

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

FOREWORD TO THE COUNTRY PROFILE

This Country Profile¹ should be used by Contracting States² 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.

1980 CHILD ABDUCTION CONVENTION – COUNTRY PROFILE

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1980 CHILD ABDUCTION CONVENTION

COUNTRY PROFILE

Country Name: Canada

Territorial Unit (where applicable): New Brunswick

Last updated: March 2023

Part I: Central Authorities

1 Central Authority contact details¹	
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:	Office of the Attorney General of New Brunswick
Address:	14 th floor, Assumption Place 770 Main Street, P.O. Box 5001 Moncton, New Brunswick Canada E1C 8R3
Territorial and personal extent of functions, if applicable:	Province of New Brunswick
Telephone:	1-506-869-6211
Fax:	1-506-869-6148
E-mail:	sonia.doiron@gnb.ca; moncton.fcs/spcf@gnb.ca
Website:	
Contact person(s) and direct contact details (please indicate language(s) of communication):	Sonia Doiron 1-506-869-6211; sonia.doiron@gnb.ca French and English
Preferred method of communication:	<input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Fax <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (<i>please specify</i>):
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:	<input type="checkbox"/> Telephone <input type="checkbox"/> Fax <input type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (<i>please specify</i>):

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? <i>See Article 24</i> <i>See questions 10.3 c) and 17.2 b) below regarding any translation(s) required by the court / administrative authority</i>	<input checked="" type="checkbox"/> Yes, for all communications, applications and other documents. Please specify the official language(s) of the State: English and French <input type="checkbox"/> Not for informal communications <input type="checkbox"/> 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? <i>See Article 42</i>	<input type="checkbox"/> Yes, object to English <input type="checkbox"/> Yes, object to French <input checked="" type="checkbox"/> 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: 8:15 a.m. Closing time: 4:30 p.m. Shut down periods (e.g., public holidays, court closures): public holidays, court closures
b) Can assistance be accessed outside of working hours?	<input type="checkbox"/> Yes (<i>please specify contact details, if different from above</i>): <input type="checkbox"/> For persons in other Convention States: <input type="checkbox"/> For persons in your State: <input checked="" type="checkbox"/> No
c) Does the Central Authority have a dedicated staff who deals <i>only</i> with 1980 Child Abduction Convention applications and related issues?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d) Please indicate the professions represented in the Central Authority: <i>Please note that some individual staff members may fall under more than one category. This question should not be interpreted as an indication of the number of staff members in the Central Authority</i>	<input type="checkbox"/> Civil servants <input type="checkbox"/> Civil servants (legal advisors) <input checked="" type="checkbox"/> Lawyers <input type="checkbox"/> Social workers <input type="checkbox"/> Mediators <input type="checkbox"/> Other (<i>please specify</i>):

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 New Brunswick since December 1, 1983.
b) Was implementing legislation necessary for the 1980 Child Abduction Convention to enter into force in your domestic law? <i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i>	<input checked="" type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> The date that the legislation entered into force: December 1, 1983 The legislative provision(s) or implementing legislation: International Child Abduction Act (R.S.N.B. 2011 c. 175) https://laws.gnb.ca/en/showdoc/cs/2011-c.175 <input type="checkbox"/> 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? <i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i>	<input type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> The date that the legislation or procedural rules entered into force or effect: The legislative provision(s) or procedural rules: <input checked="" type="checkbox"/> 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?	<input checked="" type="checkbox"/> Yes: <ul style="list-style-type: none"> <input type="checkbox"/> Brussels IIb Regulation (Council Regulation (EU) 2019/1111 of 25 June 2019) <input type="checkbox"/> Inter-American Convention of 15 July 1989 on the International Return of Children <input type="checkbox"/> Bilateral agreements (<i>please specify</i>): 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 <input type="checkbox"/> Non-binding memoranda of understanding (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No
5 1996 Child Protection Convention	
a) Is your State a Contracting State to the 1996 Child Protection Convention? <i>Refer to www.hcch.net for the status table of the 1996 Child Protection Convention</i>	<input type="checkbox"/> Yes, if so, on what date did the 1996 Child Protection Convention enter into force in your State: <input checked="" type="checkbox"/> No

<p>b) Was implementing legislation necessary for the 1996 Child Protection Convention to enter into force in your domestic law?</p> <p><i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i></p>	<p><input type="checkbox"/> Yes, please specify:</p> <ul style="list-style-type: none"> • The date that the legislation entered into force: • The legislative provision(s) or implementing legislation: <p><input type="checkbox"/> No</p>
<p>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?</p> <p><i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i></p>	<p><input type="checkbox"/> Yes, please specify:</p> <ul style="list-style-type: none"> • The date that the legislation or procedural rules entered into force or effect: • The legislative provision(s) or procedural rules: <p><input type="checkbox"/> No</p>

Part III: Applications for return

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

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.

	<p><input checked="" type="checkbox"/> Information concerning the identity of the person alleged to have removed or retained the child:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Name and previous name/s <input checked="" type="checkbox"/> Date of birth <input checked="" type="checkbox"/> Address <input checked="" type="checkbox"/> Telephone number <input checked="" type="checkbox"/> Nationality / nationalities <input checked="" type="checkbox"/> Passport number(s) <input checked="" type="checkbox"/> Physical description (height, eye and hair colour) <input checked="" type="checkbox"/> Photograph (as recent as possible) <input checked="" type="checkbox"/> Relationship of the person to the child <input type="checkbox"/> Other (<i>please specify</i>): <p><input checked="" type="checkbox"/> The grounds upon which the applicant's claim for return of the child is based</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Evidence of the applicant's rights of custody <input checked="" type="checkbox"/> An authenticated copy of any relevant decision or agreement <input checked="" type="checkbox"/> 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 <input checked="" type="checkbox"/> The alleged habitual residence of the child, with supporting information <input type="checkbox"/> Other (<i>please specify</i>): <p><input checked="" type="checkbox"/> All available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be</p> <p><input checked="" type="checkbox"/> Any other relevant document / information</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Concerning any child protection issues <input checked="" type="checkbox"/> Marriage certificate (if applicable) <input checked="" type="checkbox"/> Divorce decree (if applicable) <input checked="" type="checkbox"/> Civil and / or criminal proceedings in progress (if applicable) <input checked="" type="checkbox"/> Evidence of child or other relevant person's right to re-enter the State of the child's habitual residence <input type="checkbox"/> Other (<i>please specify</i>):
c) Does your Central Authority accept an application and accompanying documentation transmitted by electronic means?	<p><input checked="" type="checkbox"/> Yes, please specify any requirements for electronically transmitted applications / documentation:</p> <p><input type="checkbox"/> Yes, but any documentation sent electronically is not accepted by the court / administrative authority (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>
d) Does the Central Authority require a written authorisation empowering it or a designated	<p><input checked="" type="checkbox"/> Yes, the authorisation should be provided:</p>

<p>representative (e.g., <i>lawyer</i>) to act on behalf of the applicant?</p> <p>See Article 28</p>	<p><input checked="" type="checkbox"/> On the application form</p> <p><input checked="" type="checkbox"/> In a signed statement or declaration</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>
<p>e) Does the Central Authority acknowledge receipt of the application?</p>	<p><input checked="" type="checkbox"/> Yes, acknowledgment generally is provided by:</p> <p><input checked="" type="checkbox"/> E-mail</p> <p><input type="checkbox"/> Facsimile</p> <p><input type="checkbox"/> Post</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>
<p>f) Can the Central Authority proceed with an application where the information provided is incomplete?</p>	<p><input type="checkbox"/> 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</p> <p><input type="checkbox"/> No:</p> <p><input type="checkbox"/> The Central Authority will not process an application without all of the necessary supporting documentation</p> <p><input type="checkbox"/> 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</p> <p><input checked="" type="checkbox"/> It depends upon what type of information is missing (<i>please specify</i>):</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p>
<p>g) Who does the Central Authority prefer to communicate with in incoming applications?</p>	<p><input checked="" type="checkbox"/> The requesting Central Authority</p> <p><input type="checkbox"/> The applicant</p> <p><input type="checkbox"/> The applicant's legal representative</p> <p><input type="checkbox"/> All of the above</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>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")?</p> <p><i>Please explain where necessary</i></p> <p>See Article 7(c) and Article 10</p> <p>See also Part V: Mediation and other forms of alternative dispute resolution below</p>	<p><input checked="" type="checkbox"/> Contact is made with the alleged abducting party to seek a voluntary return</p> <p><input type="checkbox"/> 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)</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>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)?</p>	<p>Please explain: <i>Within a few days, if we are unable to reach a consent, we will proceed with filing the Application to Court.</i></p>
<p>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?</p> <p>See Article 7(2)(b)</p> <p>Refer also to sections 10.5 and 11.2 below</p>	<p><input checked="" type="checkbox"/> Alert appropriate agencies where there are concerns that a child is at risk</p> <p><input type="checkbox"/> Apply directly to authorities for protection orders</p> <p><input type="checkbox"/> Refer parties to appropriate agencies</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>

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.

