

**International Child Abduction & Contact Unit (ICACU)**

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| **ICACU GUIDE** **TO COMPLETING THE** **REQUEST FOR CO-OPERATION FORM** |

## Please read this guide carefully before completing the ‘ICACU request for co-operation form’.

If the request for co-operation form is not completed correctly that is likely to cause delay in it being processed and transmitted to the foreign authorities.

## Background

The 1996 Hague Convention makes provision for co-operation between central authorities on specific cases and sets out how central authorities should work.

A central authority does not require a court order before it can act.

You should also read the **President of the Family Division’s guidance of 10 November 2014**: ***The International Child Abduction and Contact Unit (ICACU)*** which is available at:

<http://www.judiciary.gov.uk/publications/presidents-guidance-on-the-international-child-abduction-and-contact-unit-icacu-and-its-role/>

## You can complete this form if you are a local authority and you are asking the ICACU to make a request for co-operation to another country under the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (‘the 1996 Hague Convention’).

For guidance on requesting information from countries which are **not** 1996 Hague Convention countries please refer to the **Department for Education’s guidance dated July 2014**: *Working with foreign authorities: Child Protection cases and care orders*.

## The ICACU

The International Child Abduction and Contact Unit (ICACU) is the Central Authority for England and Wales for day to day purposes for the operation of the **1980 Hague Child Abduction Convention (the 1980 Hague Convention)**, the **1980 European (Council of Europe) Custody Convention (the 1980 European Convention),** and, for England only, the **1996 Hague Convention**.

For requests for co-operation under the **1996 Hague Convention** to or from **Wales** you should contact the Welsh Government (see contact details at the end of this guide). Details of the Central Authorities for Scotland and Northern Ireland are also at the end of this guide.

**This guide**

This guide is about making a **request for co-operation** under the 1996 Hague Convention. The form is intended **for use by** **public authorities only**.

There is a **separate form** if you are an **individual** and want to apply for:

1. the return of a child who has been abducted (wrongfully removed or wrongfully retained) overseas under the 1980 Hague Convention, or
2. contact with a child overseas under the 1980 Hague Convention, or
3. the registration and enforcement of an order overseas under the 1980 European Custody Convention, or
4. the registration and enforcement of an order overseas under the 1996 Hague Convention.

For these other cases the **ICACU Application Form** and the **ICACU guide to making an application** are available on **www.gov.uk** at:

[International Child Abduction and Contact Unit application form - Publications - GOV.UK](https://www.gov.uk/government/publications/international-child-abduction-and-contact-unit-application-form)

## Making a request for co-operation

Contacting the ICACU

Please use email (see contact details at the end of this guide). If the issue is urgent the ICACU will respond as soon as is practicable having regard to existing work commitments; new requests for co-operation will be considered and (provided all necessary information has been included) processed within 15 working days.

General enquiries will be responded to within 20 working days

If you send further correspondence or information before the ICACU has responded to you, please make sure you refer to your earlier correspondence when doing so.

Requests for co-operation

A request for co-operation to another country is a request for information or assistance. Therefore, it needs to be **focussed**, **relevant** and **practical**. You should provide clear but concise information in support of the request for co-operation.

It is important that any request for co-operation is made **as soon as** you identify a need for information or assistance from the other country. This is because:

* there are no time limits in the 1996 Hague Convention for responding to a request for co-operation;
* the ICACU is not therefore able to require foreign central authorities or competent authorities to respond in a specific timescale (the ICACU can make a foreign authority aware of a court hearing date if you draw attention to that but the foreign authority cannot be required to respond by that date);
* there are a number of steps in the communication chain (the other central authority may need to contact their own competent authorities before responding to the ICACU); and
* there may be a need for translations before the request can be sent to the other country.

Can a request for co-operation be made?

A request for co-operation can be made to a country which is covered by the 1996 Hague Convention. The request must beabout matters covered by the 1996 Hague Convention.

Please note **“parental responsibility”** has its own definition in the 1996 Hague Convention – see Article 1(2) of the Convention - it is not the same as the definition in the Children Act 1989[[1]](#footnote-1).

Before contacting the ICACU first check:

## if the other country is a 1996 Hague Convention country:

## the status table for the 1996 Hague Convention is available on the website for the Hague Conference on Private International Law:

## <https://www.hcch.net/en/instruments/conventions/status-table/?cid=70>

## the status table explains if the 1996 Hague Convention has entered into force in a country

## if the information or assistance you want to ask for (or the information you want to communicate to the other country) is about a matter covered by the 1996 Hague Convention (see Articles 1, 3, 4, 8, 9 and 30-37 of the 1996 Hague Convention).

