

Parental child abduction

Are you an international couple with children and are now separating? You may wish to return to your home country and take your child with you. However, if you do so without the consent of the other parent or the court, you may be breaking the law.

How do EU rules help to prevent child abduction?

The court in the country where the child had his/her habitual residence before abduction will remain responsible until the abduction case has been settled. This is to avoid parents abducting their child in the hope of getting a more favourable judgement before the court in their own country.

How can a parent get an abducted child back?

Central Authorities exist in all EU countries (except Denmark) to assist parents who are victims of cross-border child abduction. It is possible to launch a procedure to return the child. In this case, the court needs to rule on the matter within six weeks. The court should give the child the opportunity to be heard during the proceedings, unless this appears inappropriate due to his or her age and degree of maturity.

Can a court in the country where the child was abducted to refuse the return of the child?

The court in the country where the child was abducted to can only object to the return of the child if there is a serious risk that return would expose the child to physical or psychological harm ([Article 13\(b\) of the Hague Convention of 1980](#)). However, the return cannot be prevented if adequate arrangements have been made to protect the child. If a court finds that the child should not be returned, it must contact the court in the country where the child was abducted from.

The court in the country where the child was abducted from will then decide on the final outcome taking the evidence and reasoning of the other court into account. The judge must also hear the child and both parties.

Will the decision of the court be automatically enforceable?

The final ruling by the court in the country of origin is automatically recognised and enforceable in the other EU country without the need for a declaration of enforceability (“abolition of *exequatur*”), provided that the judge has issued a certificate.

Related links:

- Find the Central Authority in your EU country
- [Best practice guide](#) - contains information on national administrative and judicial procedures concerning the return of a child procedure.
- [Read the leaflet](#)

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