<p>k) Can an applicant commence proceedings in your State for the return of the child under the Convention without using the Central Authority channel?</p> <p><i>See Article 3 and Article 29</i></p>	<p><input checked="" type="checkbox"/> Yes, if so, please explain:</p> <ul style="list-style-type: none"> • Where the applicant can obtain information about commencing proceedings: Usually, through Legal Counsels • What role, if any, the Central Authority has in these proceedings: communication/liaison between Central Authorities. <p><input type="checkbox"/> No</p>
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7 Locating a child and preventing removal	
<p><i>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.</i></p>	
<p>a) Can return proceedings commence before the child is located?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> Yes, in certain circumstances (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> No</p>
<p>b) What evidence / information does your State require regarding the child's whereabouts to begin to assist with locating the child?</p> <p><i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Evidence that the child entered your State (e.g., evidence that the child boarded an aeroplane bound for your State):</p> <p><input checked="" type="checkbox"/> Information from the applicant as to why he / she believes the child is in your State:</p> <p><input type="checkbox"/> No information or evidence is required; searches for the child can begin upon request:</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p>
<p>c) What mechanisms or sources of information are available in your State to discover the whereabouts of the child?</p> <p><i>Please indicate in the space provided any associated costs for an applicant or any other necessary information</i></p> <p><i>See Article 7(2)(a)</i></p>	<p><input checked="" type="checkbox"/> (1) Private location services:</p> <p><input type="checkbox"/> (2) Population register:</p> <p><input type="checkbox"/> (3) Employment register:</p> <p><input checked="" type="checkbox"/> (4) Information maintained by other government agencies (e.g., <i>immigration, social welfare</i>): no cost</p> <p><input checked="" type="checkbox"/> (5) Police: no cost</p> <p><input checked="" type="checkbox"/> (6) INTERPOL: when criminal charges are laid in requesting State</p> <p><input type="checkbox"/> (7) Court orders to compel the production of information on the whereabouts of the child:</p> <p><input checked="" type="checkbox"/> (8) Other (<i>please specify</i>): The Central Authority requests the help of provincial and federal authorities, but a LBP can take another avenue to locate a child (and pay for the associated costs).</p>
<p>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</p> <p><i>E.g., Central Authority: 2, 3</i> <i>The applicant's representative: 7</i></p>	<p>Central Authority: 4, 5</p> <p>The applicant: 1</p> <p>The applicant's representative: 1</p> <p>Other (<i>please specify</i>):</p>
<p>e) Please indicate, by inserting the relevant numbers, which of the measures listed above in question c) need an order from a competent authority?</p>	

<p>f) What measures can be taken in your State to deter the removal or re-abduction of the child?</p> <p><i>Please explain where necessary</i></p> <p><i>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</i></p>	<p><input checked="" type="checkbox"/> (1) Child's passport(s) to be deposited with authorities</p> <p><input checked="" type="checkbox"/> (2) Alleged abductor's passport to be deposited with authorities</p> <p><input checked="" type="checkbox"/> (3) Obtain orders to prevent the removal of the child</p> <p><input checked="" type="checkbox"/> (4) Issuing border and / or port alerts</p> <p><input checked="" type="checkbox"/> (5) Requiring the alleged abductor to report periodically to authorities</p> <p><input type="checkbox"/> (6) Requiring the alleged abductor to pay a bond / deposit</p> <p><input checked="" type="checkbox"/> (7) Temporary placement of child in institutional care</p> <p><input type="checkbox"/> (8) Other (<i>please specify</i>):</p>
<p>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</p>	<p>Central Authority: 1, 2, 3, 4, 5, 7</p> <p>The applicant:</p> <p>The applicant's representative:</p> <p>Other (<i>please specify</i>):</p>
<p>h) Please indicate, by inserting the relevant numbers, which of the measures above in question f) need an order from a competent authority?</p>	<p>1, 2, 3, 4, 5, 7</p>

8 Legal representation and assistance	
8.1 General	
a) Has your State made a reservation to Article 26 of the Convention?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b) Does the Central Authority provide legal advice regarding return applications?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No, however: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> The Central Authority will refer the applicant to the appropriate person or authority to obtain legal advice <input checked="" type="checkbox"/> The Central Authority will provide information that is of a general nature about laws and procedures <input type="checkbox"/> Other (<i>please specify</i>):
c) Is legal representation required in return proceedings? <i>See Article 25</i> <i>Please explain where necessary</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No, but recommended In New Brunswick, the Attorney General will file the Application for the return of the children and a Family Crown Counsel may appear in court if the LBP is unrepresented (similar to an Amicus Curiae) but does not represent the parties.
d) What is the role of the Central Authority in arranging legal representation? <i>See Article 7(2)(g)</i>	<input type="checkbox"/> The applicant is required to make his / her own arrangements for legal representation, but the Central Authority will: <ul style="list-style-type: none"> <input type="checkbox"/> Provide the applicant with a list of lawyers <input type="checkbox"/> Provide the applicant with a list of free or reduced rate lawyers

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.

	<input checked="" type="checkbox"/> Other (<i>please specify</i>): The Central Authority provides the applicant with the NB Law Society website and Legal Aid Service Commission website. <input checked="" type="checkbox"/> 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: In New Brunswick, the Attorney General will file the Application for the return of the children and a Family Crown Counsel may appear in court if the LBP is unrepresented to assist the court (similar to an Amicus Curiae) but does not represent the parties. <input type="checkbox"/> Legal representation is arranged by the Central Authority. Representation is provided by: <input type="checkbox"/> Central Authority lawyers <input type="checkbox"/> Private lawyers <input type="checkbox"/> Public prosecutor <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>):
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?	<input checked="" type="checkbox"/> Yes, free legal assistance. Go to question c) <input checked="" type="checkbox"/> Yes, reduced rate legal assistance. Go to question c) <input type="checkbox"/> 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?	<input type="checkbox"/> There is a system of costs ordering the respondent to pay <input type="checkbox"/> <i>Pro bono</i> legal assistance <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Not at all - Go to section 9
c) Is the applicant required to complete an application form for free or reduced rate legal assistance?	<input checked="" type="checkbox"/> Yes, please specify how application forms can be obtained (e.g., website) or attach a copy: Parties are directed to the New Brunswick Legal Aid Service Commission. <input type="checkbox"/> No
d) Please indicate on what basis free or reduced rate legal assistance may be available <i>Please explain where necessary</i>	<input checked="" type="checkbox"/> Income of the applicant <input checked="" type="checkbox"/> Assets of the applicant <input type="checkbox"/> Country of residence of the applicant <input type="checkbox"/> Likelihood of success of the proceedings <input checked="" type="checkbox"/> Other (<i>please specify</i>): Parties are directed to the New Brunswick Legal Aid Service Commission.
e) Which costs are covered by free or reduced rate legal assistance? <i>Please explain where necessary</i>	<input type="checkbox"/> (1) Mediation <input type="checkbox"/> (2) Translation <input type="checkbox"/> (3) Interpreters <input checked="" type="checkbox"/> (4) Service of documents by Sheriff's Office <input type="checkbox"/> (5) Costs associated with locating the child <input checked="" type="checkbox"/> (6) Court fees waived <input type="checkbox"/> (7) Travel costs for the return of the child (see question 11.1 c))

	<input checked="" type="checkbox"/> (8) Other (<i>please specify</i>): The New Brunswick Legal Aid Service Commission would determine what is covered once a lawyer is assigned to the file.
f) Please indicate which costs, if any, are covered by the Central Authority by listing the numbers set out in question e) above?	4, 6
g) Is free or reduced rate legal assistance available for the appeal of decisions?	<input type="checkbox"/> No, go to question i) <input type="checkbox"/> Yes, free legal assistance; go to question h) <input type="checkbox"/> Yes, reduced rate legal assistance; go to question h) <input checked="" type="checkbox"/> It depends upon an assessment of the merits of the case and / or the means of the individual concerned (<i>please specify</i>): Go to question h)
h) Is a new application for free or reduced rate legal assistance required for appeals?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i) Is free or reduced rate legal assistance available for proceedings needed to enforce a return order?	<input checked="" type="checkbox"/> No, go to question k) <input type="checkbox"/> Yes, free legal assistance; go to question j) <input type="checkbox"/> Yes, reduced rate legal assistance; go to question j) <input type="checkbox"/> It depends upon an assessment of the merits of the case and / or the means of the individual concerned (<i>please specify</i>): Go to question j)
j) Is a new application for free or reduced rate legal assistance required for enforcement applications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
k) Is free or reduced rate legal assistance available to an alleged abducting party located in your State?	<input checked="" type="checkbox"/> Yes, free legal assistance <input checked="" type="checkbox"/> Yes, reduced rate legal assistance Please specify in what circumstances and on what basis legal assistance will be granted: Parties are directed to the New Brunswick Legal Aid Service Commission. <input type="checkbox"/> 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?	<input type="checkbox"/> Yes, free legal assistance is available to all parties <input type="checkbox"/> Yes, reduced rate legal assistance is available to all parties Please specify in what circumstances and on what basis legal assistance will be granted: <input checked="" type="checkbox"/> Free legal assistance is only available to certain persons (<i>please specify</i>): Parties are directed to the New Brunswick Legal Aid Service Commission. <input checked="" type="checkbox"/> Reduced rate legal assistance is only available to certain persons (<i>please specify</i>): Parties are directed to the New Brunswick Legal Aid Service Commission.