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The ICACU will **not** be able to make a request for co-operation to the other country if that country is not a 1996 Hague Convention country and/or if the request is about a matter which is not covered by the 1996 Hague Convention.

Examples of requests in scope would include a request for co-operation if you need information to assist you with planning the progression of the case, for example:

* because you need assistance from the foreign authorities in identifying and/or assessing potential kinship carers;
* if the welfare plan for the child is, or may become, **a plan for placement of the child(ren) in the other country** you can ask if that country’s consent to the placement will be required for the proposed placement (see **Article 33** of the 1996 Hague Convention); if you are in any doubt about whether consent may be required, you should check with the other country[[2]](#footnote-2) before any placing order is made[[3]](#footnote-3);
* you can ask about the procedure in the other country for progressing a request for **transfer of jurisdiction** under Articles 8 or 9 of the 1996 Hague Convention.

## Article 4 of the 1996 Hague Convention explains what is not in scope of the Convention. The list of what is excluded includes decisions on:

## adoption,

## measures preparatory to adoption, or

## the annulment or revocation of adoption.

## However please note even if the subject matter is within scope of the 1996 Hague Convention different countries have differing views as to what information or assistance can be provided in response to a request for co-operation. The ICACU may have practical experience of the other country which they can share with you.

The following is a non-exhaustive list of requests which are **not** a request for co-operation under the 1996 Hague Convention:

* a request for service of court documents;
* a request for evidence (as opposed to information) from the other country;
* a request to notify consular authorities of court proceedings about the child;
* a request for legal advice;
* a request for an opinion about whether the court here has jurisdiction;
* a request for an opinion about where the child is habitually resident;
* a request for assistance with travel documents and/or identity cards;
* a request for a birth, marriage or death certificate;
* a request for formal criminal records;
* a request for information about a person applying to be approved as a local authority foster carer;
* a request for co-operation where the child has not yet been born.

A request for copies of foreign court papers is more likely to be in scope of the 1970 Hague Convention (see below).

For **service of court documents** see the **1965 Hague Convention** on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (‘the 1965 Hague Convention’)[[4]](#footnote-4).

For **taking of evidence abroad** see the **1970 Hague Convention** on the Taking of Evidence Abroad in Civil or Commercial Matters (‘the 1970 Hague Convention’)[[5]](#footnote-5).

The Hague Conference website[[6]](#footnote-6) has helpful information and documents about each Hague Convention including Explanatory Reports. The Explanatory Report explains about the Convention and what it covers (there is an Explanatory Report for the 1996 Hague Convention). The status table for each Convention explains which countries are party to that Convention and whether the Convention is in force between the UK and another country.

## If your request is about service of court documents abroad or about the taking of evidence abroad you should contact the Foreign Process Section (see contact details at the end of this guide).

If you are unsure if a request for co-operation can be made to obtain the information or assistance you need from the foreign authorities, the ICACU’s practical knowledge and experience may be of assistance. You can make an early initial enquiry by email before making a formal request for co-operation (see ICACU contact details at the end of this guidance). If you send a general enquiry by email, in the subject line identify it as a general enquiry and give the identity of the enquirer, for example: **“GENERAL ENQUIRY from [X Council], the COUNTRY is ….“**. If you are making a general enquiry and are in proceedings, you should identify any urgency in the body of your request. Please note, the ICACU does not open a case file in response to a general enquiry; it only does so when it receives a formal request for co-operation.

If you are a social worker and you are unsure if your request is within scope of the 1996 Hague Convention you should contact your legal department for legal advice. The ICACU **does** **not** give legal advice.

## Guidance on completing the ‘ICACU request for co-operation form’

Please type your answers to the information requested.

**Section 1: Request for co-operation under the 1996 Hague Convention**

You need to say which Articles of the Convention you think are relevant to your request. You will be asked to give detailed information about your request in **sections 8-10**.

Put a cross in the box or boxes for the Articles that you think are relevant to your request.

In transfer of jurisdiction cases:

* **Article 8** relates to the situation where the child is habitually resident in England and the authorities here have jurisdiction and the request is for the authority of another Contracting State to assume jurisdiction instead.
* **Article 9** relates to the situation where the child is habitually resident in another Contracting State but the authorities here consider they are better placed to assess the child’s best interests and therefore request that they be authorised to exercise jurisdiction to take the measures of protection which they consider to be necessary.

