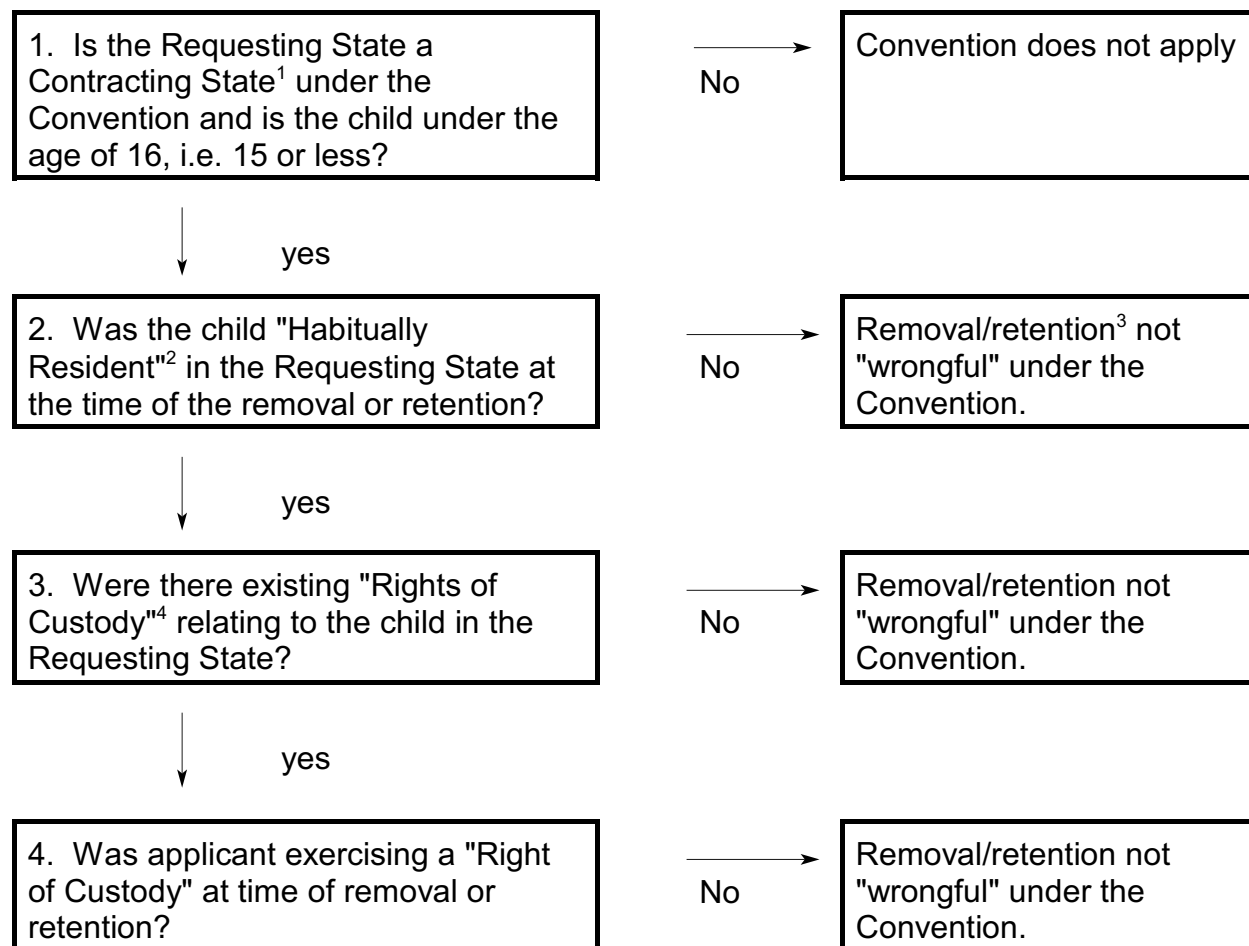


The 1980 Hague Convention on the Civil Aspects of International Child Abduction (The Hague Convention)

Return Application Flowchart

Note: see also "Preparing Return Applications - Checklist and Questions to Consider"