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.

	<p>Please specify in what circumstances and on what basis legal assistance will be granted:</p> <p><input type="checkbox"/> No, free and / or reduced rate legal assistance is not available to any party</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
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9 Rights of custody	
9.1 Acquisition and exercise of rights of custody <i>See Articles 3 and 5</i>	
<p>a) Do rights of custody arise by operation of law in your State?</p> <p><i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy</i></p>	<p><input checked="" type="checkbox"/> Yes, go to question b)</p> <p><input type="checkbox"/> No, go to question c)</p>
<p>b) To whom are rights of custody attributed by operation of law?</p> <p><i>See Articles 3 and 5</i></p> <p><i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy</i></p>	<p>Please explain: 52(1)Unless otherwise agreed by written agreement or ordered by the Court, if a child has more than one parent, the parents have shared parenting time and shared decision-making responsibility with respect to the child.</p> <p>52(2)The Court may make a parenting order providing for the exercise of parenting time or decision-making responsibility in respect of any child on application by</p> <p>(a) one or more parents, or</p> <p>(b) a person, other than a parent, who stands in the place of a parent or intends to stand in the place of a parent.</p> <p>Family Law Act, S.N.B. 2020, c.23 https://laws.gnb.ca/en/showfulldoc/cs/2020-c.23</p>
<p>c) By what other methods can a person or institution acquire rights of custody?</p>	<p><input checked="" type="checkbox"/> Judicial decision</p> <p><input type="checkbox"/> Administrative decision</p> <p><input checked="" type="checkbox"/> Agreement having legal effect</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>d) How, if at all, can the attribution of rights of custody be modified?</p>	<p><input checked="" type="checkbox"/> By order of a judicial or administrative authority</p> <p><input checked="" type="checkbox"/> By written agreement</p> <p><input type="checkbox"/> It depends upon how the rights of custody were acquired (<i>please specify</i>):</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>e) How, if at all, can rights of custody be terminated?</p>	<p><input checked="" type="checkbox"/> By order of a judicial or administrative authority</p> <p><input checked="" type="checkbox"/> By written agreement</p> <p><input type="checkbox"/> It depends upon how the rights of custody were acquired (<i>please specify</i>):</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>f) Prior to any order determining the issue, who <i>generally</i> has the right to determine the child's residence?</p>	<p>Please explain: shared between the parents</p>

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)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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: 8 Judges / decision-makers: 32
c) Please list the judicial or administrative authorities that can make decisions in return applications under the Convention	Court of King's Bench of New Brunswick
d) Are the judges or administrative authorities who decide return applications in your State specialists in either family law or international child abduction? <i>See also section 22 below on Training</i>	<input type="checkbox"/> Yes, specialists in family law <input type="checkbox"/> Yes, specialists in international child abduction <input type="checkbox"/> No <input checked="" type="checkbox"/> Other (<i>please specify</i>): The King's Bench is divided between Trial Division and Family Division. It is usually the Family Division that deals with international child abductions but any King's Bench's justice could hear a Hague Application.
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? <i>See Article 14</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (<i>please specify</i>):
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? <i>See Article 3 and Article 15</i>	<input checked="" type="checkbox"/> Yes, go to question b) <input type="checkbox"/> No, go to question e)
b) Which authorities in your State can issue Article 15 decisions / determinations? <i>See Article 15</i>	Please list: The Court of King's Bench of New Brunswick
c) Who can apply for an Article 15 decision / determination?	<input type="checkbox"/> Central Authority <input checked="" type="checkbox"/> The applicant in the return proceedings <input type="checkbox"/> Other (<i>please specify</i>):
d) Are Article 15 decisions / determinations of other States accepted by the judicial or administrative authorities in your State?	<input checked="" type="checkbox"/> Yes, <i>please explain if necessary</i> : <input type="checkbox"/> 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.

<p>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?</p> <p><i>See Article 16</i></p>	<p><input checked="" type="checkbox"/> Central Authority</p> <p><input type="checkbox"/> The applicant's legal representative</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>f) When does notification in accordance with Article 16 take place?</p>	<p><input checked="" type="checkbox"/> Automatically upon receipt of a return application</p> <p><input type="checkbox"/> Upon request of either party</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>10.3 Procedures</p>	
<p>a) How does the Central Authority fulfil its obligation to initiate or facilitate the initiation of proceedings in your State?</p> <p><i>See Article 7(2)(f)</i></p> <p><i>See also question 8.1 d) above</i></p>	<p><input checked="" type="checkbox"/> The Central Authority itself initiates the proceedings for return</p> <p><input type="checkbox"/> The Central Authority sends the file to an appropriate lawyer</p> <p><input type="checkbox"/> The Central Authority sends the file to the Public Prosecutor</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>b) Who is the formal applicant in return proceedings before the court / administrative authority in your State?</p>	<p><input type="checkbox"/> The person, institution or other body which made the application under the Convention</p> <p><input type="checkbox"/> The Central Authority</p> <p><input type="checkbox"/> The Public Prosecutor</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): THE ATTORNEY GENERAL as Central Authority for the Province of New Brunswick</p> <p>At the request of the Central Authority of</p> <p>NAME OF COUNTRY on behalf of NAME OF APPLICANT</p>
<p>c) Does documentation submitted to the court / administrative authority have to be translated into the official language(s) of your State?</p> <p><i>See question 2 a) for the official language(s) of the State</i></p>	<p><input checked="" type="checkbox"/> Yes, please state who is responsible for the organisation and cost of the translation: Applicant</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> It depends upon the type of documentation submitted (<i>please specify</i>):</p>
<p>d) Have measures been taken to ensure that the judicial and administrative authorities in your State act expeditiously in return proceedings?</p> <p><i>See Article 11</i></p>	<p><input checked="" type="checkbox"/> Yes, please explain briefly what the measures are:</p> <p><input type="checkbox"/> In the implementing legislation:</p> <p><input type="checkbox"/> In procedural rules:</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>):</p> <p>- Procedural Protocol for the Handling of Return Applications under the 1980 Hague Convention on the Civil Aspects of International Child Abduction, Court of Queen's Bench of New Brunswick, Family Division (Approved at the meeting of the Court on September 7th, 2007 at Saint Andrews, NB)</p> <p>- Policy Respecting Appeals Involving a Claim of Inter-jurisdictional Child Abduction, adopted by the Chief Justice of New Brunswick, effective on January 1, 2011</p> <p>Please specify how the legislation or rules can be obtained (e.g., website) or attach a copy:</p> <p>https://www.courtsnb-coursnb.ca/content/dam/courts/pdf/appeal-appel/InterjurisdictionalChildAbduction.pdf</p>

	<input type="checkbox"/> No
e) Generally, what is the expected time from the commencement of the proceedings for return to a final order (excluding appeals)? <i>See Article 11</i>	<input checked="" type="checkbox"/> Up to 6 weeks <input checked="" type="checkbox"/> 6 to 12 weeks <input checked="" type="checkbox"/> More than 12 weeks (<i>please provide further information</i>): on a case by case basis.
f) Is the applicant generally required to participate in the return proceedings? <i>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)</i>	<input checked="" type="checkbox"/> Yes, please specify in what circumstances: The applicant can either be present, or have a legal counsel on his or her behalf but the Central Authority will not make representations on behalf of the Applicant. <input type="checkbox"/> No, but advisable <input type="checkbox"/> No
g) Are facilities available to enable the applicant to participate in return proceedings from outside your State?	<input checked="" type="checkbox"/> Yes: <input checked="" type="checkbox"/> Videoconference <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Through a legal representative <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No
h) If the applicant does participate in return proceedings in your State, is simultaneous interpretation available, where necessary?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> It depends upon the circumstances of the case (<i>please specify</i>): it could be provided in English or French.
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?	<input checked="" type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The court / administrative authority <input checked="" type="checkbox"/> It depends upon the facility used (<i>please specify</i>): If the facilities are available, free of charge, the Central Authority could arrange it, upon request. <input type="checkbox"/> Other (<i>please specify</i>):
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?	<input checked="" type="checkbox"/> Yes (<i>please specify</i>): 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 <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> Yes, but it is unlikely <input checked="" type="checkbox"/> No, there will always be a hearing
l) Can oral evidence (i.e., in-person evidence) be received in return proceedings?	<input type="checkbox"/> Yes, oral evidence will always be received in return proceedings <input checked="" type="checkbox"/> Yes, oral evidence can be received in return proceedings but in limited circumstances only

