

# Helping Parents Who Are Concerned About Parental Abductions

## INFORMATION FOR HELPING PROFESSIONALS

When a relationship deteriorates between the parents of a child, one or both parents may experience feelings of sadness, anger or confusion. In situations where there is a history of domestic violence and/or abuse within the home, one parent may feel a heightened sense of fear when it comes to sharing access to their child(ren) with the other abusive parent. Oftentimes, children get caught in the middle of a separation. When it comes to one parent threatening to withhold the other parent's access with their child(ren), understanding the signs that a parental abduction may occur and what immediate steps can be taken if a parental abduction does occur can assist professionals in knowing how best to empower and address the concerns of a parent.

## Possible Indicators of an Increased Risk for Parental Abduction

- There is a history of controlling and/or violent behaviour in the relationship, or a history of threats of violence.
- Direct or indirect threats, or attempts have been made by one parent in the past to remove the child(ren) from the other parent's care.
- One parent is angry about a recent family court decision.
- The ex-partner has a history of non-compliance with court orders (e.g., family court or criminal court orders).
- Parents are fighting a lot, particularly with regard to custody of/access to/parenting of their child(ren).
- The ex-partner continually raises unreasonable concerns about the child(ren)'s safety and well-being while in the other parent's care.
- The ex-partner has family or contacts residing outside of the local jurisdiction, particularly in another country. For example, the other parent may often talk about or threaten to return to their country of origin.

Even though the abducting parent may not abuse or maltreat her/his child(ren), the act of abducting a child and blocking the child(ren) from having contact with the other parent **may be illegal**<sup>1</sup> and is likely to be detrimental to the child(ren)'s overall well-being. If possible, it is in the child(ren)'s best interest to have a healthy relationship with both of their parents.

<sup>1</sup> Section 282 and 293 of the *Criminal Code* of Canada.

## IMMEDIATE STEPS

1. If a parent believes that the other parent **has abducted** their child(ren), s/he should **make a report to the police immediately**.

Encourage the parent to collect as much information as s/he can about her/his child(ren) and any information that is known about the other parent (e.g., description, recent photograph, habits, vehicle, cell number, family members' names and addresses, places the other parent frequents, etc.).

For additional support, information and assistance with searches, parents can contact **MissingKids.ca** to register their child(ren) as missing. Registration can be done online ([www.missingkids.ca](http://www.missingkids.ca)) or over the phone at 1-866-KID-TIPS (543-8477) and reports can be made 24 hours a day, 7 days a week. **Note: If parents do not have a recent photograph of their child(ren), MissingKids.ca may be able to help obtain a recent school picture from Lifetouch.**

2. If a parent is fearful that the other parent will at some point in time abduct their child(ren), s/he can contact a family lawyer to review the current custody and access arrangements and determine what options are available to her/him. **If there is no current custody and access order in place, this needs to be the concerned parent's next step (subject to the advice of legal counsel).**

A parent should document and report any threats the other parent may make with regard to abducting their child(ren) to the police.

## Facts About Parental Abduction

- Parental abduction is a crime covered by **sections 282 and 283 of the Criminal Code of Canada**. If one parent takes or keeps a child under 14 years of age away from the other parent without their consent, s/he may be charged under the Criminal Code.
- Depending on the circumstance, a parent can be charged with abducting their children regardless of whether there is a court order, full custody, or another form of custody agreement in place.
- The majority of parental child abductions are resolved quickly, and preventative measures can help minimize the risks of an abduction occurring in the first place.

### According to the RCMP<sup>2</sup>:

- Mothers tend to abduct their children after a court order is made, while fathers tend to abduct their child before a court order is made.
- Both mother and father are equally likely to abduct their own child.
- Children tend to be taken during weekends and summer or winter holidays.
- Mothers who abduct their children tend to keep them for a longer period of time than fathers who abduct their children.
- Accomplices are used in less than half of the cases of parental abduction. When used, accomplices are usually family members or current partners.

### Parents do not need to wait 24 hours to report a child as missing.

Criminal proceedings may not result in the return of an abducted child. Searching parents should always be encouraged to learn about available civil options, particularly when police opt not to charge the other parent with parental abduction.

<sup>2</sup> J Kiedrowski, C.H.S. Jayewardene, Kiedrowski and Associates, M. Dalley. *Parental Abduction of Children: An Overview and Profile of the Abductor*.

## Prevention of Parental Abduction

Taking proactive steps in advance can help minimize the risks of parental abduction and help parents be better prepared to respond quickly in a crisis situation should a parental abduction occur. Some measures that can help parents include:

- Learning about parental rights and custody orders, and having an updated custody and access order or separation agreement in place.
- Learning about preventative measures (e.g., non-removal orders).
  - » Maintaining a civil relationship with the other parent. In situations where there is a no contact order in effect, a parent should ensure the third party liaison for access to the child(ren) knows what arrangements are in place and what to do if the order is violated.
- Flagging the child(ren)'s records (e.g., school, medical, etc.) so that the parent will be notified if the child(ren)'s records are requested, and adding the child(ren)'s passport information to the Passport Canada System Lookout List.
- Teach your child(ren) the difference between Keep Secrets (harmless secrets that don't hurt anyone that will eventually come out, like a surprise party) and Speak Secrets (hurtful secrets that may make the child feel uncomfortable, scared, confused or sad and that they should share with you). Keep in mind that many dangerous situations involve some element of secrecy.

**Contact MissingKids.ca at 1-866-KID-TIPS (543-8477) to speak with a trained caseworker for additional support and assistance.**



Models in photo. Intended as illustrative

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