COUNTRY PROFILE

1980 CHILD ABDUCTION CONVENTION

2023 VERSION

CONVENTION OF 25 OCTOBER 1980 ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

FOREWORD TO THE COUNTRY PROFILE

This Country Profile[1] should be used by Contracting States[2] to assist with fulfilment of the obligations contained within Article 7 of the *Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* (1980 Child Abduction Convention or Convention). In particular, it is anticipated that the Country Profile will help Contracting States fulfil their obligations under Article 7(2)(e) and 7(2)(i) of the Convention, that is:

- To provide information of a general character on the law of their State in connection with the application of the Convention; and
- To keep other Central Authorities informed regarding the operation of the Convention in their State and to eliminate any obstacles to the Convention's application.

The Country Profile is intended to assist with the practical operation of the Convention. It is hoped that it will facilitate:

a) information exchanges between Contracting States;

b) knowledgeable service by Central Authorities under the 1980 Child Abduction Convention;

c) cost-effective translation of the information provided by Contracting States into English, French, Spanish, and other languages as required by Contracting States; and

d) prompt updates of the information provided.

NEWLY ACCEDING STATES:

It should be noted that the Country Profile does not replace the "Standard questionnaire for newly acceding States" (available at www.hcch.net under "Child Abduction Section" then "Questionnaires and responses"). The Standard Questionnaire provides a means for newly acceding States to describe promptly, and in brief, the measures taken in their State to ensure compliance with their Convention obligations and to ensure the effective practical operation of the Convention in their State. It thereby assists States already Party to the Convention with their decision as to whether to accept an accession. Newly acceding States are encouraged to complete this full Country Profile as soon as is practicable.

INSTRUCTIONS:

- Please mark the box which best represents the arrangements in your State:
  - Where the response requires either "Yes" or "No", please mark one box only.
  - For all other questions, it may be necessary to mark more than one box.
- Where applicable, please specify the relevant provision(s) of your domestic legislation and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

[1] This new version follows the content and structure of Info. Doc. No 2 of March 2011 for the attention of the Special Commission of June 2011 on the practical operation of the 1980 Child Abduction Convention, with some minor format changes and necessary updates (*e.g.*, the reference to Brussels IIa has been changed to Brussels IIb and references to INCASTAT have been deleted).

[2] Any reference to a Contracting State in this Country Profile is a reference to a Contracting State of the 1980 Child Abduction Convention.

- Please complete a separate profile for each territorial unit if there are significant differences in the substance and operation of the laws in each.
- Please note: the information contained in the Country Profile **is of a general nature only**. The purpose of the Country Profile is to assist with the practical operation of the Convention and not to provide a comprehensive picture of the legal system of each Contracting State. Please consider this when completing the Country Profile and when using the Country Profile of other Contracting States. Please contact the relevant Central Authority for clarification or specific advice.
- Contracting States are exclusively responsible for updating the information contained in their Country Profile. However, reminders for updates will be provided by the Permanent Bureau of the Hague Conference on Private International Law (HCCH).
- Completed Country Profiles will be published on the website of the HCCH (www.hcch.net).
- The Permanent Bureau of the HCCH has prepared a number of resources which may assist States in the effective implementation and operation of the Convention, in particular Guides to Good Practice. See www.hcch.net under "Child Abduction Section" for further information in this regard.

TERMINOLOGY:

- Whilst it is acknowledged that in some Contracting States the formal applicant to a return or access application under the Convention may be a State authority (see question 10.3 b) below), please note that the term "**applicant**" is used in the Country Profile as follows:
  a) In relation to a *return* application, the term "applicant" denotes the person, institution or other body alleging that their actually exercised rights of custody in relation to a child have been breached by the removal or retention of the child, in accordance with Article 3 of the Convention; and
  b) In relation to an *access* application, the term "applicant" denotes the person, institution or other body seeking to establish and / or exercise rights of access in relation to a child under Article 21 of the Convention.
- The term "**abducting party**" or "***alleged* abducting party**" in the Country Profile refers to the person, institution or other body who has, or is alleged to have, wrongfully removed or retained a child in accordance with Article 3 of the Convention.

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1980 CHILD ABDUCTION CONVENTION

COUNTRY PROFILE

Country Name: Canada

Territorial Unit (where applicable): British Columbia ("BC")

Last updated: March 2023

Part I: Central Authorities

1 Central Authority contact details[1]	
Provide the designation and contact details of the Central Authority to which communications may be addressed. Always check www.hcch.net then "Child Abduction Section" and "Central Authorities" for the most current contact details.	
Organisation:	Ministry of Attorney General, Province of British Columbia
Address:	1001 Douglas Street, P.O. Box 9280 STN PROV GOVT, Victoria, BC, Canada V8W 9J7
Territorial and personal extent of functions, if applicable:	The Province of British Columbia
Telephone:	250 356-8433
Fax:	250 356-8992
E-mail:	BCCentralAuthority@gov.bc.ca
Website:	
Contact person(s) and direct contact details (please indicate language(s) of communication):	Jane Connell (Delegated Central Authority), jane.connell@gov.bc.ca; Jillian Stewart (Delegated Central Authority), jillian.stewart@gov.bc.ca, telephone 250-356-8449; Sharna Kraitberg (Delegated Central Authority), sharna.kraitberg@gov.bc.ca, telephone 250-356-8931. Language of communication: English
Preferred method of communication:	☐ Telephone ☐ Fax ☒ E-mail ☐ Post ☐ Other (*please specify*):
OTHER DESIGNATED CENTRAL AUTHORITIES (IF APPLICABLE)	
Please attach additional pages if there is more than one designated Central Authority in your State.	
Organisation:	
Address:	
Territorial and personal extent of functions, if applicable:	
Telephone:	
Fax:	

[1] Please verify whether the contact details on the "Child Abduction section" of the HCCH website www.hcch.net under "Central Authorities" are up to date. If not, please e-mail the updated contact information to secretariat@hcch.net.

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

E-mail: Website:	
Contact person(s) and direct contact details (please indicate language(s) of communication):	
Preferred method of communication:	☐ Telephone ☐ Fax ☐ E-mail ☐ Post ☐ Other (*please specify*):

2 Language requirements	
a) Does the Central Authority prefer applications, communications and other documents sent to them to be accompanied by a translation into the official language(s) of the State? *See Article 24* *See questions 10.3 c) and 17.2 b) below regarding any translation(s) required by the court / administrative authority*	☒ Yes, for all communications, applications and other documents. Please specify the official language(s) of the State: English ☐ Not for informal communications ☐ No
b) Has your State made a reservation in respect of the use of French or English for communications, applications and other documents sent to the Central Authority? *See Article 42*	☐ Yes, object to English ☐ Yes, object to French ☒ No

3 Central Authority operations	
a) What are the working days and hours of the Central Authority?	Days of the week open: Monday to Friday Opening time: 8:30 am PST Closing time: 5:00 pm PST Shut down periods (*e.g.,* public holidays, court closures):public holidays
b) Can assistance be accessed outside of working hours?	☒ Yes (*please specify contact details, if different from above*): ☒ For persons in other Convention States: contact may be possible by email outside of office hours ☒ For persons in your State: contact may be possible by email outside of office hours ☐ No
c) Does the Central Authority have a dedicated staff who deals *only* with 1980 Child Abduction Convention applications and related issues?	☐ Yes ☒ No
d) Please indicate the professions represented in the Central Authority: *Please note that some individual staff members may fall under more than one category. This question should not*	☐ Civil servants ☒ Civil servants (legal advisors) ☐ Lawyers ☐ Social workers

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., *website, or provide a copy of the legislation.*

be interpreted as an indication of the number of staff members in the Central Authority	☐ Mediators ☐ Other (*please specify*):

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

Part II: Relevant legislation

4 International Child Abduction	
4.1 1980 Child Abduction Convention	
a) When did the 1980 Child Abduction Convention enter into force in your State?	Date: The Convention came into force in Canada on December 1, 1983; its application extends to British Columbia since December 1, 1983.
b) Was implementing legislation necessary for the 1980 Child Abduction Convention to enter into force in your domestic law? *Please specify how legislation can be accessed (e.g., website) or attach a copy*	☒ Yes, please specify: • The date that the legislation entered into force: December 1, 1983 • The legislative provision(s) or implementing legislation: Section 80, Family Law Act. See Family Law Act (gov.bc.ca) ☐ No
c) Whether implementing legislation was necessary in your State or not, have any (other) legislative provisions or procedural rules been enacted to assist with the effective operation of the 1980 Child Abduction Convention? *Please specify how legislation can be accessed (e.g., website) or attach a copy*	☒ Yes, please specify: • The date that the legislation or procedural rules entered into force or effect: • The legislative provision(s) or procedural rules: The BC Court of Appeal issued a Practice Directive in September, 2011 to expedite Hague appeals. Both the BC Provincial Court and the BC Supreme Court have created protocols for processing Hague return applications. See http://www.courts.gov.bc.ca ☐ No
4.2 Other agreements on international child abduction	
a) Is your State party to any other international agreements which relate to international child abduction?	☐ Yes: ☐ Brussels IIb Regulation (Council Regulation (EU) 2019/1111 of 25 June 2019) ☐ Inter-American Convention of 15 July 1989 on the International Return of Children ☒ Bilateral agreements (*please specify*): Canada has bilateral agreements regarding cooperation on consular matters with Egypt and Lebanon that touch on family law matters. http://www.hcch.net/upload/2ca-leb_e.pdf http://www.hcch.net/upload/2ca-eg_e.pdf ☐ Non-binding memoranda of understanding (*please specify*): ☐ Other (*please specify*): ☐ No

5 1996 Child Protection Convention	
a) Is your State a Contracting State to the 1996 Child Protection Convention? *Refer to www.hcch.net for the status table of the 1996 Child Protection Convention*	☐ Yes, if so, on what date did the 1996 Child Protection Convention enter into force in your State: ☒ No

b) Was implementing legislation necessary for the 1996 Child Protection Convention to enter into force in your domestic law? *Please specify how legislation can be accessed (e.g., website) or attach a copy*	☐ Yes, please specify: • The date that the legislation entered into force: • The legislative provision(s) or implementing legislation: ☐ No
c) Whether implementing legislation was necessary in your State or not, have any (other) legislative provisions or procedural rules been enacted to assist with the effective operation of the 1996 Child Protection Convention? *Please specify how legislation can be accessed (e.g., website) or attach a copy*	☐ Yes, please specify: • The date that the legislation or procedural rules entered into force or effect: • The legislative provision(s) or procedural rules: ☐ No

Part III: Applications for return

6 Applications through Central Authorities	
6.1 Outgoing applications (requesting State)	
a) What type of assistance is provided to applicants in your State when completing an application for return under the Convention? *See Articles 7 and 8*	☒ Assistance from the Central Authority ☐ Assistance from another authority ☐ Referral to a legal representative ☐ Other (*please specify*):
6.2 Incoming applications (requested State)	
a) What form of application does your State require for an incoming application?	☐ (1) Model Application Form *Available at www.hcch.net under "Child Abduction Section"* Go to question c) ☐ (2) Form developed by your State Please specify how this form can be accessed (*e.g.*, website) or attach a copy: Go to question c) ☒ Both (1) and (2), go to question c) ☒ The form of the requesting State is accepted, go to question c) ☐ No particular form is required, go to question b) ☐ Other, go to question b)
b) If your State does not require a particular form of application, what information or documents does your State request? *See Article 8* *Please note that the only information actually* required *by the Convention (Art. 8) is indicated by a cross in the relevant box*	☐ Information concerning the identity of the child: ☐ Name and previous name/s ☐ Date of birth, where available ☐ Address ☐ Telephone number ☐ Nationality / nationalities ☐ Passport number(s) ☐ Physical description (height, eye and hair colour) ☐ Photograph (as recent as possible) ☐ Information identifying the child's parents *e.g.,* nationalities – where a parent is not the applicant or respondent to proceedings *(please specify)*: ☐ Other *(please specify)*: ☐ Information concerning the identity of the applicant: ☐ Name and previous name/s ☐ Date of birth ☐ Address ☐ Telephone number ☐ Nationality / nationalities ☐ Passport number(s) ☐ Relationship of the applicant to the child ☐ Name(s) of legal adviser, if any ☐ Other *(please specify)*:

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., *website, or provide a copy of the legislation.*

	☐ Information concerning the identity of the person alleged to have removed or retained the child: ☐ Name and previous name/s ☐ Date of birth ☐ Address ☐ Telephone number ☐ Nationality / nationalities ☐ Passport number(s) ☐ Physical description (height, eye and hair colour) ☐ Photograph (as recent as possible) ☐ Relationship of the person to the child ☐ Other (*please specify*): ☐ The grounds upon which the applicant's claim for return of the child is based ☐ Evidence of the applicant's rights of custody ☐ An authenticated copy of any relevant decision or agreement ☐ A certificate or an affidavit emanating from the Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State ☐ The alleged habitual residence of the child, with supporting information ☐ Other (*please specify*): ☐ All available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be ☐ Any other relevant document / information ☐ Concerning any child protection issues ☐ Marriage certificate (if applicable) ☐ Divorce decree (if applicable) ☐ Civil and / or criminal proceedings in progress (if applicable) ☐ Evidence of child or other relevant person's right to re-enter the State of the child's habitual residence ☐ Other (*please specify*):
c) Does your Central Authority accept an application and accompanying documentation transmitted by electronic means?	☒ Yes, please specify any requirements for electronically transmitted applications / documentation: ☐ Yes, but any documentation sent electronically is not accepted by the court / administrative authority (*please specify*): ☐ No
d) Does the Central Authority require a written authorisation empowering it or a designated	☒ Yes, the authorisation should be provided:

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

representative (e.g., *lawyer*) to act on behalf of the applicant? *See Article 28*	☒ On the application form ☒ In a signed statement or declaration ☐ Other (*please specify*): ☐ No
e) Does the Central Authority acknowledge receipt of the application?	☒ Yes, acknowledgment generally is provided by: ☒ E-mail ☐ Facsimile ☐ Post ☐ Other (*please specify*): ☐ No
f) Can the Central Authority proceed with an application where the information provided is incomplete?	☐ Yes, the Central Authority will begin processing the application and will immediately inform the requesting Central Authority of what additional information is required to complete the request ☐ No: ☐ The Central Authority will not process an application without all of the necessary supporting documentation ☐ The Central Authority is unable to process the application but will immediately inform the requesting Central Authority of what additional information is required before further action can be taken ☒ It depends upon what type of information is missing (*please specify*): Generally, the Central Authority will begin processing the application right away but if critical information is missing, such as evidence of the applicant's rights of custody, processing may be delayed until that evidence is provided ☐ Other (*please explain*):
g) Who does the Central Authority prefer to communicate with in incoming applications?	☐ The requesting Central Authority ☐ The applicant ☐ The applicant's legal representative ☒ All of the above ☐ Other (*please specify*):
h) What measures are taken by the Central Authority (directly, or through an intermediary) to attempt to secure the voluntary return of a child allegedly wrongfully removed or retained in accordance with Article 3 of the Convention (hereinafter, simply "the child")? *Please explain where necessary* *See Article 7*(c) *and Article 10* *See also* ***Part V: Mediation and other forms of alternative dispute resolution*** *below*	☒ Contact is made with the alleged abducting party to seek a voluntary return ☐ Mediation and / or other forms of alternative dispute resolution are offered to the parties (see **Part V: Mediation and other forms of alternative dispute resolution**) ☐ Other (*please specify*):
i) How is it ensured that no undue delay results from the measures taken, or attempted, to secure the voluntary return of the child (see question h) above)?	Please explain: *The applicant parent is encouraged to retain and instruct legal counsel while the Central Authority attempts to contact the taking parent.*

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., *website, or provide a copy of the legislation.*

j) What is the role of the Central Authority in taking or causing to be taken provisional measures to prevent further harm to the child? *See Article 7(2)(b)* *Refer also to sections 10.5 and 11.2 below*	☒ Alert appropriate agencies where there are concerns that a child is at risk ☐ Apply directly to authorities for protection orders ☒ Refer parties to appropriate agencies ☐ Other (*please specify*):
k) Can an applicant commence proceedings in your State for the return of the child under the Convention without using the Central Authority channel? *See Article 3 and Article 29*	☒ Yes, if so, please explain: • Where the applicant can obtain information about commencing proceedings: the internet site for BC courts: http://www.courts.gov.bc.ca • What role, if any, the Central Authority has in these proceedings: the court may ask the Central Authority for information or assistance ☐ No

7 Locating a child and preventing removal

For best practice on locating a child and preventing removal, see the Guides to Good Practice under the 1980 Child Abduction Convention available at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice". In particular, in relation to preventing removal, see Part III of the Guide to Good Practice on Preventive Measures.

a) Can return proceedings commence before the child is located?	☐ Yes ☒ Yes, in certain circumstances (*please specify*): The proceeding can be commenced if it is known that the child is in BC, even if the child's exact whereabouts are not known ☐ No
b) What evidence / information does your State require regarding the child's whereabouts to begin to assist with locating the child? *Please explain where necessary*	☐ Evidence that the child entered your State (*e.g.*, evidence that the child boarded an aeroplane bound for your State): ☐ Information from the applicant as to why he / she believes the child is in your State: ☒ No information or evidence is required; searches for the child can begin upon request: the more information that can be provided, the more likely that the child will be located ☐ Other (*please explain*):
c) What mechanisms or sources of information are available in your State to discover the whereabouts of the child? *Please indicate in the space provided any associated costs for an applicant or any other necessary information* *See Article 7(2)(a)*	☒ (1) Private location services: some may be at the applicant's cost (e.g., private investigator) while others may be at no cost (e.g., Missing Children Society of Canada) ☐ (2) Population register: ☐ (3) Employment register: ☒ (4) Information maintained by other government agencies (e.g*., immigration, social welfare*): no cost ☒ (5) Police: no cost ☒ (6) INTERPOL: when criminal charges are laid in requesting State; no cost ☒ (7) Court orders to compel the production of information on the whereabouts of the child: at the applicant's cost or with legal aid if applicable ☐ (8) Other (*please specify*):

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g.*, website, or provide a copy of the legislation.*

d) Please indicate who is responsible for arranging the measures listed above in question c) by inserting the relevant number next to the responsible person or authority *E.g.*, Central Authority: 2, 3 The applicant's representative: 7	Central Authority: 4,5,6 The applicant: 1,5,7 The applicant's representative: 1,5,7 Other (*please specify*):
e) Please indicate, by inserting the relevant numbers, which of the measures listed above in question c) need an order from a competent authority?	7
f) What measures can be taken in your State to deter the removal or re-abduction of the child? *Please explain where necessary* *Refer also to the Guide to Good Practice, Part III – Preventive Measures, available at* www.hcch.net*, particularly to paragraph 3.1 on barriers to international travel*	☒ (1) Child's passport(s) to be deposited with authorities ☒ (2) Alleged abductor's passport to be deposited with authorities ☒ (3) Obtain orders to prevent the removal of the child ☒ (4) Issuing border and / or port alerts ☒ (5) Requiring the alleged abductor to report periodically to authorities ☒ (6) Requiring the alleged abductor to pay a bond / deposit ☒ (7) Temporary placement of child in institutional care ☒ (8) Other (*please specify*): temporary placement of child with left-behind parent if that parent comes to BC
g) Please indicate who may apply for the measures listed above in question f) by inserting the relevant number next to the responsible person or authority	Central Authority: 4 The applicant: 1,2,3,4,5,6,7,8 The applicant's representative: 1,2,3,4,5,6,7,8 Other (*please specify*): the child protection authority in BC may apply for temporary placement of the child in institutional care, if warranted
h) Please indicate, by inserting the relevant numbers, which of the measures above in question f) need an order from a competent authority?	1,2,3,5,6,7,8

8 Legal representation and assistance

8.1 General

a) Has your State made a reservation to Article 26 of the Convention?	☒ Yes ☐ No
b) Does the Central Authority provide legal advice regarding return applications?	☐ Yes ☐ No ☒ No, however: ☒ The Central Authority will refer the applicant to the appropriate person or authority to obtain legal advice ☒ The Central Authority will provide information that is of a general nature about laws and procedures

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g.*, website, or provide a copy of the legislation.*

	☐ Other (*please specify*):
c) Is legal representation required in return proceedings? *See Article 25* *Please explain where necessary*	☐ Yes ☐ No ☒ No, but recommended
d) What is the role of the Central Authority in arranging legal representation? *See Article 7(2)(g)*	☒ The applicant is required to make his / her own arrangements for legal representation, but the Central Authority will: ☒ Provide the applicant with a list of lawyers ☒ Provide the applicant with a list of free or reduced rate lawyers ☒ Other (*please specify*): assist the applicant to apply for legal aid ☐ Legal representation is not required. The Central Authority ensures the application is forwarded to the competent authority for action. Please provide additional information if necessary: ☐ Legal representation is arranged by the Central Authority. Representation is provided by: ☐ Central Authority lawyers ☐ Private lawyers ☐ Public prosecutor ☐ Other (*please specify*): ☐ Other (*please specify*):
8.2 Free or reduced rate legal assistance	
a) Is free or reduced rate legal assistance available to an applicant in return proceedings in your State?	☒ Yes, free legal assistance. Go to question c) ☐ Yes, reduced rate legal assistance. Go to question c) ☐ No, go to question b)
b) If free or reduced rate legal assistance is <u>not</u> available, in what other ways can your State assist an applicant financially?	☐ There is a system of costs ordering the respondent to pay ☐ *Pro bono* legal assistance ☐ Other (*please specify*): ☐ Not at all - **Go to section 9**
c) Is the applicant required to complete an application form for free or reduced rate legal assistance?	☒ Yes, please specify how application forms can be obtained (*e.g.*, website) or attach a copy: contact the BC Central Authority ☐ No
d) Please indicate on what basis free or reduced rate legal assistance may be available *Please explain where necessary*	☒ Income of the applicant ☒ Assets of the applicant ☐ Country of residence of the applicant ☐ Likelihood of success of the proceedings ☐ Other (*please specify*):
e) Which costs are covered by free or reduced rate legal assistance? *Please explain where necessary*	☒ (1) Mediation up to 10 hours ☒ (2) Translation prior authorization is required ☒ (3) Interpreters prior authorization is required ☒ (4) Service of documents ☒ (5) Costs associated with locating the child BC Central Authority also assists with this, at no cost

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	☒ (6) Court fees ☐ (7) Travel costs for the return of the child (see question 11.1 c)) ☐ (8) Other (*please specify*):
f) Please indicate which costs, if any, are covered by the Central Authority by listing the numbers set out in question e) above?	5
g) Is free or reduced rate legal assistance available for the appeal of decisions?	☐ No, go to question i) ☐ Yes, free legal assistance; go to question h) ☐ Yes, reduced rate legal assistance; go to question h) ☒ It depends upon an assessment of the merits of the case and / or the means of the individual concerned (*please specify*): Go to question h)
h) Is a new application for free or reduced rate legal assistance required for appeals?	☒ Yes ☐ No
i) Is free or reduced rate legal assistance available for proceedings needed to enforce a return order?	☐ No, go to question k) ☒ Yes, free legal assistance; go to question j) ☐ Yes, reduced rate legal assistance; go to question j) ☐ It depends upon an assessment of the merits of the case and / or the means of the individual concerned (*please specify*): Go to question j)
j) Is a new application for free or reduced rate legal assistance required for enforcement applications?	☒ Yes ☐ No
k) Is free or reduced rate legal assistance available to an alleged abducting party located in your State?	☒ Yes, free legal assistance ☐ Yes, reduced rate legal assistance Please specify in what circumstances and on what basis legal assistance will be granted: the alleged abducting party must meet financial eligibility requirements ☐ No
l) Where a child is returned to your State, is free or reduced rate legal assistance available to all parties in the custody proceedings in your State?	☐ Yes, free legal assistance is available to all parties ☐ Yes, reduced rate legal assistance is available to all parties Please specify in what circumstances and on what basis legal assistance will be granted: ☒ Free legal assistance is only available to certain persons (*please specify*): depends on the circumstances of the case and the outstanding issues ☐ Reduced rate legal assistance is only available to certain persons (*please specify*):

