

## Family Law Fact Sheet

### Preventing child abduction outside Australia

**It is imperative that you obtain legal advice immediately if your child has been abducted or there is a possibility that your child may be removed from Australia without your permission.**

#### Taking children overseas

A parent wishing to take a child overseas must obtain the consent of the other parent or any other person that has parental responsibility of the child.

Often children are “abducted” or removed from Australia without the consent of the other parent.

What you do next depends on your particular circumstances and how much time you have.

#### Child abduction

If you suspect your child will be removed from Australia or a threat has been made to remove your child, an urgent application can be filed in the Court to restrain the removal of your child.

If your child has been wrongfully removed from Australia, the procedure for obtaining the return of the child may depend upon which country the child has been taken to.

If there is a possibility that your child will be removed from Australia or your child has been removed, act immediately and obtain legal advice.

#### Passports

Before an Australian passport can be issued for a child, each parent must sign a passport application form, unless extraordinary circumstances exist.

If your child does not have a passport, then you can refuse to sign the child’s passport application.

If you suspect that the other parent may apply for a passport without your consent, you can apply to the Australian Passports Office for a Child Alert Request.

#### Child Alert Request

A Child Alert Request acts as a warning to the Department of Foreign Affairs and Trade to scrutinise the Passport Application but it does not guarantee that a passport will not be issued. You will be contacted by the Passports Office to discuss the application filed by the other parent.

A Child Alert will remain in force for a maximum of 12 months. If you have a Court order in relation to your child, then the Child Alert will be valid until the child is 18 years of age, legally marries or as directed by the Court.

It is important to remember that a Child Alert will not stop your child leaving Australia if your child

already has a valid Australian or foreign passport.

Child Alerts do not apply to passports issued in other countries. If you suspect that your child may leave Australia on a passport issued in another country, you should contact the relevant embassy in Australia.

#### What happens if your child has already been issued with a passport?

A PACE Alert enables the Australian Federal Police to prevent the departure of your child from Australia, with your child’s details being placed on an Airport Watch List at all international departure points within Australia. Your child will remain on the Airport Watch List until further order of the Court.

If there is no current Family Court order in relation to your child, you can file an urgent application to the Court to obtain an order which authorises a PACE Alert to be issued. You can then provide the order to the Australian Federal Police.

If there is a possibility that your child may be wrongfully removed from Australia and you have an existing Family Court order in respect of the residence and contact of your child, you can apply to the Australian Federal Police for a PACE Alert.

The Court can also make orders which:

- Restrain the removal of your child from Australia;
- Require your child’s passport and/or the accompanying parent’s passport to be delivered to the Court; and
- Request the assistance of the Australian Federal Police in implementing the orders.

#### Contact:

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This fact sheet provides general information only and does not constitute legal advice.