

INTERNATIONAL SOCIAL SERVICE (ISS) AUSTRALIA

CONNECT

A RESOURCE FOR MOTHERS SEPARATED FROM
THEIR CHILDREN ACROSS BORDERS

IMPACT OF ABDUCTION

Understanding the impact on
children and parents

STAYING CONNECTED

Practical ideas and strategies

LOOKING AFTER YOU

Following the separation
from your children

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About

INTERNATIONAL PARENTAL CHILD ABDUCTION

International Parental Child Abduction (IPCA) occurs when a parent takes a child to another country without the other parent's consent or refuses to return a child from overseas after an agreed period of time. International Social Service Australia's IPCA Legal Service and Social Work Service offer information, support and assistance to parents and families affected by IPCA, as well as other matters related to separated families and international travel.



INTERNATIONAL SOCIAL SERVICE AUSTRALIA

**International Social Service (ISS)
Australia supports children and families
across international borders.**

As the independent Australian arm of the International Social Service (ISS) network, ISS partners with over 140 ISS organisations around the world.

ISS Australia believes children and families should be connected wherever they are in the world. Our mission is to support, protect and reunite children and families who have been separated by international borders.

ISS Australia provide the following expert [IPCA services](#):

- Social Work (free)
- Legal Services (free)
- International Family Mediation (IFM)

CONNECT

This resource has been developed following 15 years of ISS Australia's Social Work Service supporting parents experiencing International Parental Child Abduction. It is the culmination of feedback from many parents over many years who have gone through similar experiences.



Impact of abduction

IMPACT ON CHILDREN

International Parental Child Abduction (IPCA) is a significant and disruptive experience for children.

Research shows that children who have experienced IPCA may strongly attach themselves or cling to their taking parent. Children may see their taking parent as their primary source of consistency and support in a new and unknown environment. As a result, children can behave in ways that suggest a high dependence on their taking parent. This can present in anxiety about separating from the taking parent and/or rejection of their left behind parent.

It is important to remember that children are reliant on the adults in their lives to meet all of their emotional, physical and care needs. The disruption and uncertainty associated with IPCA may cause children to over-align as a way of coping, to seek comfort and to feel safe during this difficult time. It is important for children's growth and development to be able to seek and receive comfort from the adults in their lives.

Each child's experience and reaction to IPCA is different and not all children will experience any or all of the possible impacts mentioned here. A child's age, variations in length of time overseas, a child's understanding of international travel and contact with the left behind parent can all affect a child's experience of IPCA.

Research has consistently found that the sooner the child is returned, the less of an impact IPCA has on them. It is for this reason we encourage left behind parents to seek legal advice and engage with their lawyer as soon as possible.

ISS Australia's expert IPCA Legal Service can provide assistance with all areas of the Hague Convention. To speak to someone, call ISS Australia on 1300 657 843 or complete the online [IPCA Legal Service intake form](#).

Loss and grief

Most of the time, people associate grief and loss with the death of a loved one. However, death is not the only situation where we can experience grief. Any kind of change in life which results in loss can lead to feelings of grief. During the course of our lives, we can experience many different changes and losses, and what usually follows is grief.

Situations of loss where people may experience grief can include:

- divorce or separation from a partner
- losing a job or retiring
- terminal or chronic illness
- moving away or separation from family or friends



LOSS AND GRIEF IN THE CONTEXT OF IPCA

Having a child taken or withheld overseas without a parent's knowledge or consent may cause feelings of loss and grief. This can be one of the most difficult experiences in a parent's life.

Feelings of loss and grief may arise from:

- being physically and emotionally separated from your child
- the inability to be present for significant events in your child's life such as, birthdays, school activities, holidays and special occasions
- being unable to care for your child, hold them or comfort them
- lack of access to information about your child's health and well-being

Parents affected by IPCA may feel a range of emotions including; shock, sadness, despair, numbness, anger, blame and/or a sense of injustice. It is not unusual to notice changes in your behaviour, feel isolated or find it hard to concentrate at work. A parent's physical health can also be impacted, including loss or increase in appetite and difficulty with sleep. If these things happen to you or someone you know, help is available.