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	Please specify in what circumstances and on what basis legal assistance will be granted: ☐ No, free and / or reduced rate legal assistance is not available to any party ☐ Other (*please specify*):

9 Rights of custody	
9.1 Acquisition and exercise of rights of custody *See Articles 3 and 5*	
a) Do rights of custody arise by operation of law in your State? *Please specify the relevant legislation and provisions and indicate how the legislation may be accessed,* e.g.*, website, or provide a copy*	☒ Yes, go to question b) ☐ No, go to question c)
b) To whom are rights of custody attributed by operation of law? *See Articles 3 and 5* *Please specify the relevant legislation and provisions and indicate how the legislation may be accessed,* e.g.*, website, or provide a copy*	Please explain: Section 39 of the Family Law Act (see http://www.bclaws.ca/) provides that while a child's parents are living together and after they separate, each parent of the child is the child's guardian. Only a guardian has parental responsibilities with respect to a child, including the right to make decisions about where the child will reside. A parent who has never resided with his or her child may be a guardian in certain cases.
c) By what other methods can a person or institution acquire rights of custody?	☒ Judicial decision ☐ Administrative decision ☒ Agreement having legal effect ☐ Other (*please specify*):
d) How, if at all, can the attribution of rights of custody be modified?	☐ By order of a judicial or administrative authority ☐ By written agreement ☒ It depends upon how the rights of custody were acquired (*please specify*): if rights of custody were attributed by court order, they can only be varied by court order. If rights of custody were attributed by a written agreement having legal effect, they can be varied by agreement or by court order. ☐ Other (*please specify*):
e) How, if at all, can rights of custody be terminated?	☐ By order of a judicial or administrative authority ☐ By written agreement ☒ It depends upon how the rights of custody were acquired (*please specify*): see above ☐ Other (*please specify*):
f) Prior to any order determining the issue, who *generally* has the right to determine the child's residence?	Please explain: a child's guardian. see above.

10 Proceedings for Return	
10.1 Organisation of competent authorities	
a) Does your State limit the number of judicial or administrative authorities who can hear return applications under the Convention? (*i.e.*, has your State "concentrated jurisdiction" in respect of applications under the Convention)	☐ Yes ☒ No
b) If possible, please state exactly how many courts or administrative authorities and how many judges or relevant decision-makers can hear return applications under the Convention?	Courts / administrative authorities: the Provincial Court and the Supreme Court of BC Judges / decision-makers: all judges of the Provincial Court of BC; 5 or more judges of the Supreme Court of BC
c) Please list the judicial or administrative authorities that can make decisions in return applications under the Convention	Provincial Court and the Supreme Court of BC
d) Are the judges or administrative authorities who decide return applications in your State specialists in either family law or international child abduction? *See also section 22 below on Training*	☐ Yes, specialists in family law ☐ Yes, specialists in international child abduction ☒ No ☒ Other (*please specify*): the return applications heard in the BC Supreme Court are heard by a specialist in international child abduction when possible.
e) In ascertaining whether there has been a wrongful removal or retention under the Convention, do judicial or administrative authorities in your State take judicial notice of foreign law and decisions without recourse to the specific procedures for the proof of that law or for the recognition of foreign decisions which would otherwise be applicable in ascertaining whether there has been a wrongful removal or wrongful retention? *See Article 14*	☒ Yes ☐ No ☐ Other (*please specify*):
10.2 Articles 15 and 16 of the Convention	
a) In your State is it possible for a decision or other determination to be made, in accordance with Article 15 of the Convention, that the removal or retention of a child was wrongful within the meaning of Article 3? *See Article 3 and Article 15*	☒ Yes, go to question b) ☐ No, go to question e)
b) Which authorities in your State can issue Article 15 decisions / determinations? *See Article 15*	Please list: the Provincial Court and the Supreme Court of BC
c) Who can apply for an Article 15 decision / determination?	☐ Central Authority ☒ The applicant in the return proceedings ☐ Other (*please specify*):
d) Are Article 15 decisions / determinations of other States accepted by the judicial or administrative authorities in your State?	☒ Yes, *please explain if necessary:* ☐ No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

e) Who notifies the relevant judicial or administrative bodies that a decision on the merits of rights of custody should not be made until it has been determined that the child should not be returned? *See Article 16*	☒ Central Authority ☐ The applicant's legal representative ☐ Other (*please specify*):
f) When does notification in accordance with Article 16 take place?	☒ Automatically upon receipt of a return application ☐ Upon request of either party ☐ Other (*please specify*):
10.3 Procedures	
a) How does the Central Authority fulfil its obligation to initiate or facilitate the initiation of proceedings in your State? *See Article 7(2)(f)* *See also question 8.1 d)* above	☐ The Central Authority itself initiates the proceedings for return ☐ The Central Authority sends the file to an appropriate lawyer ☐ The Central Authority sends the file to the Public Prosecutor ☒ Other (*please specify*): the Central Authority advises the applicant parent of his/her responsibility to commence the court proceeding as soon as possible and provides assistance in finding legal counsel
b) Who is the formal applicant in return proceedings before the court / administrative authority in your State?	☒ The person, institution or other body which made the application under the Convention ☐ The Central Authority ☐ The Public Prosecutor ☐ Other (*please specify*):
c) Does documentation submitted to the court / administrative authority have to be translated into the official language(s) of your State? *See question 2 a) for the official language(s) of the State*	☒ Yes, please state who is responsible for the organisation and cost of the translation: the applicant ☐ No ☐ It depends upon the type of documentation submitted (*please specify*):
d) Have measures been taken to ensure that the judicial and administrative authorities in your State act expeditiously in return proceedings? *See Article 11*	☒ Yes, please explain briefly what the measures are: ☐ In the implementing legislation: ☒ In procedural rules: the Provincial Court and Supreme Court of BC have drafted protocols for dealing with Hague applications. The Supreme Court uses Judicial Management Conferences to ensure proceedings progress quickly. The BC Court of Appeal has issued a Civil Practice Directive to expedite appeals of return decisions. ☐ Other (*please specify*): Please specify how the legislation or rules can be obtained (*e.g.*, website) or attach a copy: http://www.courts.gov.bc.ca/ ☐ No
e) Generally, what is the expected time from the commencement of the proceedings for return to a final order (excluding appeals)? *See Article 11*	☐ Up to 6 weeks ☒ 6 to 12 weeks ☐ More than 12 weeks (*please provide further information*):

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., *website, or provide a copy of the legislation.*

f) Is the applicant generally required to participate in the return proceedings? *Please note that attendance in person is not required under the Convention (see para. 6.5.3 of the Guide to Good Practice, Part II – Implementing Measures)*	☒ Yes, please specify in what circumstances: the applicant must participate by retaining legal counsel or by appearing in person ☐ No, but advisable ☐ No
g) Are facilities available to enable the applicant to participate in return proceedings from outside your State?	☒ Yes: ☒ Videoconference must be arranged in advance ☒ Telephone must be arranged in advance ☒ Through a legal representative ☐ Other (*please specify*): ☐ No
h) If the applicant does participate in return proceedings in your State, is simultaneous interpretation available, where necessary?	☐ Yes ☐ No ☒ It depends upon the circumstances of the case (*please specify*): must be arranged in advance
i) Where the facilities set out in question 10.3 g) and h) above are required, who is responsible for the cost of providing such facilities?	☐ The applicant ☐ The requesting Central Authority ☐ The requested Central Authority ☐ The court / administrative authority ☒ It depends upon the facility used (*please specify*): The applicant is responsible for any technology costs for participating virtually that the applicant incurs in his/her own country.The availability of court-provided simultaneous interpretation depends on the level of court. ☐ Other (*please specify*):
j) Can special immigration arrangements (*e.g.,* visas) be made to enable the applicant to attend return proceedings in person if he / she so wishes?	☐ Yes (*please specify*): See Canada's response to question 9.1 of the Questionnaire concerning the Practical Operation of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction and the Hague Convention of October 19 1996 on Jurisdiction, Applicable, Law, Recognition, Enforcement and Co-Operation in Respect of Parental Responsibility and Measures for the Protection of Children at: http://www.hcch.net/upload/abduct2011ca1e.doc ☐ No
k) Is it possible for a return application to be decided solely on the basis of the papers *i.e.*, with no court (or administrative authority) hearing at all?	☐ Yes ☐ Yes, but it is unlikely ☒ No, there will always be a hearing
l) Can oral evidence (*i.e.*, in-person evidence) be received in return proceedings?	☐ Yes, oral evidence will always be received in return proceedings ☒ Yes, oral evidence can be received in return proceedings but in limited circumstances only (*please specify*): ☐ No, oral evidence can never be received in return proceedings

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., *website, or provide a copy of the legislation.*

10.4 Participation of the child	
a) Does the child have an opportunity to be heard in return proceedings in your State?	☐ Yes, in every case; go to question b) ☒ It depends upon the particular case and is always at the discretion of the judge / authority hearing the case. *Please explain if necessary*: Go to question b) ☐ Only where Article 13(2) is relied upon; go to question b) ☐ Other (*please specify*): Go to question b) ☐ No, never. **Go to section 10.5**
b) How is the child heard in return proceedings?	☒ Direct interview with judge ☒ Report prepared for court by independent expert ☒ Child's own legal representative ☐ Other (*please specify*):
c) How does your State ensure that no undue delay results from hearing the child in the course of return proceedings?	*Please explain: the court will weigh the benefits of hearing from the child versus the delay which may result from doing so*
d) Can judicial or administrative authorities appoint a legal representative (attorney or *guardian ad litem*) to represent the child's best interests in return proceedings?	☒ Yes, please specify under what circumstances: the cost of the legal representative must be borne by the parties ☐ No
10.5 Protective measures	
a) Where there are concerns about the care being given to a child in your State, which authorities provide services for the assessment and protection of the child? *Please provide additional information if necessary* *On the role of the Central Authority in this respect, see also question 6.2 j) above*	☒ Government social / welfare agency: BC Ministry for Children and Family Development ☐ Non-governmental organisations / agencies: ☐ Central Authority: ☒ Police: when alerted to a child potentially at risk, police may temporarily take charge of the child and deliver him/her to child protection authorities ☐ Courts: ☐ Other (*please specify*):
b) What measures are available to ensure the protection of a child in your State (both prior to the initiation of return proceedings and whilst return proceedings are ongoing)?	☒ (1) Injunctive orders can be placed on the alleged abducting party prohibiting certain forms of conduct *e.g.*, violence, drinking *etc.* ☐ (2) Placement of the child in foster care ☒ (3) Placement of the child in State care ☒ (4) Supervision of the alleged abducting party's care of the child by a social / welfare agency ☒ (5) Other (*please specify*): agreements, support services (e.g., homemakers, respite care), protective intervention orders and restraining orders
c) Which of the above measures require a court order? Please list the relevant numbers from question 10.5 b) above	1,3,4, and 5 in relation to protective intervention orders and restraining orders only
d) Who is responsible for applying for any protective measure requiring a court order? Please list next to the relevant individual or	☒ The applicant: 1 ☐ The requesting Central Authority: ☐ The requested Central Authority:

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

body the number of the measure from question b) above, which they are required to apply for *On the role of the Central Authority in this respect, see also question 6.2 j) above*	☐ The Public Prosecutor: ☐ The judge (*ex officio*): ☒ A government social / welfare agency: 3,4,5 ☐ The police: ☐ Other (*please specify*):
10.6 Contact or access during return proceedings	
a) Can judicial or administrative authorities take provisional or interim measures to enable an applicant to exercise contact or access in respect of the child while return proceedings are pending?	☒ Yes ☐ No
10.7 Appeals	
a) Can a decision in return proceedings be appealed?	☒ Yes ☐ Only in certain circumstances (*please specify*): If either of the boxes above are ticked, please specify how many levels of appeal exist and to which court(s) / authority(ies) an appeal may be made: A decision of the BC Provincial Court may be appealed to the BC Supreme Court. A decision of the BC Supreme Court, including an appeal decision, may be appealed to the BC Court of Appeal. A decision of the BC Court of Appeal may be appealed to the Supreme Court of Canada. Please note that the answers below refer specifically, except where otherwise noted, to the Supreme Court of BC and to the BC Court of Appeal. The processes of the Supreme Court of Canada are significantly different. ☐ No, **go to section 11**
b) Is there an expedited procedure or special process of appeal for Hague return cases? *Please specify the legislation and / or rules which provide for this and how they can be obtained (*e.g., *website) or attach a copy*	☒ Yes, please specify: the BC Court of Appeal has issued a Civil Practice Directive which expedites appeals concerning Hague return orders. See http://www.courts.gov.bc.ca/Court_of_Appeal/ ☐ No
c) Who can initiate the appeal process?	☒ Either party to the proceedings ☐ Central Authority ☐ Public Prosecutor ☐ Other (*please specify*):
d) Is leave to appeal required?	☐ Yes ☐ No ☒ In certain circumstances (*please specify*): leave is only required to appeal to the Supreme Court of Canada; the request must be made within 60 days of the judgment appealed from.
e) If a return order is made, can it be suspended (*i.e.*, "stayed") pending an appeal?	☐ Yes, a return order is *automatically* suspended pending an appeal ☐ Yes, a return order can be suspended pending an appeal at the request of either party

	☒ Yes, a return order can be suspended pending an appeal at the request of either party and after determination by the judge / authority ☐ No
f) Is there a time limit by which an appeal must be filed in return proceedings?	☒ Yes, please specify: The time limit: varies with the level of court; generally 30 to 40 days; From when the time limit starts to run (*e.g.*, from the date of judgment, from the date of the order, from the date the decision was notified to the parties *etc.*): from the day the order is made ☐ No
g) Generally, what is the expected time within which appeals are filed and decided?	☒ Up to 3 months ☐ 3 to 6 months ☐ Longer than 6 months
h) Is the applicant generally required to participate in the appeal proceedings? *Please note that attendance in person is not required under the Convention (see para. 6.5.3 of the Guide to Good Practice, Part II – Implementing Measures)*	☒ Yes, please specify in what circumstances: The applicant must participate by retaining counsel or by appearing in person ☐ No, but advisable ☐ No
i) Are facilities available to enable the applicant to attend appeal proceedings from outside your State?	☒ Yes, please specify: ☒ Videoconference ☒ Telephone ☒ Through a legal representative ☐ Other (*please specify*): ☐ No
j) If the applicant does participate in appeal proceedings in your State, is simultaneous interpretation available, where necessary?	☒ Yes ☐ No
k) Where the facilities set out in questions i) and j) above are required, who is responsible for the cost of providing such facilities?	☒ The applicant ☐ The requesting Central Authority ☐ The requested Central Authority ☐ The court / administrative authority ☐ It depends upon the facility used (*please specify*): ☐ Other (*please specify*):
l) Can special immigration arrangements (*e.g.,* visas) be made to enable the applicant to attend appeal proceedings in person if he / she so wishes?	☐ Yes (*please specify*): See Canada's response to question 9.1 of the Questionnaire concerning the Practical Operation of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction and the Hague Convention of October 19 1996 on Jurisdiction, Applicable, Law, Recognition, Enforcement and Co-Operation in Respect of Parental Responsibility and Measures for the Protection of Children at: http://www.hcch.net/upload/abduct2011ca1e.doc ☐ No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., *website, or provide a copy of the legislation.*

11 Return of the child	
11.1 Arrangements for return and the costs of return	
a) Who is responsible for making travel arrangements for the return of the child?	☐ The abducting party ☐ The applicant ☐ The abducting party and the applicant ☐ The requesting Central Authority ☐ The requested Central Authority ☒ The judicial or administrative authority will direct who is to make arrangements on a case-by-case basis. Please explain if necessary: ☐ Other (*please specify*):
b) Who is responsible for the travel costs relating to the return of the child?	☐ The abducting party ☐ The applicant ☐ The abducting party and the applicant ☐ The requesting Central Authority ☐ The requested Central Authority ☒ The costs are decided by the judicial or administrative authority on a case-by-case basis. Please explain if necessary: ☐ Other (*please specify*):
c) Is there financial assistance available in your State to assist with travel costs associated with the return of the child? *See also question 8.2 e)*	☒ Yes, please specify: Under certain conditions, the Air Canada reunification program may provide assistance for the return of a child to Canada. http://www.canadasmissing.ca/services/index-eng.htm#trp-ptr Moreover, since 2007, the Government of Canada has provided financial assistance to Canadians who are the victim of specified violent crimes abroad, including parental child abduction, through the Financial Assistance for Canadians Victimized Abroad (https://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/abroad-etranger.html) program. Some expenses that are eligible for reimbursement under the program include: travel back to Canada after the victimization, expenses incurred to travel to the country where the victimization occurred to participate in the trial, counselling, medical expenses, and prescriptions. ☐ No
d) Can special immigration arrangements (*e.g.*, visas) be made, where necessary, to enable an applicant to travel to your State to collect a child (following a return order or a voluntary agreement to return the child)?	☐ Yes ☐ No Please explain, if necessary: See Canada's response to question 9.1 of the Questionnaire concerning the Practical Operation of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction and the Hague Convention of October 19 1996 on Jurisdiction, Applicable, Law, Recognition, Enforcement and Co-Operation in Respect of Parental Responsibility and Measures for the Protection of Children at: http://www.hcch.net/upload/abduct2011ca1e.doc

e) Can special immigration arrangements (*e.g.*, visas) be made, where necessary, for abducting parties and children returning to your State?	☐ Yes ☐ No Please explain, if necessary: See Canada's response to question 9.1 of the Questionnaire concerning the Practical Operation of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction and the Hague Convention of October 19 1996 on Jurisdiction, Applicable, Law, Recognition, Enforcement and Co-Operation in Respect of Parental Responsibility and Measures for the Protection of Children at: http://www.hcch.net/upload/abduct2011ca1e.doc
11.2 Provisions for safe return	
See also: *Article 7(2)(b)* ***Part VI: Direct judicial communications*** *Section 6: Applications through Central Authorities*	
a) Does the law in your State provide for the protection of children from domestic violence or other forms of abuse?	☒ Yes, please specify how legislation can be accessed (*e.g.*, website) or attach a copy: the Child, Family and Community Service Act (http://www.canlii.org/en/bc/laws/stat/rsbc-1996-c-46/latest/rsbc-1996-c-46.html); the Family Law Act (http://canlii.ca/t/8q3k); Changes to the Divorce Act (R.S.C., 1985, c. 3 (2nd Supp.) https://laws-lois.justice.gc.ca/eng/acts/d-3.4/) that came into effect on March 1, 2021 include a broad, evidence-based definition of family violence, which explicitly recognizes children's direct or indirect exposure to family violence as a form of family violence. The Divorce Act requires judges to consider the impact of family violence on the best interests of a child and sets out a list of factors that judges must take into account when considering the impact of family violence on parenting arrangements. The Criminal Code (R.S.C., 1985, c. C-46, https://laws-lois.justice.gc.ca/eng/acts/c-46/) does not contain a specific offence of intimate partner violence, but it contains numerous offences of general application that apply in the intimate partner violence context: e.g. sections 162.1, 264, 264.1, 266 to 268, 271 to 273, 279, 372, 380 423 and 430. Furthermore, the Criminal Code contains sentencing provisions ensuring that sentencing judges treat as aggravating factors any evidence that the offender abused their intimate partner or a member of the victim's or the offender's family (paragraph 718.2(a)(ii)). Also see: http://www.victimlinkbc.ca/vlbc/help/victims_of_crime.page ☐ No
b) Does the law in your State provide for the protection of adults from domestic violence or other forms of abuse?	☒ Yes, please specify how legislation can be accessed (*e.g.*, website) or attach a copy: the Family Law Act (http://canlii.ca/t/8q3k); the Adult Guardianship Act (http://www.canlii.org/en/bc/laws/stat/rsbc-1996-c-6/latest/rsbc-1996-c-6.html); The Divorce Act (R.S.C., 1985, c. 3 (2nd Supp.) https://laws-lois.justice.gc.ca/eng/acts/d-3.4/) allows the court to order measures that will protect both the child and the

	divorcing spouse such as the supervised transfer of a child from one spouse to another and any other term, condition or restriction that it considers appropriate. The Criminal Code (R.S.C., 1985, c. C-46, https://laws-lois.justice.gc.ca/eng/acts/c-46/) does not contain a specific offence of intimate partner violence, but it contains numerous offences of general application that apply in the intimate partner violence context: e.g. sections 162.1, 264, 264.1, 266 to 268, 271 to 273, 279, 372, 380 423 and 430. Furthermore, the Criminal Code contains sentencing provisions ensuring that sentencing judges treat as aggravating factors any evidence that the offender abused their intimate partner or a member of the victim's or the offender's family (paragraph 718.2(a)(ii)). Also see: http://www.victimlinkbc.ca/vlbc/help/victims_of_crime.page ☐ No
c) Which authorities provide services for the protection, if necessary, of the child? *Please provide additional information if necessary*	☒ Government social / welfare agency: ☐ Non-governmental organisations: ☐ Central Authority: ☒ Police: ☐ Courts: ☐ Other (*please specify*):
d) What action can the Central Authority in your State take, where necessary, to ensure the safe return of the child? *See Article 7(2)(h)*	Please explain: work with parents to facilitate cooperation; refer to police / border authorities / other Central Authorities as appropriate, etc.
Requested State	
e) Where a judge or administrative authority in your State is ordering the return of the child, what can the authority do to create conditions for a safe return? *Please explain where necessary* *Please tick all boxes which apply*	☒ Make a protective order or other order designed to prevent harm occurring to the child ☒ Accept undertakings from either party designed to prevent harm occurring to the child Please specify the subject-matter of, and any limitations on, the undertakings the authority can accept: ☒ Other (*please specify*): engage in direct judicial communications with the requesting State
f) Where a judge or administrative authority in your State takes measures to create conditions for a safe return, what can the authority do to ensure compliance with those measures?	*Please specify*: order payment of security; make alternative orders
Requesting State	
g) Can judicial or administrative authorities in your State: i. Recognise and enforce protective orders or other orders made in the requested State designed to prevent harm occurring to the child?	☒ Yes ☐ No Please explain where necessary: The courts can make its own protection orders. The courts can recognize and enforce custody and access orders.

