

International Custody Battles

A parent might decide to suddenly move to another country or another country with your child, either after separation or prior to a separation. You, in turn, are not sure how International laws will protect you or more importantly, your relationship with your child. Here's what you should do in the event you find yourself in an International Child Custody battle.

Ways to Get Your Kids Back During an International Custody Dispute

- Seek relief under the Uniform Child Abduction Prevention Act
- If a child custody order exists and a child is removed or retained in the United States, the UCCJA may be your best weapon to facilitate the safe return of an abducted child.
- Seek the assistance of an attorney, familiar with International Child Custody Cases—
 - An attorney can:
 - Represent your interests in the foreign jurisdiction to ensure fairness in court proceedings as well as timely processing
 - Locate the child
 - Negotiate a voluntary return
- Maintain as much of a relationship with your child as possible, considering the distance
 - Take pictures, send letters and money—anything that will help strengthen the bond between you and your child
- Consider the fact that you might have to move to a foreign jurisdiction until the matter is resolved (can be a very lengthy process)

Factors Considered when dealing with a Foreign Court

A Foreign Court may hold values that will affect the outcome of the custody battle such as:

- Culture- Different cultures may have a profound affect on custody determination in the international arena.
- Religion-- Varying religions affect child custody matters based on the country in question

Obstacles to Getting Your Children Back in an International Custody Dispute

- Child expresses a desire to remain in the foreign country
- Child is a key witness in a case in the foreign country

- Family/Political Ties in the Foreign Jurisdiction

International Custody Disputes are very difficult to navigate for parents, attorneys and government officials alike. You have two countries at play and often two parents with strong opinions as to where the child should live and with whom, however, at the heart of things there's a child, who may or may not have an opinion of his/her own. Parents should try to remain as open and accommodating as possible and equally important, parents should be prepared for a long struggle because the navigation of foreign country laws to determine the best interest of the child, may be a timely process.