

Parental abduction: Here are the warning signs

Knowing what to look for can help prevent, solve kidnapped-child cases

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The story of Joe Chisholm finding his daughter, now 20, after an 18-year search has a happy ending. Patricia O'Byrne, 54, was arrested at her home in Victoria on Dec. 1 and charged with parental abduction in contravention of a custody order for the alleged 1993 abduction of their 20-month-old child.

Yet many more parents, undergoing separation and whose children have been abducted, suffer a more uncertain ending to their trauma.

When either ex-spouse takes the law into their own hands - practising a form of "vigilante justice" - they are leaving family law and entering criminal law.

This means that when the police do catch up, the offending spouse will be arrested and charged.

Here are some warning signs that may be helpful in preventing child abduction, if you believe your child is at risk.

To start, do you consider your separation and divorce to be "high conflict?" Is your custody and access arrangement not working properly, or being ignored altogether? These two factors are warning signs. Promptly inform your lawyer.

Next, the physical ties that your ex-spouse has to his or her jurisdiction or geography are of extreme significance. Essentially, is your ex-spouse giving you exit signals?

You have to consider all of the following four conditions: Does your ex-spouse have any valuable assets in Canada and/or another country? Does your ex-spouse have a foreign passport? Does your ex-spouse have family anywhere else in Canada or across the world? What is the current employment situation of your ex-spouse?

If your ex-spouse quits their job and begins to sell off local assets, that is a good sign that they are thinking about leaving, perhaps with your child(ren).

Finding out ahead of time about assets, family and a foreign passport are important because they give you clues as to where your ex-spouse might be going. For example, if your ex-spouse has an Italian passport or a large family in Italy, your search may begin and end there.

As a preventive measure, you can file your child's travel documents with the court pursuant to a court order, or have Passport Canada put your child's name on the passport-control list.

Separation agreements often deal with how parents are supposed to travel with their children, but despite that, you want to try and arm yourself with the tools that will allow you to put all possible preventive measures in place before it is too late.

When an abduction does take place, what are some clues to look for and who might be in a position to help you find your child(ren)?

Schooling is an important part of the investigation into the abduction of a child. Sometimes, children who are abducted are home schooled or enrolled in private school in order to avoid detection by the public school system.

You may also want to stay in touch with your ex-spouse's family, as they may be more concerned about the missing child's welfare than they are about protecting the abductor.

You can also speed up the search after an abduction by providing the authorities with a detailed list of attributes pertaining to your child(ren) and the abducting spouse, as there are various agencies that are in the business of returning abducted children to their parents and families that could put this information to good use.

As a parent, I can imagine nothing more emotionally damaging than being separated from my children. In Joe Chisholm's case, 18 years is a long time to hope and wait for redemption.

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