Please note that **Article 37** of the 1996 Hague Convention says:

*An authority shall not request or transmit any information under this Chapter if to do so would, in its opinion, be likely to place the child’s person or property in danger, or constitute a serious threat to the liberty or life of a member of the child’s family.*

This means you **must consider Article 37** **before** **contacting the ICACU** and then confirm by putting a cross in the box that your authority does not consider that requesting or transmitting information is likely to place the child(ren)’s person or property in danger, or constitute a serious threat to the liberty or life of a member of the child(ren)’s family.

# Section 2: Details of child(ren) about whom the request for co-operation is being made

You should give the details of any child to whom the request relates (if you are seeking information about siblings or half-siblings of this child include their information in section 5). If you have the child’s identity card number and/or passport number (both passport numbers if a dual national) please give those details as they can be very helpful to the foreign authorities who are being asked for information.

Please make sure you identify **all** persons with parental responsibility for the child(ren) and their relationship to the child(ren). **Article 16** 1996 Hague Convention[[7]](#footnote-7) may be relevant to the facts of your case. If a person has ‘foreign’ parental responsibility you should give the details in **sections 2 and 8**.

The question about which country the child is living in, is **not** a question about habitual residence. It is a question about where the child is living at the time the request is made.

You are also asked to provide the last known address the child lived at in the country to which the request is being sent or if not known, then the area (as specific as possible e.g. town) of the country where the child is known to have resided.

You should include information about the current care arrangements for the relevant child(ren) in the background case summary in **section 8**.

# Section 3: Details of parent(s) and/or step-parents

You should give details of the parent(s) and/or step-parents of any relevant child.

If relevant you should give the address of the parent(s) / step-parent(s). If you do not know the exact address you should give as much detail as you can. Any additional information which may help the foreign authorities in identifying where the parent(s) / step-parents lived in the other country should be given in **section 6**.

# Section 4: Details of requesting public authority

The requesting public authority will normally be a local authority. If you are a public authority but not a local authority you must explain in **section 10** why you (rather than a local authority) are asking the ICACU to make a request for co-operation.

Please explain the involvement of the public authority with the child(ren) (for example, if there are care proceedings or other child protection measures in place) in the background case summary in **section 8**.

**Section 5: Details of any other relevant person (for example, a proposed kinship carer)**

You may need to complete this section:

* if you are asking for information about, or assessment of, a proposed kinship carer,
* if you are seeking to locate extended family members who may wish to be considered as carers,
* if you are seeking information about siblings or half-siblings of the relevant child(ren) here, or
* if any of the child(ren) referred to in **section 1** live with someone other than a parent or step-parent referred to in **section 3**.

If relevant you should give the address of the person. If you do not know the exact address you should give as much detail as you can. Any additional information which may help the foreign authorities in identifying where the person lives in the other country should be given in **section 6**.

**Section 6**: **Request for co-operation where the exact whereabouts of the child(ren) or other relevant person(s) are not known**

Other relevant persons may include the parent(s), siblings, half-siblings or potential kinship carers.

Not all countries are able or willing to assist with location.

Please provide as much detail as possible. The request for co-operation will progress more quickly if the ICACU is able to provide the foreign authorities with a complete address or even full details of persons in the other country who may know the whereabouts of the children or other relevant persons such as a parent. Land line telephone numbers, mobile telephone numbers and email addresses can be helpful as can foreign identity card / passport information where that information has not been given in **sections 3 and 5**.

If you have not already done so, you should consider asking family members here if they have this information or for any other information which may assist location.

**Section 7: Civil court proceedings that have concluded or are in progress.**

Please provide details of any relevant court proceedings that have concluded or are still in progress either in or outside England and Wales.

The ICACU does not require a court order to discharge its duties and functions but where proceedings have been issued it may be helpful if the court directs the local authority to make the request for co-operation to the ICACU and to do so within a particular time frame. If the proceedings are public law children proceedings, the ICACU prefers to communicate with the local authority rather than with any other party so that there is only one line of communication. This is because experience suggests that a request for co-operation made to another country, may be followed by a request for co-operation from that country about the same family which the ICACU would transmit to the local authority.

If any court order requests or invites the assistance of either the ICACU or of the foreign authorities, a sealed copy of that order should be provided. However orders should not be made against foreign authorities including central authorities, consular authorities or other public bodies in the other country.

The ICACU is not able to require foreign authorities to respond in a specific timescale (or at all) so whilst the request for co-operation is in progress if there are court proceedings it is important that you keep the ICACU informed both about those proceedings and of any key dates; this is so the ICACU can keep the other central authority informed. Timescales for any response to a request for co-operation need to be realistic to allow for translations and the fact that the requested central authority will need to communicate with their own competent authorities before responding.