The kind of loss parents of abducted children feel can be referred to as an "ambiguous loss". Parents in these situations may be left searching for answers and other people may not understand or recognise their grief and loss. It may be hard to know where to look for support and how to find help, but it is available from our experienced team of social workers.

ISS Australia's [IPCA Social Work Service](#) can provide information, counselling, practical, emotional support and assistance. To speak to someone, call ISS Australia on 1300 657 843 (option 1).

Looking after yourself

The separation from a partner or a child is a significant life event that can impact a parent's feelings, thoughts and behaviours. Research has found that there is an increased risk of suicidal thoughts and behaviours following separation.

Having your child taken or retained overseas without your consent can trigger a range of feelings including shock, anger, hopelessness, self-blame and isolation. It is important to seek help to recognise and manage these feelings and to keep yourself safe during this time. It is important not only for your own well-being, but also to ensure that you can be there for your children when they need you.

If you are having thoughts about suicide, please call [Suicide Call Back Service](#) at any time of day or night on **1300 659 467**.

BARRIERS TO SEEKING HELP

Parents affected by International Parental Child Abduction may experience barriers to seeking help. Parents may feel embarrassed, a sense of stigma or shame about accessing services or not recognise their need for help.

Acknowledging that you may need professional support at this time can be confronting and it takes a lot of courage and strength to take that first step. Everyone's needs are different. Help is available regardless of where you live in Australia. ISS Australia provides a free social work and short-term counselling service to support parents affected by International Parental Child Abduction.

TAKING CARE OF YOU

IPCA can affect parents in a range of different ways. This can include your physical, mental, social and emotional well-being. Many parents can feel a sense of loss, isolation and loneliness when their children have been taken overseas without their consent.

In addition to accessing professional support, you can look after yourself in some of the following ways:

- Keeping up with exercise
- Spending time with people who make you feel good
- Practicing meditation
- Read a good book
- Spending time in nature
- Listening to your favourite music
- Spend time journaling about your thoughts and feelings.
- Limiting your alcohol use (remember alcohol is a depressant)
- Practice sharing your feelings and expressing emotions with individuals and groups where you feel safe to do so

For more information on where to get help, refer to page 12.

Staying Connected

Being separated from your children can be one of the most difficult experiences a parent will ever go through. Over many years of supporting parents in this situation, we have developed a list of practical strategies other parents experiencing IPCA have found helpful.



PRACTICAL IDEAS

- When you send letters and photos to your child, keep a copy so that you can show your child what you did at the time
- Write down thoughts and feelings that you would feel comfortable sharing with your child in the future, so that they will have access to a personal account of your experience
- Keep a journal for your child
- Ask your family members to write cards and letters to your child
- Create an email account for your child and send messages to them, regardless of whether they are too young to read it or have no access to them. The emails will be available for your child when they are able to read them
- Write a song or poem for your child
- Create (or purchase) a keepsake letter book for your [son](#) or [daughter](#)
- Acknowledge important dates and birthdays by having a cake and taking a photo to show your child what you did in the future
- Learn to cook your child's favourite meal or sweets so you can surprise them next time you see them
- Find a new hobby or sport that you find productive and stress relieving



TOP 6 TIPS TO IMPROVE VIDEO CONTACT



Use a mobile device

Using a mobile device for video contact instead of a PC is helpful as children can pick up the device and move around with it, which increases their engagement.



Set time limits

If there is more than one child, a set amount of time with each can help prevent disagreements between the children. You might want to do activities that everyone can enjoy like reading a story book.



Establish boundaries

Keep your interactions about your child. Avoid adult conversations with the other parent during contact. If adult conversations arise, suggest these be discussed when your child is not present.



Reassurance

If your child asks questions you are unable to answer, remember not to make promises you can't keep. Remind them that both parents love them and will work out the issue as best they can.



Protect from conflict

Remember to protect your child from conflict and arguments. Focus your communication on your child and avoid asking questions about the other parent.



Watch your children play

Children have short attention spans and may find it difficult to stay engaged for long periods of time. Sometimes it is ok to just watch your child play.

Hague Convention

ISS Australia's expert Legal service can provide assistance with all areas of the Hague Convention. To speak to someone, call ISS Australia on 1300 657 843.