	<p>(<i>please specify</i>): most time, yes. The assigned justice will make the determination.</p> <p><input type="checkbox"/> No, oral evidence can never be received in return proceedings</p>
10.4 Participation of the child	
a) Does the child have an opportunity to be heard in return proceedings in your State?	<p><input type="checkbox"/> Yes, in every case; go to question b)</p> <p><input checked="" type="checkbox"/> It depends upon the particular case and is always at the discretion of the judge / authority hearing the case. <i>Please explain if necessary:</i> Go to question b)</p> <p><input type="checkbox"/> Only where Article 13(2) is relied upon; go to question b)</p> <p><input type="checkbox"/> Other (<i>please specify</i>): Go to question b)</p> <p><input type="checkbox"/> No, never. Go to section 10.5</p>
b) How is the child heard in return proceedings?	<p><input type="checkbox"/> Direct interview with judge</p> <p><input type="checkbox"/> Report prepared for court by independent expert</p> <p><input type="checkbox"/> Child's own legal representative</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): Discretion of the court to decide what is appropriate.</p>
c) How does your State ensure that no undue delay results from hearing the child in the course of return proceedings?	<i>Please explain: The Central Authority or Family Crown Counsel assigned to the case reminds the Court and the parties of our obligation to act promptly in such matters.</i>
d) Can judicial or administrative authorities appoint a legal representative (attorney or <i>guardian ad litem</i>) to represent the child's best interests in return proceedings?	<p><input checked="" type="checkbox"/> Yes, please specify under what circumstances: Discretion of the court to decide what is appropriate.</p> <p><input type="checkbox"/> No</p>
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? <i>Please provide additional information if necessary</i> <i>On the role of the Central Authority in this respect, see also question 6.2 j) above</i>	<p><input checked="" type="checkbox"/> Government social / welfare agency: Minister of Social Development</p> <p><input type="checkbox"/> Non-governmental organisations / agencies:</p> <p><input type="checkbox"/> Central Authority:</p> <p><input checked="" type="checkbox"/> Police:</p> <p><input type="checkbox"/> Courts:</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
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)?	<p><input checked="" type="checkbox"/> (1) Injunctive orders can be placed on the alleged abducting party prohibiting certain forms of conduct e.g., violence, drinking etc.</p> <p><input checked="" type="checkbox"/> (2) Placement of the child in foster care</p> <p><input type="checkbox"/> (3) Placement of the child in State care</p> <p><input checked="" type="checkbox"/> (4) Supervision of the alleged abducting party's care of the child by a social / welfare agency</p> <p><input checked="" type="checkbox"/> (5) Other (<i>please specify</i>): Regular child protection services, including all services available to the children.</p>
c) Which of the above measures require a court order? Please list the relevant numbers from question 10.5 b) above	1, 2, 4

<p>d) Who is responsible for applying for any protective measure requiring a court order? Please list next to the relevant individual or body the number of the measure from question b) above, which they are required to apply for</p> <p><i>On the role of the Central Authority in this respect, see also question 6.2 j) above</i></p>	<p><input type="checkbox"/> The applicant:</p> <p><input type="checkbox"/> The requesting Central Authority:</p> <p><input type="checkbox"/> The requested Central Authority:</p> <p><input type="checkbox"/> The Public Prosecutor:</p> <p><input type="checkbox"/> The judge (<i>ex officio</i>):</p> <p><input checked="" type="checkbox"/> A government social / welfare agency: Minister of Social Development</p> <p><input type="checkbox"/> The police:</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>10.6 Contact or access during return proceedings</p>	
<p>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?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>10.7 Appeals</p>	
<p>a) Can a decision in return proceedings be appealed?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> Only in certain circumstances (<i>please specify</i>):</p> <p>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:</p> <p><input type="checkbox"/> No, go to section 11</p>
<p>b) Is there an expedited procedure or special process of appeal for Hague return cases?</p> <p><i>Please specify the legislation and / or rules which provide for this and how they can be obtained (e.g., website) or attach a copy</i></p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p>Policy Respecting Appeals Involving a Claim of Inter-jurisdictional Child Abduction, adopted by the Chief Justice of New Brunswick, effective on January 1, 2011</p> <p>https://www.courtsnb-coursnb.ca/content/dam/courts/pdf/appeal-appel/InterjurisdictionalChildAbduction.pdf</p> <p><input type="checkbox"/> No</p>
<p>c) Who can initiate the appeal process?</p>	<p><input checked="" type="checkbox"/> Either party to the proceedings</p> <p><input type="checkbox"/> Central Authority</p> <p><input type="checkbox"/> Public Prosecutor</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>d) Is leave to appeal required?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> In certain circumstances (<i>please specify</i>): only to the Supreme Court of Canada.</p>
<p>e) If a return order is made, can it be suspended (<i>i.e.</i>, “stayed”) pending an appeal?</p>	<p><input type="checkbox"/> Yes, a return order is <i>automatically</i> suspended pending an appeal</p> <p><input type="checkbox"/> Yes, a return order can be suspended pending an appeal at the request of either party</p> <p><input checked="" type="checkbox"/> Yes, a return order can be suspended pending an appeal at the request of either party <u>and</u> after determination by the judge / authority</p> <p><input type="checkbox"/> No</p>

f) Is there a time limit by which an appeal must be filed in return proceedings?	<input checked="" type="checkbox"/> Yes, please specify: The time limit: 30 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.): date of decision <input type="checkbox"/> No
g) Generally, what is the expected time within which appeals are filed and decided?	<input checked="" type="checkbox"/> Up to 3 months <input type="checkbox"/> 3 to 6 months <input type="checkbox"/> Longer than 6 months
h) Is the applicant generally required to participate in the appeal proceedings? <i>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)</i>	<input checked="" type="checkbox"/> Yes, please specify in what circumstances: unless represented by Legal Counsel. <input type="checkbox"/> No, but advisable <input type="checkbox"/> No
i) Are facilities available to enable the applicant to attend appeal proceedings from outside your State?	<input checked="" type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Videoconference <input type="checkbox"/> Telephone <input checked="" type="checkbox"/> Through a legal representative <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
j) If the applicant does participate in appeal proceedings in your State, is simultaneous interpretation available, where necessary?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input checked="" type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The court / administrative authority <input type="checkbox"/> It depends upon the facility used (please specify): <input type="checkbox"/> 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?	<input checked="" type="checkbox"/> 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 <input type="checkbox"/> No

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?	<input type="checkbox"/> The abducting party <input type="checkbox"/> The applicant <input type="checkbox"/> The abducting party and the applicant <input type="checkbox"/> The requesting Central Authority
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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.

	<input type="checkbox"/> The requested Central Authority <input checked="" type="checkbox"/> The judicial or administrative authority will direct who is to make arrangements on a case-by-case basis. Please explain if necessary: <input type="checkbox"/> Other (<i>please specify</i>):
b) Who is responsible for the travel costs relating to the return of the child?	<input type="checkbox"/> The abducting party <input type="checkbox"/> The applicant <input type="checkbox"/> The abducting party and the applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input checked="" type="checkbox"/> The costs are decided by the judicial or administrative authority on a case-by-case basis. Please explain if necessary: <input type="checkbox"/> Other (<i>please specify</i>):
c) Is there financial assistance available in your State to assist with travel costs associated with the return of the child? <i>See also question 8.2 e)</i>	<input checked="" type="checkbox"/> 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. <input type="checkbox"/> 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)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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

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.

	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?	<input checked="" type="checkbox"/> Yes, please specify how legislation can be accessed (e.g., website) or attach a copy: Family Law Act, S.N.B 2020, c.23 https://laws.gnb.ca/en/ShowTdm/cs/2020-c.23// Family Services Act, S.N.B 1980, c. F-2.2 https://laws.gnb.ca/en/ShowTdm/cs/F-2.2// Intimate Partner Violence Intervention Act (S.N.B. 2017, c.5) https://laws.gnb.ca/en/showdoc/cs/2017-c.5 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)). <input type="checkbox"/> No
b) Does the law in your State provide for the protection of adults from domestic violence or other forms of abuse?	<input checked="" type="checkbox"/> Yes, please specify how legislation can be accessed (e.g., website) or attach a copy: Intimate Partner Violence Intervention Act, S.N.B. 2017, c.5 https://laws.gnb.ca/en/showdoc/cs/2017-c.5 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

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.