You may wish to provide a translated copy of your request for co-operation (and will need to provide a translation of any supporting documents) as this will reduce the turn round time.

# Section 8: Background case summary

Please provide a concise summary of the facts relevant to the request for co-operation. Where possible the summary should be agreed with any other relevant person or, if there are court proceedings, any other party; if that is not possible then the summary should make that clear.

An explanation of the family relationships should be provided particularly if the case involves a complex family structure, complex facts or adults and/or children with similar names.

For the benefit of the requested central authority and foreign authorities you must **explain or avoid** **technical terms** (for example, ‘section 20 consent’) and any **acronyms** (for example, ‘IRH’ or ‘ICO’) as there is no reason why foreign authorities should be familiar with domestic terminology.

# Section 9: The request for co-operation

Please explain precisely what information or assistance you are asking the other central authority for.

If you are asking for a kinship care assessment it will assist if you explain what the local authority or court would find helpful for that assessment to cover but you cannot require the foreign authorities to carry out an assessment in a particular way.

If you are making a request for co-operation under **Article 31(a)** of the 1996 Hague Convention (because an authority is considering making an **Article 8 or 9** request) please include details here.

# Section 10: Reasons in support of the request for co-operation

Please provide a concise explanation of why you are asking the ICACU to make a request for co-operation. If you are asking for information about siblings or other family members of the child(ren) you will need to explain why you consider that information relevant to the Article(s) you are relying on.

**Section 11: Contact with the other country**

If you have already been in touch with the foreign authorities about your case, please provide details including any relevant contact details for the person or organisation you have been in touch with. If you do not then that may lead to confusion and/or delay before the foreign authorities respond to your request.

# Section 12: Documents

The ICACU has a limited translation budget. Although the ICACU will arrange translation of the request for co-operation form, it will not arrange translation of other documents so if additional documents are provided you will need to arrange for their translation and send that translation with the document(s). If a foreign document has been translated into English, please make sure that you include a copy in the original language as well.

Please list all the documents you are sending with your request. Do not include documents unless they are necessary and relevant to your request.

Do not send the full court bundle.

If the case involves a complex family structure (full, half or step siblings, different generations in the same household etc) either a genogram (or an explanation in **section 8** about the family structure) is likely to be of assistance.

It can be helpful to provide a copy of the child(ren)’s birth certificate(s), passport(s) or identity card(s).

If the requested central authority needs more information or documents in order to respond to the request for co-operation, it will ask the ICACU and the ICACU will transmit their request to you.

# Section 13: Checklist

Please check you have completed all parts of the form and attached the documents with their translations that you consider the foreign authorities need to see to respond to your request. Put a cross in each box to confirm once you have done so.

# Section 14: Conclusion

Please sign and date the request for co-operation form. If the person signing the form is not the contact person whose details are given in **section 4**, please explain who has signed the form in your covering letter or email. The form should only be signed by somebody authorised to sign documents on behalf of the local authority.

# Central Authority contact details

Scotland and Northern Ireland have different legal systems from England and Wales and the law in Scotland and Northern Ireland also differs in some respects. England and Wales, Scotland, and Northern Ireland each have their own Central Authority for the Regulation. Wales has its own Central Authority for the 1996 Hague Convention.

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| **Central Authority for England (for the 1996 Hague Convention)**The International Child Abduction and Contact UnitThe Official Solicitor & Public Trustee OfficePost Point 0.53102 Petty FranceLondonSW1H 9AJ**DX: Post Point 0.53****Official Solicitor & Public Trustee****DX 152384****Westminster 8**tel: +44 (0)20 3681 2756www.gov.uke-mail **for new requests and general enquiries only**: ICACU@ospt.gov.uk | ***The International Child Abduction and Contact Unit (ICACU) is open Monday to Friday.*** ***In an emergency outside these hours you should contact the Reunite International Child Abduction Centre on tel 0116 2556 234.******Please note that the office of the ICACU is not open to the public.******Emails received after 2.00pm will not be considered until the next working day except in cases of extreme urgency (please indicate in the subject heading whether flight risk / abduction in transit / imminent risk of harm)*** |
| **Central Authority for Northern Ireland**Central Business UnitNorthern Ireland Courts & Tribunals Service3rd Floor Laganside House23-27 Oxford StreetBELFAST BT1 3LANorthern IrelandUnited Kingdomtel: +44 (0)28 9072 8808fax: +44 (0)28 9072 8945Internet: <http://www.courtsni.gov.uk/>  email: internationalchildabduction@courtsni.gov.uk is used for applications under 1980 & 1996 Hague conventions along with Brussels II requests |  |
| **Central Authority for Scotland**Scottish GovernmentCentral Authority and International Law BranchGW15 St. Andrew's HouseEDINBURGH EH1 3DGScotlandUnited Kingdomtel: +44 (0)131 244 4827fax: +44 (0)131 244 4848e-mail: childabduction@gov.scot |  |
| **Central Authority for Wales**Welsh GovernmentSocial Services and IntegrationCathays ParkCARDIFF CF10 3NQUnited Kingdomtel.: +44 (29) 2082 1518fax: +44 (29) 2082 3142email: WalesCAHague1996@gov.wales | ***The Welsh Government is the Central Authority for Wales for the 1996 Hague Convention only.***  |

