



The Ministry of
Social Affairs and
Housing

International child abductions

When your child is taken abroad without your consent



This leaflet

In this leaflet, you can read about what the Danish authorities can do for you if your child is illegally taken to another country or retained abroad. You can also find information on where to seek assistance and about the Coordination Unit for Child Abductions, which coordinates efforts in such cases.

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1. What is an international child abduction?

An international child abduction may occur when one parent takes the child out of Denmark without the other parent's consent or when a parent unlawfully retains the child abroad.

There are several conditions that must be met for a child to be considered abducted from Denmark or unlawfully retained in another country:

If you have joint custody

It is considered an international child abduction if the following conditions are met:

- There is disagreement regarding custody.
- No decision has been made allowing the child to reside or stay abroad.
- The other parent has taken the child to, or is retaining the child in, another country without your consent, with the intention of remaining abroad.

If you have sole custody

It is considered an international child abduction if the following conditions are met:

- No decision has been made allowing the child to reside abroad.
- The other parent has taken the child to, or is retaining the child in, another country without your consent, with the intention of remaining abroad.

If you do not have custody

Your case is not considered a child abduction if you do not have custody. The other parent, who has custody, is allowed to travel abroad with the child without your consent. This also applies if the other parent has custody based on a temporary decision.

2. What can you do if your child is abducted abroad?

If your child has been abducted abroad, you can contact the Child Abduction Unit at the Ministry of Social Affairs and Housing for guidance and to initiate a case for the return of your child.

The Child Abduction Unit can advise you of your options and what you can expect in the case. The Unit can also provide guidance on legal assistance in

Denmark and abroad, as well as information about the possibility of financial aid.

You will always be offered a meeting when initiating a case with the Child Abduction Unit, where you are welcome to bring an accompanying person or your lawyer.

The handling of a child abduction case depends on whether the child has been abducted to a country with which Denmark cooperates with under a convention or to a country with which Denmark does not cooperate.

Like a number of other countries, Denmark is a party to several conventions on child abduction. The most commonly used conventions are The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction and The Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children.

The Hague Convention on the Civil Aspects of International Child Abduction

The Hague Convention on the Civil Aspects of International Child Abduction states that the child must be returned to the country of residence so that disputes between the parents on custody, the residence, and visitations can be resolved there.

The main rule of the convention is, therefore, that a child must be returned to the country where the child resided before the abduction. The convention applies until the child turns 16 years old.

However, the return of the child may be refused if, for example, returning is not in the child's best interests or if the child does not wish to return and has reached an age and maturity level where their opinion should be considered. Additionally, return may be denied if more than one year has passed since the abduction and the child has settled into their new environment.

A judge in the country to which the child has been taken will decide whether the child should be returned to Denmark.

You can find a list of countries that Denmark cooperates with on our website: [Hague Convention of 1980](#)

Hague Convention on Parental Responsibility and Protection of Children

The Hague Convention of Parental Responsibility and Protection of Children can be used to request the return of a child by requesting that a decision on custody or the child's residence is to be recognized and enforced in another country.

It is possible to request recognition and enforcement of a final or temporary decision, a custody agreement approved by the Family Court or the Agency of Family Law, or a court settlement regarding custody. The key factor is whether the decision, agreement, or settlement can be enforced under Danish law.

The general principle of the convention is that a decision must be recognized and enforced. However, enforcement may be denied if, for example, it is not in the best interests of the child or if Danish authorities did not have jurisdiction to process the custody or residence case.

A judge in the country to which the child has been taken will decide whether the child should be returned to Denmark.

The convention applies until the child turns 18 years old

You can find a list of countries that Denmark cooperates with on our website: [Hague Convention of 1996](#)

3. Abduction to a country that Denmark cooperates with

If your child has been abducted to or retained in a contracting state to one of the conventions, you can request the return of the child under either the Hague Convention on the Civil Aspects of Child Abduction or the Hague Convention on Parental Responsibility and Protection of Children.

All contracting states have a central authority which receives and processes inquiries from parents seeking the return of their child. In Denmark, the central authority is the Ministry of Social Affairs and Housing.

Initiating a case

If you wish to initiate a case for the return of your child, you must submit the following documents to us:

- Application form. – Available in multiple languages on our website: [Forms](#)
- Power of attorney declaration – Available on our website: [Forms](#)
- Copy of the child's birth and baptism certificate
- Proof of custody (e.g., a custody agreement or court decision)
- Photo of the child and the alleged abductor
- Any other documents that may be relevant to the case

All documents must be translated into the language of the country to which the child has been abducted.

Your lawyer in Denmark will be able to help you assess which additional documents may be relevant to the case. You can find a list of lawyers who are particularly suited to handling cases on international child abductions here: [List of lawyers](#)

The process

Once we have received your application and the relevant documents, we will forward them on to the central authority in the country to which your child has been abducted.

The central authority will then refer the case to the relevant authority or court responsible for deciding on the matter. Thus, it is this authority or court that decides whether the child should be returned. During the proceedings, you will typically be represented by a lawyer and may also need to attend the court hearing abroad.