	<p>another and any other term, condition or restriction that it considers appropriate.</p> <p>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)).</p> <p><input type="checkbox"/> No</p>
<p>c) Which authorities provide services for the protection, if necessary, of the child?</p> <p><i>Please provide additional information if necessary</i></p>	<p><input checked="" type="checkbox"/> Government social / welfare agency: Minister of Social Development</p> <p><input type="checkbox"/> Non-governmental organisations:</p> <p><input type="checkbox"/> Central Authority:</p> <p><input checked="" type="checkbox"/> Police:</p> <p><input checked="" type="checkbox"/> Courts: Court of King's Bench of New Brunswick</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>d) What action can the Central Authority in your State take, where necessary, to ensure the safe return of the child?</p> <p><i>See Article 7(2)(h)</i></p>	<p>Please explain: It's a case by case situation, but there is nothing in writing (policy, procedures, etc) as to what it can do.</p>
Requested State	
<p>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?</p> <p><i>Please explain where necessary</i></p> <p><i>Please tick all boxes which apply</i></p>	<p><input checked="" type="checkbox"/> Make a protective order or other order designed to prevent harm occurring to the child</p> <p><input checked="" type="checkbox"/> 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:</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): The Court will use it's discretion to impose the conditions needed to protect the children.</p>
<p>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?</p>	<p><i>Please specify</i>: The Central Authority will ensure the conditions are respected, by asking assistance to protection services and/or the police. The CA could potentially return before the Court to ask for directions if the other avenues were not succesful.</p>
Requesting State	
<p>g) Can judicial or administrative authorities in your State:</p> <p>i. Recognise and enforce protective orders or other orders made in the requested State designed to prevent harm occurring to the child?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>Please explain where necessary:</p>

<p>ii. Insist upon undertakings given in the requested State being carried out?</p> <p>iii. Make any “mirror orders” necessary as a result of protective measures taken in the requested State?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> It depends upon the subject-matter of the undertakings given Please explain where necessary:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain where necessary:</p>
<p>11.3 Criminal law and the return of the child</p>	
<p>a) Is the wrongful <i>removal</i> of a child by a parent from your State a criminal offence?</p> <p><i>See Article 3</i></p> <p><i>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</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.</p> <p>More information of these offences is available at: https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfp/fps-sfp/tpd/p5/ch10.html</p> <p><input type="checkbox"/> No</p>
<p>b) Is the wrongful <i>retention</i> of a child by a parent outside your State a criminal offence?</p> <p><i>See Article 3</i></p> <p><i>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</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> It depends upon the circumstances of the case, please specify: The offences noted above apply while a child is detained by the other parent.</p> <p><input type="checkbox"/> No</p> <p>If the answer to both question 11.3 a) and b) is “no”, go to section 12</p>
<p>c) What penalties are available for the wrongful removal or wrongful retention of a child by a parent?</p>	<p><input checked="" type="checkbox"/> (1) Pecuniary measures <input checked="" type="checkbox"/> (2) Imprisonment <input checked="" type="checkbox"/> (3) Other (<i>please specify</i>): 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)</p>
<p>d) Please indicate which of the penalties listed above are mandatory</p>	<p>none</p>
<p>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)?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, please specify:</p>
<p>f) Once initiated, can criminal proceedings in your State be withdrawn or suspended to facilitate the return of a child?</p>	<p><input checked="" type="checkbox"/> 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.</p> <p><input type="checkbox"/> No, go to section 12</p>

g) Who is able to initiate the withdrawal or suspension of criminal proceedings relating to the wrongful removal or wrongful retention of a child?	<input checked="" type="checkbox"/> Prosecuting authority <input checked="" type="checkbox"/> Police <input type="checkbox"/> The person / body / institution alleging a wrongful removal or retention <input checked="" type="checkbox"/> Judicial or administrative authority <input type="checkbox"/> Other (<i>please specify</i>):
h) Who will determine whether the criminal proceedings are to be withdrawn or suspended?	<input checked="" type="checkbox"/> Prosecuting authority <input type="checkbox"/> Police <input type="checkbox"/> The person / body / institution alleging a wrongful removal or retention <input checked="" type="checkbox"/> Judicial or administrative authority <input type="checkbox"/> Other (<i>please specify</i>):
i) What assistance can the Central Authority provide regarding the suspension or withdrawal of criminal proceedings?	<input type="checkbox"/> None <input type="checkbox"/> Refer the matter to prosecuting authority <input checked="" type="checkbox"/> Other (<i>please specify</i>): 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?	<input checked="" type="checkbox"/> Directions by a judicial or administrative authority to make arrangements for return <input checked="" type="checkbox"/> Measures for the immediate execution of final orders <input type="checkbox"/> Issue of a warrant for the apprehension or detention of the child <input type="checkbox"/> Authority for coercive detention or use of force <input type="checkbox"/> Other (<i>please specify</i>):
b) Who is generally responsible for exercising supervision over the process of enforcement?	<input type="checkbox"/> The applicant <input checked="" type="checkbox"/> Central Authority <input type="checkbox"/> Public Prosecutor <input type="checkbox"/> The court / administrative authority <input type="checkbox"/> Police <input type="checkbox"/> No one body has general responsibility <input type="checkbox"/> Other (<i>please specify</i>):
c) Where parties do not voluntarily comply with a return order, is it necessary to commence additional proceedings to enforce the order?	<input type="checkbox"/> Yes, go to question d) <input checked="" type="checkbox"/> It depends on the circumstances (<i>please specify</i>): case by case situation. Go to question d) <input type="checkbox"/> No, go to Part IV: Applications relating to access
d) What is the procedure to commence enforcement proceedings?	<input type="checkbox"/> The Central Authority will apply for enforcement <input type="checkbox"/> The applicant must apply for enforcement <input checked="" type="checkbox"/> Other (<i>please specify</i>): It depends. We don't have a protocol in place. It would be a case by case situation.
e) Can the merits of the proceedings for return be reviewed in enforcement proceedings?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<p>f) What coercive measures, if any, are available to enforce a return order?</p>	<p><input checked="" type="checkbox"/> Intervention by government agency (e.g., <i>police, social welfare</i>)</p> <p><input checked="" type="checkbox"/> Removal of the child from the abducting party</p> <p><input type="checkbox"/> Removal of the child from the State</p> <p><input checked="" type="checkbox"/> Criminal charges</p> <p><input checked="" type="checkbox"/> Imprisonment</p> <p><input checked="" type="checkbox"/> Pecuniary measures</p> <p><input checked="" type="checkbox"/> An order placing the child under supervision</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
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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:
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

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

e) Does the Central Authority acknowledge receipt of the application?	<input checked="" type="checkbox"/> Yes, acknowledgment generally is provided by: <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Post <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No
f) Can the Central Authority proceed with an application where the information provided is incomplete?	<input type="checkbox"/> 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 <input type="checkbox"/> No: <input type="checkbox"/> The Central Authority will not process an application without all of the necessary supporting documentation <input type="checkbox"/> 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 <input checked="" type="checkbox"/> It depends upon what type of information is missing (<i>please specify</i>): <input type="checkbox"/> Other (<i>please explain</i>):
g) Who does the Central Authority prefer to communicate with in incoming applications?	<input checked="" type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The applicant <input type="checkbox"/> The applicant's legal representative <input type="checkbox"/> All of the above <input type="checkbox"/> Other (<i>please specify</i>):
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? <i>See Article 21</i> <i>See Part V: Mediation and other forms of alternative dispute resolution</i>	<input checked="" type="checkbox"/> Contact is made with the respondent to the application <input type="checkbox"/> 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) <input type="checkbox"/> Other (<i>please specify</i>):
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)?	<i>Please explain: There is no written procedure concerning this.</i>
j) What general assistance can be provided by the Central Authority in respect of arrangements for rights of access? <i>See Article 21</i>	<input type="checkbox"/> The Central Authority can facilitate contact with the parties: <input type="checkbox"/> Directly through the Central Authority <input type="checkbox"/> Through intermediaries <input checked="" type="checkbox"/> The Central Authority can provide information to the applicant on services available, e.g., mediation, legal services, social welfare services (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>):
k) Will the Central Authority's assistance depend on:	<input checked="" type="checkbox"/> Existence of a judicial or administrative order establishing or confirming rights of access

<p>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</p>	<input checked="" type="checkbox"/> Other (please specify):
<p>l) Can an applicant commence proceedings in your State with respect to access without using the Central Authority channel?</p>	<input checked="" type="checkbox"/> Yes; if so, please explain: Where an applicant can obtain information about commencing proceedings: https://www.familylawnb.ca/english/index.php 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/). <ul style="list-style-type: none"> • What role, if any, the Central Authority has in these proceedings: none <input type="checkbox"/> No