# Other useful resources

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| **The Foreign Process Section**Room E16Royal Courts of JusticeStrand London WC2A 2LLUnited Kingdomtel.: +44 (0)20 7947 6691+44 (0)20 7947 7786+44 (0)20 7947 6488+44 (0)20 7947 6327+44 (0)20 7947 1741fax: +44 870 324 0025email: Foreignprocess.rcj@justice.gov.uk  | ***The Senior Master is the transmitting agency under Article 3 of the 1965 Hague Convention and the central authority under Article 2 of the 1970 Hague Convention.******The Foreign Process Section is the administrative unit which supports the Senior Master.***  |
| **The Hague Conference on Private International Law**Permanent BureauHague Conference on Private International LawChurchillplein 6b 2517 JW THE HAGUE The Netherlands Fax: +31 (0)70 360 4867 [www.hcch.net](http://www.hcch.net)  | ***The Hague Conference does not provide legal advice but their website has copies of all the Conventions, Explanatory Reports, a status table for each Convention and other useful documents.*** |
| **Reunite International Child Abduction Centre**Child Abduction CentrePO Box 7124LeicesterLE1 7XXUnited KingdomRegistered Charity No. 1075729Advice Line: +44 (0) 116 2556 234 tel: +44 (0) 116 2555 345 Fax: +44 (0) 116 2556 370 email: reunite@dircon.co.uk website: www.reunite.org | ***Reunite International*** *is part funded by the Ministry of Justice and the Foreign and Commonwealth Development Office.* *It is the UK’s leading charity specialising in international parental child abduction and the movement of children across international borders.  Reunite International has a telephone advice line offering advice, information and support to parents, family members and guardians in child abduction cases, to parents who fear their child may be at risk of abduction and to parents involved in international contact cases and relocation cases* |

1. **1996 Hague Convention, Article 1(2)**: “For the purposes of this Convention, the term **‘parental responsibility’** includes parental authority, or any analogous relationship of authority determining the rights, powers and responsibilities of parents, guardians or other legal representatives in relation to the person or the property of the child.” [↑](#footnote-ref-1)
2. You should also read the guidance issued by the Department for Education in July 2014: *Working with foreign authorities: child protection cases and care orders: Departmental advice for local authorities, social workers, service managers and children’s services lawyers.* [↑](#footnote-ref-2)
3. **1996 Hague Convention, Article 23(f):** says recognition of measures taken by the authorities of a Contracting State may be refused if the procedure provided for in Article 33 has not been complied with. [↑](#footnote-ref-3)
4. You can check if the 1965 or 1970 Hague Convention is in force between the UK and another country by going to the website for the Hague Conference ([www.hcch.net](http://www.hcch.net)) and looking at the Status Table for each Convention or by contacting the Foreign Process Section (see contact details at the end of this guide). [↑](#footnote-ref-4)
5. See footnote 4. [↑](#footnote-ref-5)
6. <https://www.hcch.net>: At Homepage scroll down to Sitemap, at Sitemap use the dropdown menu for ‘Instruments’ and go to ‘Conventions, Protocols and Principles’ for an interactive list of all the Conventions. [↑](#footnote-ref-6)
7. **1996 Hague Convention, Article 16**:

(1) The attribution or extinction of parental responsibility by operation of law, without the intervention of a judicial or administrative authority, is governed by the law of the State of the habitual residence of the child.

(2) The attribution or extinction of parental responsibility by an agreement or a unilateral act, without intervention of a judicial or administrative authority, is governed by the law of the State of the child’s habitual residence at the time when the agreement or unilateral act takes effect.

(3) Parental responsibility which exists under the law of the State of the child’s habitual residence subsists after a change of that habitual residence to another State.

(4) If the child’s habitual residence changes, the attribution of parental responsibility by operation of law to a person who does not already have such responsibility is governed by the law of the State of the new habitual residence. [↑](#footnote-ref-7)