Parents often try to resolve parenting issues between themselves in the first instance. However, when this isn't possible, parents may choose to take legal action as the only remaining option. Finding the correct information about your parenting rights and responsibilities can be an overwhelming and confusing process. It is always important to get proper legal information and advice to be better equipped if you become involved in a international parenting dispute.

It is also important to seek advice about your circumstances. Your options will be different depending upon which country your children are in and whether you are seeking their return to Australia or contact with them while they live overseas.

THE 1980 HAGUE CONVENTION

The first step with any concern about overseas parental abduction or disputes about contact with a child overseas is to see if the overseas country is a signatory to the 1980 Hague Convention on the Civil Aspects of International Child Abduction ('the Convention').

The Convention is an international treaty established to help parents when their children are being kept overseas without their permission. The idea behind the Convention is that decisions about a child's living arrangements are best dealt with in the country of their "habitual residence". The Convention was established to be a prompt legal process in order to return a child to their home country so there is the least disruption possible to their care and welfare.

The Convention can also be used as a way of arranging contact with your child if your child lives overseas but you are having difficulty maintaining contact with them.

Importantly, the Convention relies on the cooperation and partnership between signatory countries. This means that the Convention only operates between countries that have signed the Convention. In order to fully participate, countries also need to accept and recognise each other as signatory countries.



APPLICATION FOR RETURN

In the event of International Parental Child Abduction, where the other parent refuses to return your children to Australia from a Hague Signatory country, you might be able to seek their return to Australia using the Convention.



This process involves preparing an application for your children's return, the assessment of your application by a government authority and court proceedings in the overseas court.

It is important to speak with a lawyer about whether your case meets the eligibility criteria in making an application for return.

Eligibility criteria:

- The child must be under 16 years of age
- You must have a right of custody to the child
- The removal or retention of your child overseas must be wrongful, that is, without your consent
- The child must have been habitually resident in Australia at the time of the wrongful removal or retention

Habitual residence is a complex legal term and takes into account various factors depending on the facts of the case, such as the parents' intention and your child's connection to their home country or integration into the overseas country.

WHAT HAPPENS NEXT?

You must complete your return application in the overseas court within 12 months from the date of the wrongful removal or retention. If you don't, then it may be assumed that your children are settled overseas and your application for their return is less likely to be successful.

If you are able to establish a case for your children's return to Australia, the other parent may be able to defend your application. The Convention sets out these defences. What defences will be raised depends on the facts of your situation. It is important to obtain legal advice about what issues may impact your case.



Once the matter reaches the overseas country, the time frames and procedures vary from country to country. At that stage, it is important to remain in contact with the case officer from the Australian Central Authority of the Attorney General's Department ('ACA') who is your point contact with regard to your application.

The ACA is the government authority in Australia which deals with the Convention matters. They are responsible for assessing applications and submitting applications to the Central Authority in the other country. They can provide general information about Convention matters and guide you through the process once your application is submitted.

Going through the application process can be stressful and daunting, therefore it is important to get legal advice as early as possible and reach out for support. Even though you are utilising the legal process, it doesn't mean you still shouldn't take practical steps to remain connected with your child. It can also be difficult navigating discussions about contact and social work support is available.



APPLICATION FOR ACCESS

If your child lives overseas in a Hague signatory country and you are struggling to maintain contact with them, you may be able to use the Convention to improve your contact. If you are having difficulty communicating with the other parent, you could also consider [International Family Mediation](#).

You can use the Convention to put forward a formal proposal to have contact with your child that includes things like phone calls, spending time with your child in both the overseas country and in Australia and being informed of matters about their health and education.

This process involves preparing a formal application with supporting material, assessment of your application by the ACA and referral of your application to the overseas country.

Application for access criteria:

- The child must be under 16 years of age
- The country the child lives in must be a Hague Convention country
- You must have 'rights of access' to the child under Australian law
- Your rights of access to the child must have been breached

In Australia, the parents of a child as listed on the child's birth certificate automatically have rights of custody and access to the child. This is unless a court order has removed these rights.

Each country deals with access applications differently. Some countries will refer access applications to court and others will refer access applications to mediation, an alternative dispute resolution process. It is important to obtain legal advice and seek assistance from the ACA.