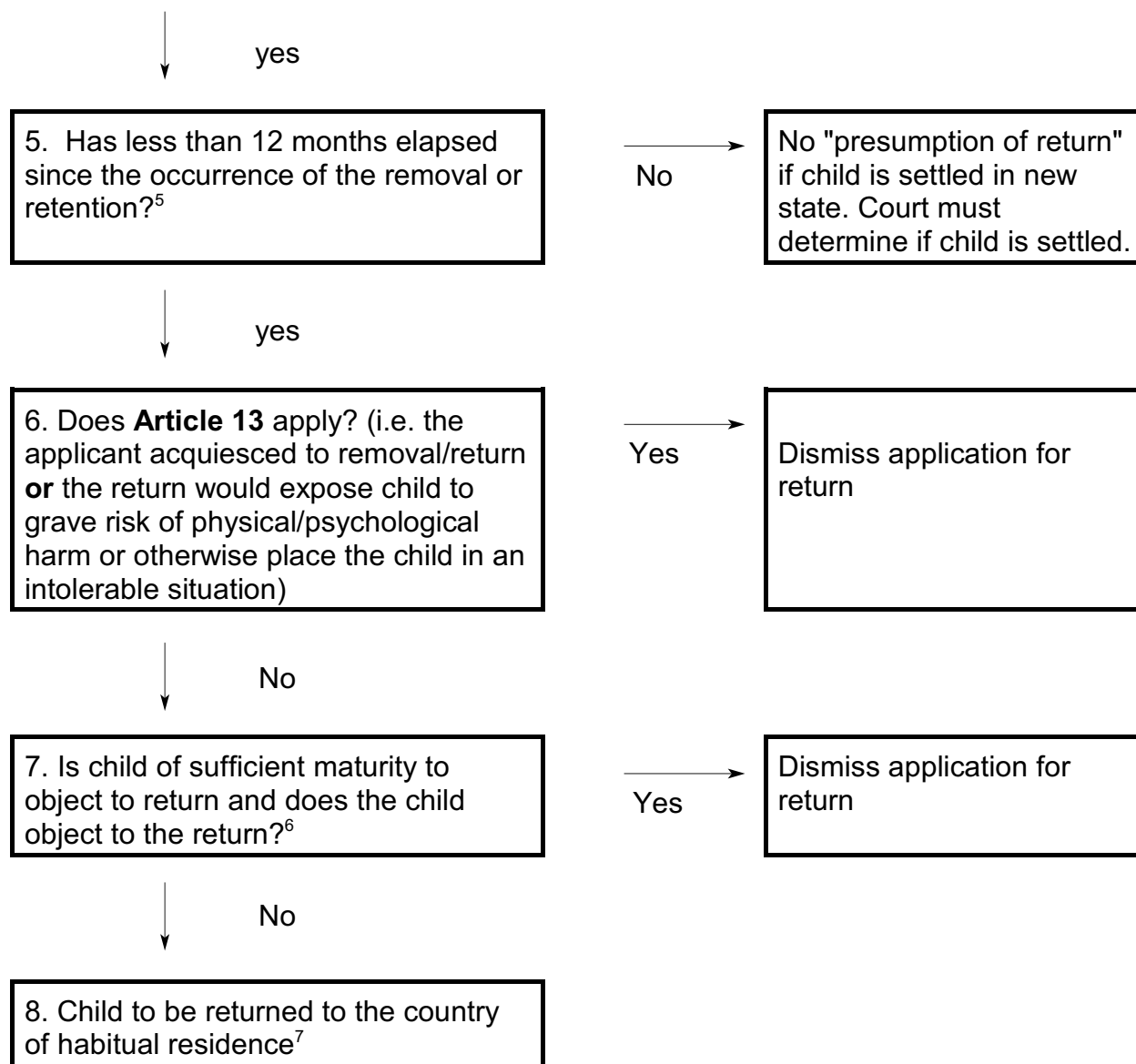


¹See List of Contracting States, or online [here](#).

²*Hague Convention*, Article 3.

³Removal implies that the parent has taken the child out of the requesting state without permission. Retention implies that the parent has taken the child out of the requesting state with the other parent's permission for a specified period of time and has not returned the child when s/he was supposed to be returned: see *Hague Convention*, Article 3.

⁴*Hague Convention*, Article 3. The *Hague Convention* distinguishes between "custody rights" and "access rights": see Article 5. Rights of custody must include rights relating to the care of the person of the child and in particular, the right to determine the child's place of residence.



⁵*Hague Convention*, Article 12. If less than one year has elapsed from the date of the wrongful removal or retention and the commencement of the proceedings, then the return of the child is obligatory (subject to Article 13).

⁶*Hague Convention*, Article 13. See also *Den Ouden v. Laframboise*, 2006 ABCA 403.

⁷If the Court orders the return of the child to the country of habitual residence, it is important to consider what travel or exchange arrangements should be made for the child's return.