

LRC Report published on International Parental Child Abduction

The Law Reform Commission today (April 29) announced the publication of its report on "International Parental Child Abduction." The report looks at the law relating to the abduction of children across international borders by parents in contested custody cases.

The Chairperson of the Commission's Sub-committee on Guardianship and Custody, The Hon Ms Miriam Lau, explained that the Commission's proposals were aimed at improving Hong Kong's current legal protections against child abduction so as to better support the operation here of the Hague Convention on the Civil Aspects of International Child Abduction. This important international convention, which has been in force in Hong Kong since September 1997, provides that children abducted from one Convention-member state to another should be located and returned to their home jurisdictions as quickly as possible.

Ms Lau said that, "Although statistics indicate that there are not many cases of parental child abduction in Hong Kong each year, every case that does occur is a highly traumatic one for the parties involved, because once a child is taken out of the jurisdiction, it can be very difficult for the left-behind parent to secure his return."

The Commission's recommendations include:

- The introduction of legislative restrictions on removing a child from the jurisdiction without the required consents
- a specific power to the court to order the disclosure of the whereabouts of a child

- a specific power to the court to order the recovery of a child
- a specific power to the authorities to hold a child suspected of being abducted so that he can be returned to the custodial parent or taken to a place of safety.

The Commission also proposes:

- an expansion of legal aid availability and a speeding up of the processing of legal aid applications for Hague Convention cases
- a review of the adequacy of the current provisions in Hong Kong regarding stay of custody proceedings pending the outcome of related Hague applications
- a review of the provisions regarding the confidentiality of information relating to Hague proceedings.

The International Parental Child Abduction report is the second in a series of four reports being published by the Law Reform Commission under its reference on guardianship and custody of children. These reports follow detailed consideration by the Commission of responses to a consultation paper issued by the Guardianship and Custody Sub-committee in December 1998. The first report under this reference, on guardianship of children, was published in January. The two remaining reports, on custody and access and mediation, are expected to be released later in the year.

Copies of the report are available on request from the Law Reform Commission Secretariat, 20th Floor, Harcourt House, 39 Gloucester Road, Wanchai, Hong Kong. The report can also be found on the Internet at <www.info.gov.hk/hkreform/>.

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