



Ministry of Social Affairs and
Housing

International Child Abduction

When your child is brought to Denmark without your consent



This leaflet

In this leaflet, you can read about the rules that apply when a child residing in a State, which Denmark cooperates with, is wrongfully removed to Denmark or retained there.

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1. The Hague Child Abduction Convention

Denmark, like several other countries, has acceded to the Hague Child Abduction Convention (The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction).

You can find a list of the countries Denmark cooperates with here: [Hague Convention of 1980](#)

The object of the Hague Convention is to secure the prompt return of children wrongfully removed to or retained in a country other than where the child resides. This means that the child must be returned to the country of residence, so that disagreements between the parents regarding custody, the child's residence and visitation rights can be solved there.

When a child has been abducted to or wrongfully retained in Denmark, the Danish authorities apply the rules and proceedings set out in the Hague Child Abduction Convention and the Danish Child Abduction Act. The rules of the Child Abduction Hague Convention and the Danish Child Abduction Act only apply if the child is under the age of 16 years.

2. What is an international child abduction?

There are several conditions that must all be met for a child to be considered abducted to or wrongfully retained in Denmark:

- Before the abduction, the child resided in a convention country other than Denmark.
- The parent seeking the child's return has (joined) custody under the laws of the other convention country.
- Bringing the child to or retaining the child in Denmark is against the laws of the other convention country.
- The parent seeking the child's return exercised custody rights before the abduction. The child does not need to have lived with the parent requesting the return.

An unlawful retention can occur, for example, if both parents agreed that the child would go on vacation to Denmark, but one parent refuses to allow the child to return home after the vacation.

3. Processing of Child Abduction Cases in Denmark

All Convention countries have a Central Authority, which receives and facilitates requests from parents seeking the return of their child. In Denmark, the Ministry of Social Affairs and Housing is designated as the Central Authority.

Case procedures

If a parent requests assistance from the central authority in their country to have a child returned, a request is sent to the Ministry of Social Affairs and Housing in Denmark. The request and accompanying documents must be translated into Danish.

When the Ministry receives the application for return of a child, it reviews the application to ensure that all required information under the convention is included. The application is then forwarded to the Family Court in the area of Denmark where the child is located. If the child's whereabouts in Denmark are unknown, the Ministry will request assistance from the police to locate the child.

The Family Court will assess whether the case qualifies as a child abduction. If the court determines that an abduction has occurred, the child must, as a general rule, be returned to the country from which they were taken.

The Ministry will continuously follow up with the Family Court and keep the foreign central authority informed about the case's progress. It will also handle any inquiries from the foreign central authority.

There is nothing preventing a return request from being submitted directly to the Family Court where the child is located. If the case is brought to court without involving the Danish central authority, the central authority will not be involved in the case.

Proceedings before the Family Court

When the Family Court receives the case, the Family Court appoints a lawyer for the applicant. The costs of the lawyer are covered by the Danish state.

If both parties agree, mediation is an option. The mediator will be either a judge or a lawyer specifically appointed as a mediator.

The court may decide to hear the child's opinion as part of the case. In making this decision, the court will consider the child's age and maturity.

If the Family Court finds that it is a case of abduction, the child must, as a general rule, be returned to the country from which the child was removed.

However, under certain circumstances the Family Court can decide that the child is not to be returned. This can for example, be the case if:

- More than one year has passed since the abduction or wrongful retention at the time the Family Court is asked to order the return, and the child has settled into its new environment.
- There is a grave risk that returning the child will expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.
- The child objects to the return and has reached an age and level of maturity where their opinion should be considered.
- The return would be incompatible with fundamental principles in Denmark concerning the protection of human rights and freedoms.

Both parents have the right to appeal the Family Court's decision in a child abduction case to the High Court. The deadline for filing an appeal is four weeks.

The Family Court's decision remains in effect, even if the case is appealed. However, a request can be made for the decision not to take effect while the High Court reviews the case.

If it has been decided that the child must be returned to the country where it lived originally, the decision can be enforced, e.g. if the child is not voluntarily returned.

Enforcement of the court's decision can take place immediately and may be carried out through compulsory fines or immediate use of force such as detaining the parent holding the child at a different location from where the child is or retrieval of the child by authorities.

Enforcement can take place immediately and can be carried out in the following ways:

- by imposing coercive fines
- by detaining the parent who has the child at a location other than where the child is, or
- by retrieving the child.

If the child is not voluntarily returned, a lawsuit can be filed in the Family Court that issued the return order to enforce the handover of the child.

4. Legal advice and free legal aid

As stated the section on proceedings before the Family Court, the Family Court appoints a lawyer for the parent seeking the return of the child. The cost of the lawyer is covered by the Danish state.

The Family Court may also appoint a lawyer for the parent who has brought the child to Denmark. This parent must meet the financial requirements for free legal aid. It is up to the Family Court to determine whether the parent needs an appointed lawyer.

The Ministry of Social Affairs and Housing has made a list of Danish lawyers who are particularly suited to handle child abduction cases. The list can be found here: [List of lawyers](#).

5. Transfer of custody

The Danish Authorities cannot decide on custody while a child abduction case is pending in Denmark. The idea behind the Hague Child Abduction Convention is that the child should be returned to the country where the child resided before the abduction. The authorities in that country can then make decisions regarding the child's situation.

A decision on custody must therefore be made in the country where the child lived before the abduction. This means that the authorities in that country can rule on custody even while the abduction case is pending in Denmark.

6. If you are considering moving to Denmark with your child

If you and your child live abroad and you are considering moving to Denmark with your child, you must make sure that you can legally move with the child.

The rules in the country where you and the child reside are decisive for whether you are allowed to travel with the child to Denmark – not the Danish rules. Therefore, it would be a good idea to consult the authorities or a lawyer in the country where the child resides before you move to Denmark with the child.

If you are unsure about which authorities can advise you on the rules in the country where you live, you can contact the Danish embassy or the Ministry of Social Affairs and Housing.

7. More about the rules

This leaflet only covers the main points of the legislation that applies to international child abductions.

If you would like more information on this area, you can either contact the Ministry of Social Affairs and Housing or read more on our website: [Child Abduction](#).

8. Contact

The Child Abduction Unit can be contacted at the following details:

The Child Abduction Unit
The Ministry of Social Affairs and Housing
Holmens Kanal 22
1060 Copenhagen K
Denmark
www.english.boernebortførelse.dk or
www.english.sm.dk

Phone:

+45 40 50 50 26 or +45 33 92 93 00 (Monday-Thursday 8.30 AM - 4.00 PM, Friday 8.30 AM - 3.30 PM)

E-mail

Signed and encrypted emails (e.g., sent from e-Boks) should be sent to the Child Abduction Unit's mailbox: sikkermail.ke@sm.dk

You may also e-mail to the Ministry's main mailbox at post@sm.dk

Please note that regular emails are not encrypted. If your inquiry contains sensitive or confidential information about an individual (e.g., health information, information about criminal matters, financial information, significant social issues, or CPR numbers), we recommend that you send your inquiry to the Ministry as digital post via e-Boks, www.borger.dk, or www.virk.dk. You can select the Ministry of Social Affairs and Housing as the recipient. The Ministry of Social Affairs and Housing encourages you to remove unnecessary personal information from your inquiry before sending it.

9. How we process your personal information

You can read about how the Ministry processes your information here:<https://english.sm.dk/contact/how-we-process-the-personal-data-you-provide-to-the-ministry>