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., *website, or provide a copy of the legislation.*

ii. Insist upon undertakings given in the requested State being carried out?	☐ Yes ☐ No ☒ It depends upon the subject-matter of the undertakings given Please explain where necessary:
iii. Make any "mirror orders" necessary as a result of protective measures taken in the requested State?	☒ Yes ☐ No Please explain where necessary:
11.3 Criminal law and the return of the child	
a) Is the wrongful *removal* of a child by a parent from your State a criminal offence? *See Article 3* *Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation*	☒ Yes ☐ It depends upon the circumstances of the case, please specify: Four specific offences exist under Canada's Criminal Code pertaining to the abduction of a minor. Two of these offences (sections 282 and 283) apply specifically to situations where a minor who is under 14 years of age has been abducted by a parent, guardian or person having lawful care or charge of the minor, with the intent of depriving the other parent of the possession of that minor. More information of these offences is available at: https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/tpd/p5/ch10.html ☐ No
b) Is the wrongful *retention* of a child by a parent outside your State a criminal offence? *See Article 3* *Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation*	☒ Yes ☐ It depends upon the circumstances of the case, please specify: The offences noted above apply while a child is detained by the other parent. ☐ No **If the answer to both question 11.3 a) and b) is "no", go to section 12**
c) What penalties are available for the wrongful removal or wrongful retention of a child by a parent?	☒ (1) Pecuniary measures ☒ (2) Imprisonment ☒ (3) Other (*please specify*): discharges, suspended sentences (i.e. supervised probation periods, which can include conditions such as non-communication orders, and restrictions on where one is to reside); and conditional sentences (i.e. house arrests with conditions)
d) Please indicate which of the penalties listed above are mandatory	none
e) Can criminal proceedings in your State proceed without a complaint being presented (*e.g.*, by the applicant to the return proceedings or any other concerned person / body)?	☒ Yes ☐ No, please specify:

f) Once initiated, can criminal proceedings in your State be withdrawn or suspended to facilitate the return of a child?	☒ Yes, please specify: Crown prosecutors have the discretion to withdraw a charge where the circumstances so warrant, and judicial authorities have the discretion to suspend the proceedings. ☐ No, **go to section 12**
g) Who is able to initiate the withdrawal or suspension of criminal proceedings relating to the wrongful removal or wrongful retention of a child?	☒ Prosecuting authority ☒ Police ☐ The person / body / institution alleging a wrongful removal or retention ☒ Judicial or administrative authority ☐ Other (*please specify*):
h) Who will determine whether the criminal proceedings are to be withdrawn or suspended?	☒ Prosecuting authority ☐ Police ☐ The person / body / institution alleging a wrongful removal or retention ☒ Judicial or administrative authority ☐ Other (*please specify*):
i) What assistance can the Central Authority provide regarding the suspension or withdrawal of criminal proceedings?	☐ None ☐ Refer the matter to prosecuting authority ☒ Other (*please specify*): Cooperate with prosecutors; provide information as necessary.

12 Enforcement of return orders

For best practice in relation to the enforcement of return orders, see the Guide to Good Practice, Part IV – Enforcement available at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice".

a) What procedure may be used to enforce a return order?	☒ Directions by a judicial or administrative authority to make arrangements for return ☒ Measures for the immediate execution of final orders ☒ Issue of a warrant for the apprehension or detention of the child ☒ Authority for coercive detention or use of force ☐ Other (*please specify*):
b) Who is generally responsible for exercising supervision over the process of enforcement?	☒ The applicant ☐ Central Authority ☐ Public Prosecutor ☒ The court / administrative authority ☐ Police ☐ No one body has general responsibility ☐ Other (*please specify*):
c) Where parties do not voluntarily comply with a return order, is it necessary to commence additional proceedings to enforce the order?	☐ Yes, go to question d) ☒ It depends on the circumstances (*please specify*): usually the applicant parent can request further orders from the judge who made the return order Go to question d) ☐ No, **go to Part IV: Applications relating to access**
d) What is the procedure to commence enforcement proceedings?	☐ The Central Authority will apply for enforcement ☒ The applicant must apply for enforcement

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	☐ Other (*please specify*):
e) Can the merits of the proceedings for return be reviewed in enforcement proceedings?	☐ Yes ☒ No
f) What coercive measures, if any, are available to enforce a return order?	☒ Intervention by government agency (e.g*., police, social welfare*) ☒ Removal of the child from the abducting party ☒ Removal of the child from the State ☒ Criminal charges ☒ Imprisonment ☒ Pecuniary measures ☒ An order placing the child under supervision ☐ Other (*please specify*):

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g.*, website, or provide a copy of the legislation.*

Part IV: Applications relating to access

13 Applications through Central Authorities	
13.1 Outgoing applications (requesting State)	
a) What assistance is available to applicants in your State in the preparation of outgoing access applications? *See Articles 7 and 21*	☒ Assistance from the Central Authority to apply under Article 21 ☐ Assistance from another authority or body to apply under Article 21 ☐ Referral to a legal representative for assistance to apply under Article 21 ☐ Other (*please specify*):
13.2 Incoming applications (requested State)	
a) Has your State developed a specific form for access applications under the Convention?	☒ Yes Please specify how this form can be accessed (*e.g.*, website) or attach a copy: available from BC Central Authority or on website at http://www2.gov.bc.ca/gov/content/life-events/divorce/international-child-abduction Go to question c) ☐ No, go to question b)
b) If your State does not require a particular form for access applications, what information or documents are requested?	☐ Information concerning the identity of the child: ☐ Name and previous name/s ☐ Date of birth, where available ☐ Address ☐ Telephone number ☐ Nationality / nationalities ☐ Passport number(s) ☐ Physical description (height, eye and hair colour) ☐ Photograph (as recent as possible) ☐ Information identifying the child's parents *e.g.*, nationalities – where a parent is not the applicant or respondent to proceedings (*please specify*): ☐ Other *(please specify)*: ☐ Information concerning the identity of the applicant: ☐ Name and previous name/s ☐ Date of birth ☐ Address ☐ Telephone number ☐ Nationality / Nationalities ☐ Passport number(s) ☐ Relationship of the applicant to the child ☐ Name(s) of legal adviser, if any ☐ Other *(please specify)*: ☐ Information concerning the identity of the person with whom the child is presumed to be (the proposed respondent to the application):

	☐ Name and previous name/s ☐ Date of birth ☐ Address ☐ Telephone number ☐ Nationality / nationalities ☐ Passport number(s) ☐ Physical description (height, eye and hair colour) ☐ Photograph (as recent as possible) ☐ Relationship of the person to the child ☐ Other (*please specify*): ☐ The grounds upon which the applicant's claim for access to the child is based ☐ Evidence of the applicant's rights of access (whether obtained by operation of law, or otherwise) ☐ An authenticated copy of any relevant decision or agreement ☐ A certificate or an affidavit emanating from the Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State ☐ Other (*please specify*): ☐ All available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be ☐ Any other relevant document / information ☐ Concerning any child protection issues ☐ Marriage certificate (if applicable) ☐ Divorce decree (if applicable) ☐ Civil and / or criminal proceedings in progress (if applicable) ☐ Other (*please specify*):
c) Does your Central Authority accept an application and accompanying documentation transmitted by electronic means?	☒ Yes, please specify any requirements for electronically transmitted applications / documentation: ☐ Yes, but any documentation sent electronically is not accepted by the court / administrative authority (*please specify*): ☐ No
d) Does the Central Authority require a written authorisation empowering it or a designated representative (e.g., *lawyer*) to act on behalf of the applicant? *See Article 28*	☒ Yes, the authorisation should be provided: ☒ On the application form ☒ In a signed statement or declaration ☐ Other (*please specify*): ☐ No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

e) Does the Central Authority acknowledge receipt of the application?	☒ Yes, acknowledgment generally is provided by: ☒ E-mail ☐ Fax ☐ Post ☐ Other (*please specify*): ☐ No
f) Can the Central Authority proceed with an application where the information provided is incomplete?	☒ Yes, the Central Authority will begin processing the application and will immediately inform the requesting Central Authority of what additional information is required to complete the request ☐ No: ☐ The Central Authority will not process an application without all of the necessary supporting documentation ☐ The Central Authority is unable to process the application but will immediately inform the requesting Central Authority of what additional information is required before further action can be taken ☐ It depends upon what type of information is missing (*please specify*): ☐ Other (*please explain*):
g) Who does the Central Authority prefer to communicate with in incoming applications?	☐ The requesting Central Authority ☐ The applicant ☐ The applicant's legal representative ☒ All of the above ☐ Other (*please specify*):
h) What measures are taken by the Central Authority (directly, or through an intermediary) to attempt to secure agreement between parties in international access cases? *See Article 21* *See **Part V: Mediation and other forms of alternative dispute resolution***	☒ Contact is made with the respondent to the application ☒ Mediation and / or other forms of alternative dispute resolution are offered to the parties (see **Part V: Mediation and other forms of alternative dispute resolution**) ☐ Other (*please specify*):
i) How is it ensured that no undue delay results from the measures taken, or attempted, to secure an agreement between parties in international access cases (see question h) above)?	*Please explain: it is explained to the applicant parent that she/he has the responsibility to take court proceedings if access cannot be arranged by consent.*
j) What general assistance can be provided by the Central Authority in respect of arrangements for rights of access? *See Article 21*	☒ The Central Authority can facilitate contact with the parties: ☒ Directly through the Central Authority ☒ Through intermediaries ☒ The Central Authority can provide information to the applicant on services available, *e.g.*, mediation, legal services, social welfare services (*please specify*): ☐ Other (*please specify*):
k) Will the Central Authority's assistance depend on:	☐ Existence of a judicial or administrative order establishing or confirming rights of access

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., *website, or provide a copy of the legislation.*

See paragraph 4.6 of the General Principles and Guide to Good Practice on Transfrontier Contact Concerning Children (available at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice") recommending that Central Authorities should make their services available in all *cases where cross-frontier contact rights of parents and children are in issue*	☐ Other (*please specify*):
l) Can an applicant commence proceedings in your State with respect to access without using the Central Authority channel?	☒ Yes; if so, please explain: Where an applicant can obtain information about commencing proceedings: The Family Law Act applies to married and unmarried parties - http://canlii.ca/t/8q3k A parent who is divorcing or divorced in Canada can apply to the court for parenting time (known as access prior to amendments that came into force on March 1, 2021) under the Divorce Act (R.S.C., 1985, c. 3 (2nd Supp.) https://laws-lois.justice.gc.ca/eng/acts/d-3.4/). • What role, if any, the Central Authority has in these proceedings: none ☐ No

14 Locating a child and preventing removal	
a) Are the responses to the questions in this section the same as for applications for return (see section 7)?	☒ **Yes, go to section 15** ☐ **No, continue to question b)**
b) What evidence / information does your State require regarding the child's whereabouts to begin to assist with locating the child? *Please explain where necessary*	☐ Evidence that the child entered your State (*e.g.*, evidence that the child boarded an aeroplane bound for your State): ☐ Information from the applicant as to why he / she believes the child is in your State: ☐ No information or evidence is required; searches for the child can begin upon request: ☐ Other (*please explain*):
c) What mechanisms or sources of information are available in your State to discover the whereabouts of a child who is the subject of an access application? *Please indicate in the space provided any associated costs for the applicant or any other necessary information*	☐ (1) Private location services: ☐ (2) Population register: ☐ (3) Employment register: ☐ (4) Information maintained by other government agencies (e.g., *immigration, social welfare*): ☐ (5) Police: ☐ (6) INTERPOL: ☐ (7) Court orders to compel the production of information on the whereabouts of the child: ☐ (8) Other (*please specify*):
d) Please indicate who is responsible for arranging the measures indicated above in question c) by listing the relevant number next to the responsible person or authority *E.g.,* Central Authority: 2, 3	Central Authority: The applicant: The applicant's representative: Other (*please specify*):

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., *website, or provide a copy of the legislation.*

The applicant's representative: 6	
e) Please indicate by listing numbers which of the measures above in question c) need an order from a competent authority?	

