliefs of one parent.

Strong focus on prevention as well as support

The newly established service is a national telephone and advisory support service. The service also intends to have a strong preventative focus, providing community education and training across various cultural groups and other agencies.

The service works from a key premise of focusing on the welfare or the best interests of the child while alleviating the stress on parents and others experiencing the consequences of IPCA. While the parent left behind is likely to be the most common user of the service, the aim is to work with all parties, including the abducting parent, to attempt to bring about a better outcome.

We hope over time to develop a national recognised voice on IPCA matters and as such, intend undertaking research and advocacy on related matters.

The Hague Convention on Parental Abduction

Australia is a signatory to the Hague Convention on the Civil Aspects of International Child Abduction. The legal remedy available through the Hague Convention of seeking to have the child returned to the country where he or she lived habitually prior to the abduction aims to achieve a fair process.

There is also an underlying premise in the Convention that matters relating to the custody of the children are rightly the responsibility of the national jurisdiction where the child habitually lived. This “best interests” principle contained in the Commonwealth *Family*

Law Act 1975 is displaced in decision-making under the domestic law which implements the Convention.

In Australia, the Federal Attorney General’s Department operates as the central authority administering any claims under the Hague Convention in association with State-based central authorities.

There has been acknowledgement however that although administration of cases arising from the Convention is handled by these

Government departments, the emotional fallout and trauma for all affected and attempts to prevent further abductions are not being addressed adequately. Many countries in our region are not signatories to the Convention. This means that it is usually harder to arrange the return of a child. Also, the outcome of each case is a private matter and aggregated information data about cases is not compiled.. The service is hoping to collect data on these cases (known as non-Hague cases) to better inform relevant policy and planning issues.

Conclusion

The national service is promoting its existence throughout Australia. Given the rise in the number of bi-national or multicultural marriages over the past 20 years and the high rate of marriage breakdown overall, ISS believes the service will make an important contribution to supporting cases involving international family law conflict. Legal options are a usual response to the abduction of a child. The service will be exploring other avenues to facilitate a less adversarial outcomes, this may include international mediation, in appropriate situations. For information on the service, call 03 9614 8755 or toll free 1300 657 843