If the authority or court finds that the conditions for return under the convention are met, the child must, as a general rule, be returned to Denmark.

However, if the court decides that the child should not be returned to Denmark, the child will then be considered resident in the country to which the child has been taken, and the child will no longer be considered abducted. From that point on, the authorities in the child's new country of residence will have jurisdiction over matters such as custody and visitation, and any related cases will be handled according to that country's national laws. The Child Abduction Unit can assist you in submitting a request for visitation rights if you wish to do so.

Once the authority or court has made its decision in the child abduction case, it may, depending on the circumstances, be possible to appeal the decision to an appeal authority.

Exactly how the case is processed will depend on what country your child is in.

The Child Abduction Unit will follow the case and maintain ongoing contact with the foreign central authority. The unit will also keep in contact with other relevant Danish and/or foreign authorities and it will keep you informed about the case.

4. Abduction to a country that Denmark does not cooperate with

If your child is abducted to or retained in a country that Denmark does not cooperate with under a convention, your case will be handled in cooperation with the Ministry of Foreign Affairs and, if necessary, the Danish police.

Initiating a case

If you wish to request the return of your child from a country that Denmark does not cooperate with under a convention, you must submit the following documents to us:

- Application form. Available in multiple languages on our website: [Forms](#)
- Power of attorney declaration – Available on our website: [Forms](#)
- Proof of custody (e.g., a custody agreement or court decision)

The process

When you contact the Child Abduction Unit, you will receive guidance on your options for requesting the return of your child and you will also be offered a guidance meeting which the Ministry of Foreign Affairs will also attend.

You can choose to be assisted by a Danish lawyer who can assist you in your contact with the relevant authorities in Denmark and your lawyer abroad.

In many cases, the best option for resolving a child abduction case in a non-contracting state is to establish contact between the parents and that the parents reach an amicable solution in the best interests of the child.

If possible, the Danish embassy may attempt and contact the family and visit the child to find out how the child is doing. The embassy may also speak with the abducting parent about the child's contact with the other parent and how the conflict can be resolved in the best way possible for all parties.

The Ministry of Foreign Affairs can also assist in referring local lawyers who can provide legal advice on family law matters in the country concerned. A local lawyer can assess the legal framework governing the child's stay in the country and determine the likelihood of the child's return to Denmark if the case is brought before the courts.

5. Legal counsel and financial support

If you would like specific guidance in your case, we have drawn up a list of lawyers who are particularly suited to handling cases on international child abductions. You can find the list here: [List of lawyers](#)

Generally, you will be responsible for paying the expenses associated with the case yourself. If you have private insurance (e.g., home insurance), it often includes legal assistance coverage. Therefore, you should contact your insurance company to find out what expenses the insurance covers in relation to the international child abduction cases.

In some countries, it is possible to apply for legal aid to cover the expenses related to the proceedings in the country where the child has been abducted or illegally retained.

If your private legal assistance insurance does not cover the expenses, and it is not possible to obtain legal aid abroad, you may apply for legal assistance from us to cover your expenses related to the abduction case. Legal aid may cover some of your expenses in connection with the case, such as reasonable expenses for Danish and/or foreign legal assistance and expenses for translation of documents which are relevant to the case. Legal aid can also cover reasonable transport and accommodation expenses if it is necessary for you to attend court hearings abroad.

Please note that the legal aid scheme is not the same as free legal aid. Therefore, you should not expect all your expenses to be covered. For example, legal aid does not cover expenses related to custody or visitation cases.

You can read more about which expenses are covered by the legal aid scheme on our website: [Financial assistance](#)

You can find information on how to apply for legal aid and the application form here: [How to apply for legal aid](#)

6. Other relevant authorities

If your child has been abducted or is being retained abroad, you can apply for temporary suspension of joint custody and transfer custody solely to you.

You can do this by contacting the Family Court (Familiieretshuset) directly: [Agency of Family Law](#)

You can also choose to contact the police to report the abduction as a child abduction/illegal retention may be a criminal offense under Section 215 of the Danish Criminal Code. You should contact the police station where your child is registered as a resident.

7. More about the rules

This leaflet only covers the main points of the legislation regarding international child abductions.

If you would like more information on the topic, you can either contact the Child Abduction Unit or read more on our website: [Child Abduction](#)

8. Contact Information

The contact details for the Child Abduction Unit are as follows:

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

Phone

40 50 50 26 or 33 92 93 00 (Monday-Thursday 8:30 AM - 4:00 PM, Friday 8:30 AM - 3:30 PM)

Email

Signed and encrypted emails (e.g., sent from e-Boks) should be sent to the Child Abduction Unit's mailbox: sikkermail.ke@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, criminal matters, financial information, major social problems, and CPR number), we recommend that you send your email to the Ministry as digital post from E-Boks, www.borger.dk or www.virk.dk. You can select the Ministry of Social Affairs and Housing as the recipient.

We encourage you to remove all unnecessary personal information in your inquiry before sending it to the Ministry.

9. How we process your personal data

You can read about how the ministry handles your information here: <https://boernebortfoerelse.dk/kontakt/saadan-behandler-vi-dine-personoplysninger>.