15 Legal representation and assistance	
15.1 General	
a) Are the responses to the questions in this section the same as for applications for return (see section 8)?	☒ **Yes, go to section 15.2** ☐ **No, continue to question b)**
b) Does the Central Authority provide legal advice regarding access applications?	☐ Yes ☐ No ☐ No, however: ☐ The Central Authority will refer the applicant to the appropriate person or authority to obtain legal advice ☐ The Central Authority will provide information that is of a general nature about laws and procedures ☐ Other (*please specify*):
c) Is legal representation needed in access proceedings? *Please explain where necessary*	☐ Yes ☐ No, but advisable ☐ No
d) What is the role of the Central Authority in making arrangements to progress the application? *See Article 7(2)(g)*	☐ The applicant is required to make his / her own arrangements for legal representation, but the Central Authority will: ☐ Provide the applicant with a list of lawyers ☐ Provide the applicant with a list of free or reduced rate lawyers ☐ Other (*please specify*): ☐ Legal representation is not required. The Central Authority ensures the application is forwarded to the competent authority for action. Please provide additional information if necessary: ☐ Legal representation is arranged by the Central Authority. Representation is provided by: ☐ Central Authority lawyers ☐ Private lawyers ☐ Public prosecutor ☐ Other (*please specify*): ☐ Other (*please specify*):

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

15.2 Free or reduced rate legal assistance	
a) **Are the responses to the questions in this section the same as for applications for return (see section 8.2)?**	☒ **Yes, go to section 16** ☐ **No, go to question b)**
b) Is free or reduced rate legal assistance for access applications available for applicants located in another Contracting State?	☐ Yes, free legal assistance; go to question d) ☐ Yes, reduced rate legal assistance; go to question d) ☐ No; go to question c)
c) If free or reduced rate legal assistance is <u>not</u> available, in what other ways can your State assist an applicant financially?	☐ There is a system of costs ordering the respondent to pay ☐ *Pro bono* legal assistance ☐ Other (*please specify*): ☐ Not at all - **go to section 16**
d) Is the applicant required to complete an application form for free or reduced rate legal assistance?	☐ Yes. Please specify how application forms can be obtained (*e.g.*, website) or attach a copy: ☐ No
e) Please indicate on what basis free or reduced rate legal assistance may be available *Please explain where necessary*	☐ Income of the applicant ☐ Assets of the applicant ☐ Country of residence of the applicant ☐ Likelihood of success of the proceedings ☐ Other (*please specify*):
f) Which costs are covered by free or reduced rate legal assistance? *Please explain where necessary*	☐ (1) Mediation ☐ (2) Translation ☐ (3) Interpreters ☐ (4) Service of documents ☐ (5) Costs associated with locating the child ☐ (6) Court fees ☐ (7) Travel costs for the return of the child (see question 11.1 c)) ☐ (8) Other (*please specify*):
g) Please list the corresponding numbers of the costs, if any, listed in question f) above which are covered by the Central Authority?	
h) Is free or reduced rate legal assistance available for the appeal of decisions?	☐ No, go to question j) ☐ Yes, free legal assistance ☐ Yes, reduced rate legal assistance
i) Is a new application for free or reduced rate legal assistance needed for appeals?	☐ Yes ☐ No
j) Is free or reduced rate legal assistance available for proceedings needed to enforce an access order?	☐ No, **go to section 16** ☐ Yes, free legal assistance ☐ Yes, reduced rate legal assistance
k) Is a new application for free or reduced rate legal assistance needed for enforcement applications?	☐ Yes ☐ No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

16 Rights of access

16.1 Determining rights of access

a) Which legislation in your State governs the establishment and exercise of rights of access? *See Article 5*	Please specify how legislation can be accessed (*e.g.*, website) or attach a copy: The Family Law Act applies to married and unmarried parties (http://canlii.ca/t/8q3k) Divorce Act (R.S.C., 1985, c. 3 (2nd Supp.) https://laws-lois.justice.gc.ca/eng/acts/d-3.4/): The Divorce Act governs parenting arrangements for married spouses who are divorcing. Note that amendments to the Divorce Act that came into force on March 1, 2021 state that a spouse who had a court order for "access" now has "parenting time."
b) Which judicial and / or administrative authorities can make decisions with respect to rights of access?	The BC Provincial Court, regarding Family Law Act proceedings, and the BC Supreme Court, regarding Family Law Act and Divorce Act proceedings
c) In your State, who may seek rights of access in respect of a child?	☒ Parent ☒ Step-parent ☒ Grandparent ☒ Other family member (*please specify*): any Under the Divorce Act (R.S.C., 1985, c. 3 (2nd Supp.) https://laws-lois.justice.gc.ca/eng/acts/d-3.4/), only spouses and certain non-spouses (those who are a parent, who stand in the place of a parent, or who intend to stand in the place of a parent) may apply for a parenting order granting them parenting time (formerly access). To apply for a parenting order, non-spouses (including parents, those acting as parents, and those who seek to act as a parent) must first obtain leave of the court. ☒ Other (*please specify*): any
d) Are the best interests of the child a primary consideration in access proceedings? *See Articles 3 and 9 of the United Nations Convention on the Rights of the Child* *Please explain, if necessary*	☒ Yes The Divorce Act (R.S.C., 1985, c. 3 (2nd Supp.) https://laws-lois.justice.gc.ca/eng/acts/d-3.4/) requires courts to consider only the best interests of the child when making decisions about parenting arrangements. As of March 1, 2021, the Divorce Act includes a non-exhaustive list of best interests of the child factors that the court must consider and requires the court to give primary consideration to the safety, security and well-being of the child above all other considerations. ☐ No, please specify what are the primary considerations:

16.2 Exercising rights of access

a) Where necessary, what guarantees and safeguards do your courts or administrative authorities have to enable them to secure rights of access for children and applicants?	☒ Surrender of passport or travel documents ☒ Applicant to regularly report to police or other authority ☒ Deposit of a monetary bond or surety ☒ Supervised contact ☒ Placing restrictions on how contact is exercised ☒ Signing an affidavit or religious oath ☒ Provision of a detailed itinerary with contact details

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., *website, or provide a copy of the legislation.*

	☒ Requesting foreign consulates / embassies should not issues new passports / travel documents for the child ☐ Other:
16.3 Supervised access	
a) Do facilities exist in your State for the exercise of rights of access in a supervised environment?	☒ Yes, please explain if necessary: ☐ No, **go to section 17**
b) Under what circumstances is access supervised?	☒ Where it is agreed between the parties ☐ Where it is requested by one party ☒ As a result of a decision by a social welfare agency ☒ By order of a judicial or administrative authority ☐ Other (*please specify*):
c) Which authorities provide supervised access?	☐ Government social / welfare agency: ☒ Non-government organisations: ☐ Central Authority: ☐ Police: ☐ Courts: ☐ Other (*please specify*):
d) Who will pay the costs associated with exercising supervised access?	☐ The applicant ☐ The person(s) with day-to-day care of the child ☐ The Central Authority ☐ It depends upon the order of the judicial or administrative authority ☒ Other (*please specify*): as agreed between the parties or as ordered by the court

17 Proceedings for access / contact	
17.1 Organisation of competent authorities	
a) Does your State limit the judicial or administrative authorities who can hear access applications under the Convention? (*i.e.*, has your State "concentrated jurisdiction" in respect of access applications under the Convention?)	☐ Yes ☒ No
b) If possible, please state exactly how many courts or administrative authorities and how many judges or relevant decision-makers can hear access applications under the Convention?	Courts / administrative authorities: The BC Provincial Court, regarding Family Law Act proceedings, and the BC Supreme Court, regarding Family Law Act and Divorce Act proceedings Judges / decision-makers: All judges within these courts
c) Which courts or administrative authorities can make decisions in applications relating to access under the Convention?	as above
d) Are the judges or administrative authorities who decide access applications in your State specialists in family law? *See also section 22 on Training below*	☐ Yes ☒ No ☐ Other (*please specify*):

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

17.2 Procedures	
a) Is a special procedure applied by judicial or administrative authorities to access applications made under Article 21 of the Convention? *Please explain where necessary*	☐ Yes: ☒ No: domestic legislation and procedure applies
b) Does documentation submitted to the court / administrative authority have to be translated into the official language(s) of your State? *See question 2 a) for the official language(s) of the State*	☒ Yes, please state who is responsible for the organisation and cost of the translation: the applicant ☐ No ☐ It depends upon the type of documentation submitted (*please specify*):
c) Generally, how long are proceedings relating to access from commencement to final order (excluding appeals)?	☒ Up to 6 weeks ☒ 6 to 12 weeks ☒ 3 to 6 months ☐ Longer than 6 months
d) Is the applicant generally required to participate in proceedings relating to access? *Please note that attendance in person is not required under the Convention (see para. 6.5.3 of the Guide to Good Practice, Part II - Implementing Measures)*	☒ Yes, please specify in what circumstances: The applicant must be represented by a lawyer or appear in person ☐ No, but advisable ☐ No
e) Are facilities available to enable an applicant to participate in access proceedings from outside your State?	☒ Yes, please specify: ☒ Videoconference ☒ Telephone ☒ Through a legal representative ☐ Other (*please specify*): ☐ No
f) If the applicant does participate in access proceedings in your State, is simultaneous interpretation available, where necessary?	☒ Yes ☐ No
g) Where the facilities set out in questions e) and f) above are required, who is responsible for the cost of providing such facilities?	☐ The applicant ☐ The requesting Central Authority ☐ The requested Central Authority ☐ The court / administrative authority ☒ It depends upon the facility used (*please specify*): The applicant is responsible for any technology costs for participating virtually that the applicant incurs in his/her own country.The availability of court-provided simulataneous interpretation depends on the level of court. ☐ Other (*please specify*):
h) Can special immigration arrangements (*e.g.,* visas) be made to enable the applicant to attend access proceedings in person if he / she so wishes?	☐ Yes (*please specify*): See Canada's response to question 9.1 of the Questionnaire concerning the Practical Operation of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction and the Hague Convention of October 19 1996 on Jurisdiction, Applicable, Law, Recognition, Enforcement and Co-Operation in Respect of Parental Responsibility and Measures for the Protection of

	Children at: http://www.hcch.net/upload/abduct2011ca1e.doc ☐ No
17.3 Participation of the child	
a) Are the responses to the questions in this section the same as for applications for return (see section 10.4)?	☒ **Yes, go to section 17.4** ☐ **No, continue to question b)**
b) Does the child have an opportunity to be heard in access proceedings under the Convention in your State?	☐ Yes, always; go to question c) ☐ It depends upon the particular case and is always at the discretion of the judge / authority hearing the case. *Please explain if necessary:* Go to question c) ☐ Other (*please specify*): Go to question c) ☐ No, never; **go to section 17.4**
c) How can the child be heard in access proceedings?	☐ Direct interview with judge ☐ Report prepared for court by independent expert ☐ Child's own legal representative ☐ Other (*please specify*):
d) How does your State ensure that no undue delay results from hearing the child in the course of access proceedings?	Please explain:
e) Can judicial or administrative authorities appoint a legal representative (attorney or *guardian ad litem*) to represent the child's best interests?	☐ Yes, please specify under what circumstances: ☐ No
17.4 Appeals	
a) Can a decision in applications relating to access be appealed?	☐ Yes ☒ Only in certain circumstances (*please specify*): Interim orders of the Provincial Court cannot be appealed. If either of the boxes above are ticked, please specify how many levels of appeal exist and to which courts / authorities an appeal may be made: Appeals of final orders may be made from the Provincial Court to the BC Supreme Court. Orders of the BC Supreme Court can be appealed to the BC Court of Appeal and potentially to the Supreme Court of Canada Please note that the answers below refer specifically, except where otherwise noted, to the Supreme Court of BC and to the BC Court of Appeal. The processes of the Supreme Court of Canada are significantly different. ☐ No, **go to section 18**
b) Is there an expedited procedure or special process of appeal for Hague access cases? *Please specify the legislation and / or rules which provide for this and how they can be obtained (*e.g., *website) or attach a copy*	☐ Yes, please specify: ☒ No
c) Who can initiate the appeal process?	☒ Either party to the proceedings