FAMILY LAW WATCHLIST

If you think that your child may be returned to Australia without your knowledge or you become aware that your child has been returned to Australia, you should consider making an urgent request for their name to be placed on the [Family Law Watchlist](#).

The Family Law Watchlist monitors the international movement of children and if their name is on the list they will not be able to leave Australia.

Non Hague countries

If your child has been wrongfully taken to a country that is not a signatory to the Hague Convention, your legal options are limited. It is important that you seek legal advice from a lawyer in the overseas country to find out what course of action you may have.

LEGAL ASSISTANCE

Overseas lawyers can be found in several ways. For English speaking countries, you may wish to start by searching online for the “Bar Association” or “Law Institute / Society” in the country you are seeking to locate a lawyer. In addition, the [International Academy of Family Lawyers](#) and [Reunite International Child Abduction Centre](#) may be able help you find a lawyer in the country where your child is located.

A list of overseas lawyers in non-English speaking countries can be requested from the Australian Department of Foreign Affairs and Trade (DFAT). You can make this request directly to DFAT by calling 1300 555 135 (option 4) or ask one of our social workers to make this request for you. If you are still unable to locate an overseas lawyer, our social workers may be able to ask our international network partner for information and assistance. You can contact our social work service by calling 1300 657 843 (option 1).

SOCIAL WORK ASSISTANCE

ISS Australia is part of an international network with offices in over 140 different countries whose main focus is to ensure the safety and wellbeing of children. The ISS network coordinates to provide cross border links to social services in different countries. Contact one of our experienced social workers today to discuss how our international network may assist in your situation.

ASSISTANCE FROM THE GOVERNMENT

The following assistance is available from the Australian Government when a child has been wrongfully removed to a non-Hague Convention country:

- [Commonwealth legal financial assistance is available under the overseas child abduction scheme](#). This scheme is administered by the Commonwealth Attorney-General's Department for parents affected by IPCA where legal proceedings have been or will be initiated overseas. This scheme can cover expenses such as overseas legal fees and travel expenses. This scheme is means tested and subject to certain eligibility criteria. This includes whether you have a reasonable chance of being successful in the overseas court proceedings. If you are considering initiating legal proceedings overseas, we recommend you contact the Commonwealth Attorney-General's Department as early as possible, because retrospective expenses are not generally covered by the scheme.
- DFAT offers limited [consular assistance](#) to parent's whose children are overseas. As previously mentioned, DFAT can provide a list of overseas English speaking lawyers and may be able to provide information about the country where your child is located. Please note the type of assistance available can vary between countries. ISS Australia's Social Work Service can also assist you to make inquiries with DFAT.

Family Safety

International parental child abduction often occurs in the context of a high conflict parental separation. When parental conflict escalates to family violence and controlling behaviours there can be significant safety concerns for all family members, especially children.

Family violence is a serious issue within the broader community as well as for those people affected by International Parental Child Abduction. The exact prevalence of family violence in International Parental Child Abduction is unknown, however some research of 1980 Hague Convention matters found references to family violence in one third of cases. Family violence can be perpetrated by both men and women. However, research shows the negative impacts of family violence are disproportionately experienced by women and children.

Family violence can take many different forms. In the context of International Parental Child Abduction, the removal of a child without consent of one parent can be an extension of a pre-existing pattern of violent and controlling behaviours. The removal of children can be used as a tool by one person to assert power and control.

If you believe you have experienced family violence or have concerns about your safety or that of your children, it is important to discuss these concerns with one of our experienced [IPCA social workers](#). Our social workers take concerns about family violence very seriously and will support you to take practical steps to increase the safety and well-being of your family. You can also talk to [1800RESPECT](#) (1800 737 732) if you are concerned for your safety or for someone you know.



What about the media?

International Parental Child Abduction is an intensely personal and traumatic event for parents, children and extended family members. The media industry is often driven by public curiosity and fascination with personal stories of tragedy and disaster.



LEGAL CONSIDERATIONS

If you are approached by media personnel or are considering involving the media in your personal situation, we strongly encourage you to obtain independent legal advice.

It is important to be aware that [Section 121 of the Family Law Act 1975](#) restricts the publication of Court proceedings. In general terms, this means that the publication of any information or material that may identify a child involved in the Family Law and Child Protection system is in breach of the Australian Family Law Act and could result in a custodial sentence. Having clarity about the legal status of your situation is critical before communicating or engaging with reporters, editors and other media representatives.