14 Locating a child and preventing removal	
<p>a) Are the responses to the questions in this section the same as for applications for return (see section 7)?</p>	<input checked="" type="checkbox"/> Yes, go to section 15 <input type="checkbox"/> No, continue to question b)
<p>b) What evidence / information does your State require regarding the child's whereabouts to begin to assist with locating the child? <i>Please explain where necessary</i></p>	<input type="checkbox"/> Evidence that the child entered your State (e.g., evidence that the child boarded an aeroplane bound for your State): <input type="checkbox"/> Information from the applicant as to why he / she believes the child is in your State: <input type="checkbox"/> No information or evidence is required; searches for the child can begin upon request: <input type="checkbox"/> Other (please explain):
<p>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? <i>Please indicate in the space provided any associated costs for the applicant or any other necessary information</i></p>	<input type="checkbox"/> (1) Private location services: <input type="checkbox"/> (2) Population register: <input type="checkbox"/> (3) Employment register: <input type="checkbox"/> (4) Information maintained by other government agencies (e.g., immigration, social welfare): <input type="checkbox"/> (5) Police: <input type="checkbox"/> (6) INTERPOL: <input type="checkbox"/> (7) Court orders to compel the production of information on the whereabouts of the child: <input type="checkbox"/> (8) Other (please specify):
<p>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 <i>E.g., Central Authority: 2, 3 The applicant's representative: 6</i></p>	Central Authority: The applicant: The applicant's representative: Other (please specify):

e) Please indicate by listing numbers which of the measures above in question c) need an order from a competent authority?	
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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)?	<input type="checkbox"/> Yes, go to section 15.2 <input checked="" type="checkbox"/> No, continue to question b)
b) Does the Central Authority provide legal advice regarding access applications?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No, however: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> The Central Authority will refer the applicant to the appropriate person or authority to obtain legal advice <input checked="" type="checkbox"/> The Central Authority will provide information that is of a general nature about laws and procedures <input type="checkbox"/> Other (please specify):
c) Is legal representation needed in access proceedings? <i>Please explain where necessary</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, but advisable <input type="checkbox"/> No
d) What is the role of the Central Authority in making arrangements to progress the application? <i>See Article 7(2)(g)</i>	<input checked="" type="checkbox"/> The applicant is required to make his / her own arrangements for legal representation, but the Central Authority will: <ul style="list-style-type: none"> <input type="checkbox"/> Provide the applicant with a list of lawyers <input type="checkbox"/> Provide the applicant with a list of free or reduced rate lawyers <input checked="" type="checkbox"/> Other (please specify): Provide the Applicant with the Legal Aid website and Law Society of New Brunswick website. <input type="checkbox"/> 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: <input type="checkbox"/> Legal representation is arranged by the Central Authority. Representation is provided by: <ul style="list-style-type: none"> <input type="checkbox"/> Central Authority lawyers <input type="checkbox"/> Private lawyers <input type="checkbox"/> Public prosecutor <input type="checkbox"/> Other (please specify): <input type="checkbox"/> Other (please specify):
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)?	<input checked="" type="checkbox"/> Yes, go to section 16 <input type="checkbox"/> No, go to question b)
b) Is free or reduced rate legal assistance for access applications available for applicants located in another Contracting State?	<input type="checkbox"/> Yes, free legal assistance; go to question d) <input type="checkbox"/> Yes, reduced rate legal assistance; go to question d)

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.

	<input type="checkbox"/> 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?	<input type="checkbox"/> There is a system of costs ordering the respondent to pay <input type="checkbox"/> <i>Pro bono</i> legal assistance <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Not at all - go to section 16
d) Is the applicant required to complete an application form for free or reduced rate legal assistance?	<input type="checkbox"/> Yes. Please specify how application forms can be obtained (e.g., website) or attach a copy: <input type="checkbox"/> No
e) Please indicate on what basis free or reduced rate legal assistance may be available <i>Please explain where necessary</i>	<input type="checkbox"/> Income of the applicant <input type="checkbox"/> Assets of the applicant <input type="checkbox"/> Country of residence of the applicant <input type="checkbox"/> Likelihood of success of the proceedings <input type="checkbox"/> Other (<i>please specify</i>):
f) Which costs are covered by free or reduced rate legal assistance? <i>Please explain where necessary</i>	<input type="checkbox"/> (1) Mediation <input type="checkbox"/> (2) Translation <input type="checkbox"/> (3) Interpreters <input type="checkbox"/> (4) Service of documents <input type="checkbox"/> (5) Costs associated with locating the child <input type="checkbox"/> (6) Court fees <input type="checkbox"/> (7) Travel costs for the return of the child (see question 11.1 c)) <input type="checkbox"/> (8) Other (<i>please specify</i>):
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?	<input type="checkbox"/> No, go to question j) <input type="checkbox"/> Yes, free legal assistance <input type="checkbox"/> Yes, reduced rate legal assistance
i) Is a new application for free or reduced rate legal assistance needed for appeals?	<input type="checkbox"/> Yes <input type="checkbox"/> No
j) Is free or reduced rate legal assistance available for proceedings needed to enforce an access order?	<input type="checkbox"/> No, go to section 16 <input type="checkbox"/> Yes, free legal assistance <input type="checkbox"/> Yes, reduced rate legal assistance
k) Is a new application for free or reduced rate legal assistance needed for enforcement applications?	<input type="checkbox"/> Yes <input type="checkbox"/> No

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? <i>See Article 5</i>	<p>Please specify how legislation can be accessed (e.g., website) or attach a copy: Family Law Act, S.N.B. 2020, c. 23 https://laws.gnb.ca/en/ShowTdm/cs/2020-c.23//</p> <p>Divorce Act (R.S.C., 1985, c. 3 (2nd Supp.)) https://laws-lois.justice.gc.ca/eng/acts/d-3.4/): The Divorce Act</p>
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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.

	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?	Court of King's Bench of New Brunswick
c) In your State, who may seek rights of access in respect of a child?	<input checked="" type="checkbox"/> Parent <input checked="" type="checkbox"/> Step-parent <input type="checkbox"/> Grandparent <input checked="" type="checkbox"/> Other family member (<i>please specify</i>): 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. <input checked="" type="checkbox"/> Other (<i>please specify</i>): 52(2)The Court may make a parenting order providing for the exercise of parenting time or decision-making responsibility in respect of any child on application by (a) one or more parents, or (b) a person, other than a parent, who stands in the place of a parent or intends to stand in the place of a parent. Family Law Act, S.N.B. 2020, c.23 https://laws.gnb.ca/en/ShowTdm/cs/2020-c.23//
d) Are the best interests of the child a primary consideration in access proceedings? <i>See Articles 3 and 9 of the United Nations Convention on the Rights of the Child</i> <i>Please explain, if necessary</i>	<input checked="" type="checkbox"/> 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. <input type="checkbox"/> 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?	<input type="checkbox"/> Surrender of passport or travel documents <input type="checkbox"/> Applicant to regularly report to police or other authority <input type="checkbox"/> Deposit of a monetary bond or surety <input type="checkbox"/> Supervised contact <input type="checkbox"/> Placing restrictions on how contact is exercised <input type="checkbox"/> Signing an affidavit or religious oath

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.

	<input type="checkbox"/> Provision of a detailed itinerary with contact details <input type="checkbox"/> Requesting foreign consulates / embassies should not issue new passports / travel documents for the child <input checked="" type="checkbox"/> Other: The court has discretion to order what is in the best interests of the child.
16.3 Supervised access	
a) Do facilities exist in your State for the exercise of rights of access in a supervised environment?	<input checked="" type="checkbox"/> Yes, please explain if necessary: Private agencies <input type="checkbox"/> No, go to section 17
b) Under what circumstances is access supervised?	<input checked="" type="checkbox"/> Where it is agreed between the parties <input type="checkbox"/> Where it is requested by one party <input checked="" type="checkbox"/> As a result of a decision by a social welfare agency <input checked="" type="checkbox"/> By order of a judicial or administrative authority <input type="checkbox"/> Other (<i>please specify</i>):
c) Which authorities provide supervised access?	<input type="checkbox"/> Government social / welfare agency: <input checked="" type="checkbox"/> Non-government organisations: Private agencies <input type="checkbox"/> Central Authority: <input type="checkbox"/> Police: <input type="checkbox"/> Courts: <input checked="" type="checkbox"/> Other (<i>please specify</i>): individuals if court ordered or agreed upon by the parties.
d) Who will pay the costs associated with exercising supervised access?	<input checked="" type="checkbox"/> The applicant <input type="checkbox"/> The person(s) with day-to-day care of the child <input type="checkbox"/> The Central Authority <input checked="" type="checkbox"/> It depends upon the order of the judicial or administrative authority <input type="checkbox"/> Other (<i>please specify</i>):

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?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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: 8 Judges / decision-makers: 32
c) Which courts or administrative authorities can make decisions in applications relating to access under the Convention?	Court of King's Bench
d) Are the judges or administrative authorities who decide access applications in your State specialists in family law? <i>See also section 22 on Training below</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Other (<i>please specify</i>): Some of the judges are in the Family Division