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., *website, or provide a copy of the legislation.*

	☐ Central Authority ☐ Public Prosecutor ☐ Other (*please specify*):
d) Is leave to appeal required?	☐ Yes ☐ No ☒ In certain circumstances (*please specify*): Some appeals to the BC Court of Appeal require leave to appeal. Leave is required to appeal to the Supreme Court of Canada.
e) If an access order is made, can it be suspended (*i.e.*, "stayed") pending an appeal?	☐ Yes, an access order is *automatically* suspended pending an appeal ☐ Yes, an access order can be suspended pending an appeal at the request of either party ☒ Yes, an access order can be suspended pending an appeal at the request of either party and after determination by the relevant judge / authority ☐ No
f) Is there a time limit by which an appeal must be filed in access proceedings?	☒ Yes, please specify: The time limit: varies with the level of court, but generally 30 to 40 days From when the time limit starts to run (*e.g.*, from the date of judgment, from the date of the order, from the date the decision is notified to the parties *etc.*): from the day the order is made ☐ No
g) Generally, what is the expected time within which appeals are filed and decided?	☒ Up to 3 months ☒ 3 to 6 months ☐ Longer than 6 months
h) Is the applicant generally required to participate in appeal proceedings? *Please note that attendance in person is not required under the Convention (see para. 6.5.3 of the Guide to Good Practice, Part II – Implementing Measures)*	☒ Yes, please specify in what circumstances: applicant must be represented by legal counsel or appear in person ☐ No
i) Is the applicant able to participate in proceedings without being physically present?	☒ Yes, please specify: ☐ Video-conference ☐ Telephone ☒ Through a legal representative ☒ Other (please specify): possibly through telephone or video-conference - must be arranged in advance ☐ No
j) If the applicant does participate in appeal proceedings in your State, is simultaneous interpretation available, where necessary?	☒ Yes ☐ No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., *website, or provide a copy of the legislation.*

k) Where the facilities set out in questions i) and j) above are required, who is responsible for the cost of providing such facilities?	☒ The applicant ☐ The requesting Central Authority ☐ The requested Central Authority ☐ The court / administrative authority ☐ It depends upon the facility used (*please specify*): ☐ Other (*please specify*):
l) Can special immigration arrangements (*e.g.,* visas) be made to enable the applicant to attend appeal proceedings in person if he / she so wishes?	☐ Yes, please specify: See Canada's response to question 9.1 of the Questionnaire concerning the Practical Operation of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction and the Hague Convention of October 19 1996 on Jurisdiction, Applicable, Law, Recognition, Enforcement and Co-Operation in Respect of Parental Responsibility and Measures for the Protection of Children at: http://www.hcch.net/upload/abduct2011ca1e.doc ☐ No

18 Enforcement of rights of access	
a) Can an **order** relating to rights of access made in another State be registered for enforcement or be declared enforceable in your State?	☐ Yes, all orders made in another State are recognised and are enforceable. Please explain or specify how relevant legislation can be accessed (*e.g.*, website) or attach a copy: ☐ Yes, if there is an international agreement in place with the foreign State. Please specify: ☐ Brussels IIb Regulation (Council Regulation (EU) 2019/1111 of 25 June 2019) ☐ 1996 Child Protection Convention ☐ Other (*please specify*): ☒ Yes, subject to conditions. Please explain or specify how relevant legislation can be accessed (*e.g.*, website) or attach a copy: see section 75 of the Family Law Act: http://canlii.ca/t/8q3k ☐ No, however the party can seek to have "mirror orders" made by the judicial or administrative authorities ☐ No
b) Can an **agreement** relating to rights of access made in another State be registered for enforcement or be declared enforceable in your State?	☐ Yes, if there is an international agreement in place with the foreign State. Please specify: ☐ Brussels IIb Regulation (Council Regulation (EU) 2019/1111 of 25 June 2019) ☐ Other (*please specify*): ☒ Yes, subject to conditions. Please explain: see section 44(2) of the Family Law Act - http://canlii.ca/t/8q3k ☐ No, however the party can seek to have "mirror orders" made by the judicial or administrative authorities ☐ No

c) Can a party seek to have orders made in your State in respect of a decision from another State on rights of access?	☒ Yes, the party must apply to the judicial or administrative authorities ☐ Yes, the Central Authority will apply to the judicial or administrative authorities on behalf of the party ☐ No
d) What is the procedure for the applicant to commence enforcement proceedings?	☐ The Central Authority can apply for enforcement on behalf of the applicant ☒ The applicant must seek enforcement ☐ Other (*please specify*):
e) What coercive measures, if any, are available to enforce an order relating to access and contact?	☒ Intervention by government agency (*e.g.*, police, social welfare, etc.) ☒ Removal of the child from the custodial person(s) ☒ Criminal charges ☒ Imprisonment ☒ Pecuniary measures ☒ An order placing the child under supervision ☐ Other (*please specify*):
f) Does the application of coercive measures require a separate order from judicial or administrative authorities?	☒ Yes. If so, who must apply for the order: ☒ The applicant ☐ Public Prosecutor ☐ Police ☐ Other (*please specify*): ☐ No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g.*, website, or provide a copy of the legislation.*

Part V: Mediation and other forms of alternative dispute resolution

19 Mediation	
For best practice in relation to mediation in the context of the 1980 Child Abduction Convention, see the Guide to Good Practice, Part V - Mediation, available at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice".	
19.1 Mediation services	
a) What family matters can be dealt with by mediation in your State?	☒ Return / non-return of a child following an alleged wrongful removal / retention ☒ Custody ☒ Access / contact ☒ Relocation ☒ Child support ☒ Property disputes on relationship breakdown ☒ Other (*please specify*): some child protection matters
b) What mediation services / structures exist in your State where an incoming application has been received for the return of a child? *See Article 7(2)(c) and Article 10*	☒ Private mediation services / structures (*please specify*): The parties may arrange for mediation through their legal counsel or otherwise ☐ Mediation services / structures within the judicial or administrative system (*please explain*): ☐ Mediation services / structures provided by NGOs (*please specify the NGO and give brief details of the service they provide)*: ☐ Other (*please explain*): ☐ There are no mediation services / structures available
c) What mediation services / structures exist in your State where an incoming application has been received for access / contact with a child? *See Article 21*	☒ Private mediation services / structures (*please specify*): the parties may arrange for mediation through their legal counsel or otherwise ☐ Mediation services / structures within the judicial or administrative system (*please explain*): ☐ Mediation services / structures provided by NGOs (*please specify the NGO and give brief details of the service they provide)*: ☒ Other (*please explain*): mediation is offered by the British Columbia government at no charge to the parties ☐ There are no mediation services / structures available **If you answered that there are no mediation services / structures available in your State in response to both questions b) and c) above, go to section 20**
d) Is co-mediation (*i.e.* mediation involving two mediators – one from each State) available in your State for the mediation of international family disputes which are within the scope of the Convention?	☒ Yes (*please provide brief details of any available scheme,* e.g.*, bi-national mediation programmes*): Possible, if the requesting state provides a mediator at no cost to British Columbia central authority ☐ No
19.2 Legislation and / or rules on mediation	
a) Is mediation in family matters regulated in your State?	☐ Yes, there is general legislation relating to mediation which also applies to mediation in family

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g.*, website, or provide a copy of the legislation.*

Please tick all boxes which apply *EU Member States, excluding Denmark, should note that Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters applies since May 2011. EU Member States, excluding Denmark, should reference the laws, regulations and administrative provisions brought into force to comply with this Directive if known at the time of completion of this Country Profile.*	matters. Please specify how the legislation can be accessed (*e.g.*, website) or attach a copy: ☒ Yes, there is specific legislation relating to mediation in family matters. Please specify how the legislation can be accessed (*e.g.*, website) or attach a copy: (1) Family Law Act - http://canlii.ca/t/8q3k; (2) Family Law Act Regulation - http://www.bclaws.ca (3) sections 22-24 of the Child, Family and Community Service Act (CFCSA) - http://www.bclaws.ca/ ☐ Yes, there is specific legislation relating to mediation in international family matters within the scope of the Convention. Please specify how the legislation can be accessed (*e.g.*, website) or attach a copy: ☒ Yes, mediation in family matters is regulated in another way (*please specify*): lawyers who act as mediators in family matters are subject to a Code of Professional Conduct. See http://www.lawsociety.bc.ca/ ☐ No, **go to section 19.3**
b) Please indicate which matters are regulated by the legislation / rules in relation to mediation in your State *Please explain where necessary*	☐ Formal accreditation of mediators ☐ Necessary qualifications / experience of mediators ☒ Process of mediation Notice to Mediate (Family) Regulation ☒ Confidentiality of mediation sections 11 and 12 of Family Law Act; section 24 of Child, Family and Community Service Act ☐ Status and enforceability of mediated agreements ☐ Taking into consideration the child's views in the mediation of disputes relating to him / her ☐ Availability of mediation in disputes involving allegations of domestic violence or other forms of abuse ☐ Other (*please explain*):
19.3 Access to mediation	
a) How can individuals obtain information identifying suitable mediators in your State?	☒ Lists of mediators are available: ☒ Through the Central Authority (*see also question 19.3 b) below*) ☒ Via accrediting bodies (*please provide details*): e.g., Family Mediation Canada - see http://www.fmc.ca/ ☒ Through other sources (*please specify*): Mediate BC - see http://www.mediatebc.com/find-a-mediator ☐ Other methods of accessing information are available (*please specify*): ☐ No general information is available. Individuals must carry out research themselves

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., *website, or provide a copy of the legislation.*

b) What role, if any, does the Central Authority play in facilitating mediation where an incoming application has been received for the return of a child? *See Articles 7(2)(c) and 10* *Please explain where necessary*	☐ Provides information about mediation to the parties ☒ Refers parties to accredited professionals to undertake mediation on request of the parties ☐ Seeks orders from judicial or administrative authorities for mediation between the parties ☐ Other (*please explain*)
c) What role, if any, does the Central Authority play in facilitating mediation where an incoming application has been received for access / contact with a child? *See Article 21* *Please explain where necessary*	☒ Provides information about mediation to the parties informs parties of free mediation services provided by the government and refers to mediators as requested ☐ Refers parties to accredited professionals to undertake mediation ☐ Seeks orders from judicial or administrative authorities for mediation between the parties ☐ Other (*please explain*)
d) How are the costs of mediation met in disputes where an incoming application has been received for the return of a child? *Please explain if necessary*	☐ If an individual qualifies for free or reduced rate legal assistance, this will *always* include the cost of mediation (see question 8.2 e) above) ☒ If an individual qualifies for free or reduced rate legal assistance, this *may* cover the cost of mediation (see question 8.2 e) above) (*please specify*) ☐ The Central Authority will meet the costs associated with mediation ☐ Other sources of funding are available (*please specify*) ☒ The costs of mediation must be borne by the parties ☐ Other (*please explain*)
e) How are the costs of mediation met where an incoming application has been received for access / contact with a child? *Please explain if necessary*	☐ If an individual qualifies for free or reduced rate legal assistance, this will *always* include the cost of mediation (see question 15.2 f) above) ☐ If an individual qualifies for free or reduced rate legal assistance, this *may* cover the cost of mediation (see question 15.2 f) above) (*please specify*) ☐ The Central Authority will meet the costs associated with mediation ☒ Other sources of funding are available (*please specify*) BC government provides free mediation services for Hague access cases ☐ The costs of mediation must be borne by the parties ☐ Other (*please explain*)
19.4 The mediation process	
a) At what stage of a **return** application is mediation available?	☒ At all stages, including prior to any application and as a preventive measure where necessary (*provide an explanation if necessary*) ☐ Only **before** an application has been made to the relevant Central Authority