PERSONAL CONSIDERATIONS

In the event that you have legal authority to involve the media, minimising the possible adverse consequences of added interest in your personal life can be challenging. The reporting can quickly become intrusive, leading to intense public scrutiny and other unanticipated outcomes such as misrepresentation and online bullying. It is important to consider how to control your interactions with the media, including the details, photographs and level of emotion you are willing to share, particularly in front of the camera. Many people who have experienced intense media coverage often report feeling overwhelmed and that the way they were portrayed in the media, and therefore perceived by the public, did not reflect who they are as a private person. Involving the media may also unwittingly expose extended family members, such as grandparents, to media attention. Over the years, many families have found themselves dealing with the adverse impacts of losing their anonymity and privacy due to the media's commercialisation of their personal information.

Overall, involving the media in your personal situation is a significant decision and how you choose to navigate that process, either directly or through a third party, will impact your experience.

This information has been informed by research undertaken by Dr Fiona Reynolds, author and producer of the podcast series, '[Accidental Celebrity](#)'.

Where to get help

IPCA SOCIAL WORK SERVICE

ISS Australia provides a free [social work support](#) to parents and family members affected by International Parental Child Abduction. Our social work service has been supporting parents separated from their children for over 15 years and understand the unique challenges involved in these complex situations.

IPCA LEGAL SERVICE

ISS Australia's [Legal Service](#) provides free expert legal assistance to parents whose children have been taken or kept overseas without consent, or who are seeking access to children living overseas. We also assist parents with questions about preventing the removal of their children from Australia.

INTERNATIONAL FAMILY MEDIATION

[International Family Mediation](#) (IFM) is a service offered by ISS Australia that provides expert, impartial assistance in the resolution of family separation disputes across international borders. Since the service began in 2012 it has assisted hundreds of families in over 30 countries.



www.iss.org.au



1300 657 843



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FOR OUT OF HOURS SUPPORT

- [Lifeline](#) - 13 11 14 - lifeline.org.au
If you are having personal crisis
- [Beyond Blue](#) - 1300 224 636
If you are feeling anxious or depressed
- [Suicide Call Back Service](#) - 1300 65 94 67
If you are thinking about suicide
- [Kids Helpline](#) - 1800 551 800
If you are a young person (5-25 years old)
- [QLife](#) - 1800 184 527 (3pm - 12am midnight AEST / 7 days)
Mental health support for LGBTIQ+ people of all ages
- [eheadspace](#) - 1800 650 890 (9am - 1am AEST / 7 days) Mental health support for young people ages 12 to 25 years and their families.
- [Mindspot](#) - 1800 614 434
Online assessment and treatment for people with stress, worry, anxiety, or depression.

Additional resources

Please note, the following resources are not affiliated with International Social Service Australia. For any questions or information regarding any of these resources, please reach out to the corresponding providers.

SUPPORTING CHILDREN

- [Learn To Video Call With Kids: A Guide to Skype and FaceTime to Video Call with Children](#)
- [What about me? Coping with the abduction of a brother or sister](#)
- Purchase a keepsake letter book for your son or daughter
- If you have a child support issue, you can contact the Overseas Cases Team at the [Australian Child Support Agency](#) on +61 3 6216 0864 (Monday to Friday 8:30 am to 4:45 pm)

CO-PARENTING

There are a range of co-parenting apps available which you may find useful to communicate with the other parent. These include:

- [OurFamilyWizard](#)
- [WeParent](#)
- [2Houses](#)
- [Divvito](#)

MENTAL HEALTH & COMMUNITY

- See your GP for a referral to a [Mental Health Treatment plan](#) where you can get Medicare rebates for individual psychological appointments with a mental health professional.
- Help is available if you are worried about your drug or alcohol use. The [National Alcohol and Other Drug Hotline](#) 1800 250 015 is available 24 hours a day and 7 days a week.
- To stay socially connected in your community and find events that interest you visit [meetup.com](#).
- Reach out to your local Community Women's Health Centre.
- To access support if you are feeling suicidal call or visit the [Suicide Call Back Service](#)