17.2 Procedures	
<p>a) Is a special procedure applied by judicial or administrative authorities to access applications made under Article 21 of the Convention?</p> <p><i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input checked="" type="checkbox"/> No:</p>
<p>b) Does documentation submitted to the court / administrative authority have to be translated into the official language(s) of your State?</p> <p><i>See question 2 a) for the official language(s) of the State</i></p>	<p><input checked="" type="checkbox"/> Yes, please state who is responsible for the organisation and cost of the translation: the Applicant</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> It depends upon the type of documentation submitted (<i>please specify</i>):</p>
<p>c) Generally, how long are proceedings relating to access from commencement to final order (excluding appeals)?</p>	<p><input type="checkbox"/> Up to 6 weeks</p> <p><input type="checkbox"/> 6 to 12 weeks</p> <p><input type="checkbox"/> 3 to 6 months</p> <p><input type="checkbox"/> Longer than 6 months</p>
<p>d) Is the applicant generally required to participate in proceedings relating to access?</p> <p><i>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)</i></p>	<p><input checked="" type="checkbox"/> Yes, please specify in what circumstances: Either the applicant is self-represented or represented by a legal counsel.</p> <p><input type="checkbox"/> No, but advisable</p> <p><input type="checkbox"/> No</p>
<p>e) Are facilities available to enable an applicant to participate in access proceedings from outside your State?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Videoconference</p> <p><input checked="" type="checkbox"/> Telephone</p> <p><input type="checkbox"/> Through a legal representative</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>
<p>f) If the applicant does participate in access proceedings in your State, is simultaneous interpretation available, where necessary?</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>g) Where the facilities set out in questions e) and f) above are required, who is responsible for the cost of providing such facilities?</p>	<p><input checked="" type="checkbox"/> The applicant</p> <p><input type="checkbox"/> The requesting Central Authority</p> <p><input type="checkbox"/> The requested Central Authority</p> <p><input type="checkbox"/> The court / administrative authority</p> <p><input type="checkbox"/> It depends upon the facility used (<i>please specify</i>):</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>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?</p>	<p><input checked="" type="checkbox"/> Yes (<i>please specify</i>): 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</p> <p><input type="checkbox"/> No</p>

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)?	<input checked="" type="checkbox"/> Yes, go to section 17.4 <input type="checkbox"/> No, continue to question b)
b) Does the child have an opportunity to be heard in access proceedings under the Convention in your State?	<input type="checkbox"/> Yes, always; go to question c) <input type="checkbox"/> It depends upon the particular case and is always at the discretion of the judge / authority hearing the case. <i>Please explain if necessary:</i> Go to question c) <input type="checkbox"/> Other (<i>please specify</i>): Go to question c) <input type="checkbox"/> No, never; go to section 17.4
c) How can the child be heard in access proceedings?	<input type="checkbox"/> Direct interview with judge <input type="checkbox"/> Report prepared for court by independent expert <input type="checkbox"/> Child's own legal representative <input type="checkbox"/> Other (<i>please specify</i>):
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 <i>guardian ad litem</i>) to represent the child's best interests?	<input type="checkbox"/> Yes, please specify under what circumstances: <input type="checkbox"/> No
17.4 Appeals	
a) Can a decision in applications relating to access be appealed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Only in certain circumstances (<i>please specify</i>): 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: <input type="checkbox"/> No, go to section 18
b) Is there an expedited procedure or special process of appeal for Hague access cases? <i>Please specify the legislation and / or rules which provide for this and how they can be obtained (e.g., website) or attach a copy</i>	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No
c) Who can initiate the appeal process?	<input checked="" type="checkbox"/> Either party to the proceedings <input type="checkbox"/> Central Authority <input type="checkbox"/> Public Prosecutor <input type="checkbox"/> Other (<i>please specify</i>):
d) Is leave to appeal required?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> In certain circumstances (<i>please specify</i>): Only to the Supreme Court of Canada
e) If an access order is made, can it be suspended (i.e., "stayed") pending an appeal?	<input type="checkbox"/> Yes, an access order is <i>automatically</i> suspended pending an appeal

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.

	<input type="checkbox"/> Yes, an access order can be suspended pending an appeal at the request of either party <input checked="" type="checkbox"/> Yes, an access order can be suspended pending an appeal at the request of either party and after determination by the relevant judge / authority <input type="checkbox"/> No
f) Is there a time limit by which an appeal must be filed in access proceedings?	<input checked="" type="checkbox"/> Yes, please specify: The time limit: 30 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.): date of decision <input type="checkbox"/> No
g) Generally, what is the expected time within which appeals are filed and decided?	<input type="checkbox"/> Up to 3 months <input type="checkbox"/> 3 to 6 months <input type="checkbox"/> Longer than 6 months
h) Is the applicant generally required to participate in appeal proceedings? <i>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)</i>	<input checked="" type="checkbox"/> Yes, please specify in what circumstances: The Central Authority does not file appeals; it is the Applicant or his or her legal counsel that needs to participate. <input type="checkbox"/> No
i) Is the applicant able to participate in proceedings without being physically present?	<input checked="" type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Video-conference <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Through a legal representative <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
j) If the applicant does participate in appeal proceedings in your State, is simultaneous interpretation available, where necessary?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input checked="" type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The court / administrative authority <input type="checkbox"/> It depends upon the facility used (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>):
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?	<input checked="" type="checkbox"/> 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 <input type="checkbox"/> No
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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?	<input type="checkbox"/> 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: <input type="checkbox"/> Yes, if there is an international agreement in place with the foreign State. Please specify: <input type="checkbox"/> Brussels IIb Regulation (Council Regulation (EU) 2019/1111 of 25 June 2019) <input type="checkbox"/> 1996 Child Protection Convention <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Yes, subject to conditions. Please explain or specify how relevant legislation can be accessed (e.g., website) or attach a copy: <input checked="" type="checkbox"/> No, however the party can seek to have “mirror orders” made by the judicial or administrative authorities <input type="checkbox"/> 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?	<input type="checkbox"/> Yes, if there is an international agreement in place with the foreign State. Please specify: <input type="checkbox"/> Brussels IIb Regulation (Council Regulation (EU) 2019/1111 of 25 June 2019) <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Yes, subject to conditions. Please explain: <input checked="" type="checkbox"/> No, however the party can seek to have “mirror orders” made by the judicial or administrative authorities <input type="checkbox"/> 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?	<input checked="" type="checkbox"/> Yes, the party must apply to the judicial or administrative authorities <input type="checkbox"/> Yes, the Central Authority will apply to the judicial or administrative authorities on behalf of the party <input type="checkbox"/> No
d) What is the procedure for the applicant to commence enforcement proceedings?	<input type="checkbox"/> The Central Authority can apply for enforcement on behalf of the applicant <input checked="" type="checkbox"/> The applicant must seek enforcement <input type="checkbox"/> Other (<i>please specify</i>):
e) What coercive measures, if any, are available to enforce an order relating to access and contact?	<input type="checkbox"/> Intervention by government agency (e.g., police, social welfare, etc.) <input type="checkbox"/> Removal of the child from the custodial person(s) <input type="checkbox"/> Criminal charges <input type="checkbox"/> Imprisonment <input type="checkbox"/> Pecuniary measures <input type="checkbox"/> An order placing the child under supervision <input checked="" type="checkbox"/> Other (<i>please specify</i>): Contempt proceedings https://laws.gnb.ca/en/ShowPdf/cr/Rule-76.pdf

<p>f) Does the application of coercive measures require a separate order from judicial or administrative authorities?</p>	<p><input checked="" type="checkbox"/> Yes. If so, who must apply for the order:</p> <p><input checked="" type="checkbox"/> The applicant</p> <p><input type="checkbox"/> Public Prosecutor</p> <p><input type="checkbox"/> Police</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>
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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?	<input type="checkbox"/> Return / non-return of a child following an alleged wrongful removal / retention <input type="checkbox"/> Custody <input type="checkbox"/> Access / contact <input type="checkbox"/> Relocation <input type="checkbox"/> Child support <input type="checkbox"/> Property disputes on relationship breakdown <input checked="" type="checkbox"/> Other (please specify): Currently unavailable
b) What mediation services / structures exist in your State where an incoming application has been received for the return of a child? <i>See Article 7(2)(c) and Article 10</i>	<input type="checkbox"/> Private mediation services / structures (please specify): <input type="checkbox"/> Mediation services / structures within the judicial or administrative system (please explain): <input type="checkbox"/> Mediation services / structures provided by NGOs (please specify the NGO and give brief details of the service they provide): <input type="checkbox"/> Other (please explain): <input checked="" type="checkbox"/> 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? <i>See Article 21</i>	<input type="checkbox"/> Private mediation services / structures (please specify): <input type="checkbox"/> Mediation services / structures within the judicial or administrative system (please explain): <input type="checkbox"/> Mediation services / structures provided by NGOs (please specify the NGO and give brief details of the service they provide): <input type="checkbox"/> Other (please explain): <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes (please provide brief details of any available scheme, e.g., bi-national mediation programmes): <input type="checkbox"/> No
19.2 Legislation and / or rules on mediation	
a) Is mediation in family matters regulated in your State? <i>Please tick all boxes which apply</i> <i>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</i>	<input type="checkbox"/> Yes, there is general legislation relating to mediation which also applies to mediation in family matters. Please specify how the legislation can be accessed (e.g., website) or attach a copy: <input type="checkbox"/> 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:

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.