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	☐ Only **after** an application has been made to the relevant Central Authority ☐ Only **before** an application has been filed in the relevant court or administrative authority ☐ Only **after** an application has been filed in the relevant court or administrative authority ☐ Other (*please explain*)
b) At what stage of an **access / contact** application is mediation available?	☒ At all stages, including prior to any application and as a preventive measure where necessary (*provide an explanation if necessary*) ☐ Only **before** an application has been made to the relevant Central Authority ☐ Only **after** an application has been made to the relevant Central Authority ☐ Only **before** an application has been filed in the relevant court or administrative authority ☐ Only **after** an application has been filed in the relevant court or administrative authority ☐ Other (*please explain*)
c) Are cases assessed to determine their suitability for mediation?	☒ Yes, always; go to question d) ☐ No, never; go to question e) ☐ Other (*please explain*) ; go to question d) or e) as appropriate
d) Who carries out the assessment of cases to determine whether they are suitable for mediation?	☒ Mediator(s) ☐ Other (*please explain*)
e) Where legal proceedings have commenced, can such proceedings be suspended while mediation is undertaken?	☒ Yes, provide additional information if necessary: if the parties consent and/or the court permits ☐ No
f) How, if at all, are the views of the subject child(ren) taken into account in mediation in your State? *See also question 19.2 b) above*	☐ Rules / legislation require that, if the child is of a sufficient age / maturity, the child must be seen by the mediator (*see also question 19.2 b) above*) ☐ Rules / legislation require that, if the child is of a sufficient age / maturity, the views of the child must be communicated to the mediator but this need not be directly (*see also question 19.2 b) above*). Please explain the method(s) used ☒ It is within the discretion of the particular mediator ☐ The child's views play no part in the mediation ☐ Other (*please explain*)
g) What safeguards are available in your State where allegations of domestic violence and / or other forms of abuse are made in a dispute which goes to mediation?	☒ (1) Address and other contact details of the alleged victim are kept confidential ☒ (2) Other safeguards (*please specify*) shuttle mediation may be used so that parties do not appear together for mediation
h) Please specify which, if any, of the safeguards set out in question 19.4 g) above are required by rules / legislation in your State and which safeguards are left to the discretion of the mediator? *See also question 19.2 b) above*	Required by legislation / rules of State: Left to the discretion of the mediator: all

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., *website, or provide a copy of the legislation.*

i) Can judicial or administrative authorities take provisional or interim measures to enable an applicant to exercise contact or access in respect of a child while mediation is ongoing?	☒ Yes ☐ No
19.5 The enforceability of mediated agreements	
a) Are there legal restrictions on the content of mediated agreements regarding family law matters in your State?	☐ Yes, please specify: ☒ No
b) Which additional formalities, if any, are required in your State to make mediated agreements in a family dispute involving children enforceable?	☐ (1) Notarisation of the mediated agreement ☐ (2) Court approval of the mediated agreement Please specify competent court: ☒ (3) Registration of the mediated agreement with the court. Please specify competent court: either British Columbia Provincial Court or Supreme Court ☐ (4) Other (*please specify*) ☐ (5) No additional formalities are required. Mediated agreements in family disputes involving children are immediately enforceable *without* any additional formalities being required **If you ticked option (2) and / or (3) above, please go to question 19.5 c). If not, please proceed to question 19.5 d)**
c) Is the mediated agreement, once approved by or registered with a court, treated as an order of that court? *Please explain where necessary*	☒ Yes, Go to question 19.5 e) ☐ No, Go to question 19.5 d)
d) Is it possible to turn a mediated agreement into a court order?	☒ Yes, please briefly explain what steps are required and which court would be competent: the parties or their counsel would have to apply to the Provincial Court or the Supreme Court for a consent order in the terms of the agreement ☐ No
e) Who bears the cost of rendering the mediated agreement enforceable? Please list the number from question 19.5 b) next to the relevant answer	The parties must pay: 3 The cost is covered by any free or reduced rate legal assistance provided to one / both parties: Central Authority: There are no costs:
19.6 Agreements mediated in another State	
a) Can an agreement mediated in another State in a family dispute involving children be approved by a court or otherwise formalised in your State in the same manner as an agreement mediated in your State (see question 19.5 b) above)?	☐ Yes ☐ No, a different method for formalising the agreement must be used. Please specify: ☐ No, it is not possible to formalise an agreement mediated in another State ☒ Other (*please specify*): yes as long as the conditions met by statute in BC are met: see section 44 of Family Law Act - http://www.bclaws.ca

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

20 Other forms of alternative dispute resolution ("ADR")	
a) What other forms of ADR are available in your State for the resolution of international family disputes falling within the scope of the Convention? *See Articles 7(2)(c) and 10*	☐ (1) In-court conciliation ☒ (2) Out-of-court conciliation ☒ (3) Collaborative law ☐ (4) Early Neutral Evaluation ☒ (5) Other (*please specify*): arbitration ☐ (6) No other forms of ADR are available, **go to Part VI: Direct judicial communications**
b) What services / structures exist in respect of the other forms of ADR available in your State? Please list the relevant number(s) from question 20 a) above next to the service / structure which is available in respect of that method of ADR	Private ADR services / structures (*please specify*):2,3,5 - collaborative law is practiced by many lawyers in BC; conciliation services are offered by lawyers and other mediators within BC; arbitration is offered by lawyers within BC ADR services / structures within the judicial or administrative system (*please explain*): ADR services / structures provided by NGOs (*please specify the NGO and give brief details of the service they provide)*: Other (*please explain*):
c) In relation to: • legislation on ADR • access to ADR • the ADR process • the enforceability of agreements reached as a result of ADR; and • the enforceability of agreements reached as a result of ADR in another State are the responses the same as for the section on mediation above – see sections 19.2 to 19.6?	☐ Yes, **go to Part VI: Direct judicial communications** ☒ Some of the responses are the same, go to question d) ☐ No, go to question d)
d) Please briefly specify in what way the answers to the questions in sections 19.2 to 19.6 above are different in relation to other forms of ADR in your State	Arbitration of family law disputes in BC is governed by the Commerical Arbitration Act. See http://www.bclaws.ca/. Arbitrators may be found by contacting Arbitrators Association of BC at http://www.labour-arbitrators.bc.ca/ or ADR Institute of BC at http://www.adrbc.com/ All costs of arbitration are borne by the parties.

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

Part VI: Direct judicial communications

21 Direct judicial communications	
a) Has a member of the International Hague Network of Judges been designated for your State? For more information, go to www.hcch.net under "Child Abduction Section" then "Judicial Communications"	☒ Yes Name(s): Three judges have been designated in Canada: - The Honourable Chief Justice Deborah E. FRY, Chief Justice of Newfoundland and Labrador, Court of Appeal of Newfoundland and Labrador, St. John's (Common Law) - The Honourable Justice Joan MACPHAIL, Court of King's Bench of Manitoba (Family division) Winnipeg (Common Law) - The Honourable Justice Louis LACOURSIÈRE, Superior Court of Quebec, Montreal (Civil Law) *Please do not list the contact details of the judge(s) here. Instead, please ensure that the name, position, court and contact details have been provided to the Permanent Bureau* ☐ No
b) Is there a legislative basis upon which judges in your State can engage in direct judicial communications?	☒ Yes, please specify how the legislation can be accessed (*e.g.*, website) or attach a copy: see BC Supreme Court Civil Practice Direction "Court to Court Communication in Cross Border Cases" at http://www.courts.gov.bc.ca/ **Go to Part VII: Other information** ☐ No, go to question c)
c) In the absence of legislation, can judges in your State engage in direct judicial communications?	☒ Yes ☐ No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

Part VII: Other information

22 Training

a) What measures are being taken to ensure that persons responsible for implementing the Convention (e.g., *judges, lawyers and Central Authority personnel*) have received appropriate information and training?

Please contact the Permanent Bureau for information in relation to forms of assistance which may be available for this purpose

☒ Training as required for Central Authority staff
☐ Training as required for responsible authorities
☐ Updates as required on legal developments related to the Convention provided to staff responsible for its implementation
☐ Training as required for lawyers
☐ Training as required for law enforcement
☐ Other (*please specify*):

Specifically in respect of judges:
☒ Sending a basic package of information on the 1980 Convention to judges
☒ Training through a dedicated judicial studies board
☒ Participation in judicial training seminars
☒ Participation in the International Hague Network of Judges
☒ Accessing *The Judges' Newsletter on International Child Protection* (available at www.hcch.net under "Child Abduction Section" then "Judges' Newsletter on International Child Protection")
☒ Other (*please specify*): Canada has a network of contact judges (known as the Judicial Committee on Inter-jurisdictional Child Protection) for the Hague Convention on International Child Abduction. The Canadian judicial network consists of one judge from the superior courts of each province or territory of Canada, one representative from the Canadian Council of provincial court judges plus the three International Hague Network (IHN) contact judges. Canada's three IHN judges are appointed for fixed, renewable terms.

The role of the Canadian judicial network is to develop procedural protocols, communication guidelines, judicial information materials and training modules with the assistance of the National Judicial Institute of Canada, (referred to as the NJI).

The Canadian judicial network meets annually for a full day to review all incoming and outgoing Hague Convention cases from each jurisdiction; to discuss and add any updates to the electronic benchbook (Hague Convention on International Child Abduction) available to all judges; to review any international judicial communication requests or inquiries and to prepare for participation in Special Commissions pertaining to Hague Conventions as well as international judicial meetings. The Network also invites speakers with expertise to address key and evolving issues.

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	In addition, the NJI provides education sessions for all newly appointed judges. Family law proceedings, including inter-jurisdictional cases and the Hague Abduction Convention are included. The NJI provides a range of educational programs and on-line educational resources for all judges, including the electronic benchbook developed by the Canadian judicial network and other materials relating to the Convention.
b) Is your Central Authority willing to participate in a "twinning arrangement" with another Central Authority? *A "twinning arrangement" is where two Central Authorities engage in discussions and / or visits to exchange information with the view to improving operations in both Central Authorities*	☒ Yes ☐ No

23 Other implementing measures	
a) Does your State use an electronic case management system?	☐ Yes, please specify: ☒ No
b) Does your State use INCADAT? For more information, go to www.incadat.com	☒ Yes ☐ No
c) Are statistics related to applications under the Convention in your State publicly available?	☐ Yes, please specify how the statistics can be accessed *(*e.g.*, website, annual report):* ☒ No

24 Other services	
a) What general services / resources are available in your State to assist those involved in international child abduction cases? *Please indicate, where available, contact details, websites and costs for such services*	☒ International Social Service (ISS) (*please provide contact information*): International Social Service Canada (issc-ssic.ca) ☒ Specific NGOs dealing with child abduction: Child Find BC - see http://www.childfindbc.com/; Missing Children Society of Canada - see http://www.mcsc.ca/ ☒ Financial assistance: Under certain conditions, the Air Canada reunification program may provide assistance for the return of a child to Canada. http://www.canadasmissing.ca/services/index-eng.htm#trp-ptr Moreover, since 2007, the Government of Canada has provided financial assistance to Canadians who are the victim of specified violent crimes abroad, including parental child abduction, through the Financial Assistance for Canadians Victimized Abroad (https://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/abroad-etranger.html) program. Some expenses that are eligible for reimbursement under the program include: travel back to Canada after the victimization, expenses incurred to travel to the country where the

	victimization occurred to participate in the trial, counselling, medical expenses, and prescriptions. ☒ Social / welfare assistance: if eligible under BC legislation - see http://www.hsd.gov.bc.ca/bcea.htm ☒ Immigration services: NGOs including Immigrant Services Society of BC - see http://www.issbc.org/; and Victoria Immigrant and Refugee Centre Society - see http://www.vircs.bc.ca/ ☐ Other (*please specify*):

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.