<p>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.</p>	<p><input type="checkbox"/> 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:</p> <p><input type="checkbox"/> Yes, mediation in family matters is regulated in another way (<i>please specify</i>):</p> <p><input type="checkbox"/> No, go to section 19.3</p>
<p>b) Please indicate which matters are regulated by the legislation / rules in relation to mediation in your State</p> <p><i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Formal accreditation of mediators</p> <p><input type="checkbox"/> Necessary qualifications / experience of mediators</p> <p><input type="checkbox"/> Process of mediation</p> <p><input type="checkbox"/> Confidentiality of mediation</p> <p><input type="checkbox"/> Status and enforceability of mediated agreements</p> <p><input type="checkbox"/> Taking into consideration the child's views in the mediation of disputes relating to him / her</p> <p><input type="checkbox"/> Availability of mediation in disputes involving allegations of domestic violence or other forms of abuse</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p>
<p>19.3 Access to mediation</p>	
<p>a) How can individuals obtain information identifying suitable mediators in your State?</p>	<p><input type="checkbox"/> Lists of mediators are available:</p> <p><input type="checkbox"/> Through the Central Authority (<i>see also question 19.3 b) below</i>)</p> <p><input type="checkbox"/> Via accrediting bodies (<i>please provide details</i>):</p> <p><input type="checkbox"/> Through other sources (<i>please specify</i>):</p> <p><input type="checkbox"/> Other methods of accessing information are available (<i>please specify</i>):</p> <p><input type="checkbox"/> No general information is available. Individuals must carry out research themselves</p>
<p>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?</p> <p><i>See Articles 7(2)(c) and 10</i></p> <p><i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Provides information about mediation to the parties</p> <p><input type="checkbox"/> Refers parties to accredited professionals to undertake mediation</p> <p><input type="checkbox"/> Seeks orders from judicial or administrative authorities for mediation between the parties</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>
<p>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?</p> <p><i>See Article 21</i></p> <p><i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Provides information about mediation to the parties</p> <p><input type="checkbox"/> Refers parties to accredited professionals to undertake mediation</p> <p><input type="checkbox"/> Seeks orders from judicial or administrative authorities for mediation between the parties</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>
<p>d) How are the costs of mediation met in disputes where an incoming application has been received for the return of a child?</p>	<p><input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this will <i>always</i> include the cost of mediation (see question 8.2 e) above)</p>

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.

<p><i>Please explain if necessary</i></p>	<input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this <i>may</i> cover the cost of mediation (see question 8.2 e) above) (<i>please specify</i>) <input type="checkbox"/> The Central Authority will meet the costs associated with mediation <input type="checkbox"/> Other sources of funding are available (<i>please specify</i>) <input type="checkbox"/> The costs of mediation must be borne by the parties <input type="checkbox"/> Other (<i>please explain</i>)
<p>e) How are the costs of mediation met where an incoming application has been received for access / contact with a child?</p> <p><i>Please explain if necessary</i></p>	<input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this will <i>always</i> include the cost of mediation (see question 15.2 f) above) <input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this <i>may</i> cover the cost of mediation (see question 15.2 f) above) (<i>please specify</i>) <input type="checkbox"/> The Central Authority will meet the costs associated with mediation <input type="checkbox"/> Other sources of funding are available (<i>please specify</i>) <input type="checkbox"/> The costs of mediation must be borne by the parties <input type="checkbox"/> Other (<i>please explain</i>)
<p>19.4 The mediation process</p>	
<p>a) At what stage of a return application is mediation available?</p>	<input type="checkbox"/> At all stages, including prior to any application and as a preventive measure where necessary (<i>provide an explanation if necessary</i>) <input type="checkbox"/> Only before an application has been made to the relevant Central Authority <input type="checkbox"/> Only after an application has been made to the relevant Central Authority <input type="checkbox"/> Only before an application has been filed in the relevant court or administrative authority <input type="checkbox"/> Only after an application has been filed in the relevant court or administrative authority <input type="checkbox"/> Other (<i>please explain</i>)
<p>b) At what stage of an access / contact application is mediation available?</p>	<input type="checkbox"/> At all stages, including prior to any application and as a preventive measure where necessary (<i>provide an explanation if necessary</i>) <input type="checkbox"/> Only before an application has been made to the relevant Central Authority <input type="checkbox"/> Only after an application has been made to the relevant Central Authority <input type="checkbox"/> Only before an application has been filed in the relevant court or administrative authority <input type="checkbox"/> Only after an application has been filed in the relevant court or administrative authority <input type="checkbox"/> Other (<i>please explain</i>)
<p>c) Are cases assessed to determine their suitability for mediation?</p>	<input type="checkbox"/> Yes, always; go to question d) <input type="checkbox"/> No, never; go to question e)

	<input type="checkbox"/> Other (<i>please explain</i>) ; go to question d) or e) as appropriate
d) Who carries out the assessment of cases to determine whether they are suitable for mediation?	<input type="checkbox"/> Mediator(s) <input type="checkbox"/> Other (<i>please explain</i>)
e) Where legal proceedings have commenced, can such proceedings be suspended while mediation is undertaken?	<input type="checkbox"/> Yes, provide additional information if necessary: <input type="checkbox"/> No
f) How, if at all, are the views of the subject child(ren) taken into account in mediation in your State? <i>See also question 19.2 b) above</i>	<input type="checkbox"/> Rules / legislation require that, if the child is of a sufficient age / maturity, the child must be seen by the mediator (<i>see also question 19.2 b) above</i>) <input type="checkbox"/> 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 (<i>see also question 19.2 b) above</i>). Please explain the method(s) used <input type="checkbox"/> It is within the discretion of the particular mediator <input type="checkbox"/> The child's views play no part in the mediation <input type="checkbox"/> Other (<i>please explain</i>)
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?	<input type="checkbox"/> (1) Address and other contact details of the alleged victim are kept confidential <input type="checkbox"/> (2) Other safeguards (<i>please specify</i>)
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? <i>See also question 19.2 b) above</i>	Required by legislation / rules of State: Left to the discretion of the mediator:
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?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes, please specify: <input type="checkbox"/> No
b) Which additional formalities, if any, are required in your State to make mediated agreements in a family dispute involving children enforceable?	<input type="checkbox"/> (1) Notarisation of the mediated agreement <input type="checkbox"/> (2) Court approval of the mediated agreement Please specify competent court: <input type="checkbox"/> (3) Registration of the mediated agreement with the court. Please specify competent court: <input type="checkbox"/> (4) Other (<i>please specify</i>) <input type="checkbox"/> (5) No additional formalities are required. Mediated agreements in family disputes involving children are immediately enforceable <i>without</i> 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? <i>Please explain where necessary</i>	<input type="checkbox"/> Yes, Go to question 19.5 e) <input type="checkbox"/> No, Go to question 19.5 d)
d) Is it possible to turn a mediated agreement into a court order?	<input type="checkbox"/> Yes, please briefly explain what steps are required and which court would be competent: <input type="checkbox"/> 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: 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)?	<input type="checkbox"/> Yes <input type="checkbox"/> No, a different method for formalising the agreement must be used. Please specify: <input type="checkbox"/> No, it is not possible to formalise an agreement mediated in another State <input type="checkbox"/> Other (<i>please specify</i>):

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? <i>See Articles 7(2)(c) and 10</i>	<input type="checkbox"/> (1) In-court conciliation <input type="checkbox"/> (2) Out-of-court conciliation <input type="checkbox"/> (3) Collaborative law <input type="checkbox"/> (4) Early Neutral Evaluation <input type="checkbox"/> (5) Other (<i>please specify</i>): <input checked="" type="checkbox"/> (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 (<i>please specify</i>): ADR services / structures within the judicial or administrative system (<i>please explain</i>): ADR services / structures provided by NGOs (<i>please specify the NGO and give brief details of the service they provide</i>): Other (<i>please explain</i>):
c) In relation to: <ul style="list-style-type: none"> legislation on ADR access to ADR 	<input type="checkbox"/> Yes, go to Part VI: Direct judicial communications <input type="checkbox"/> Some of the responses are the same, go to question d) <input type="checkbox"/> No, go to question d)

<ul style="list-style-type: none"> • 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 <p>are the responses the same as for the section on mediation above – see sections 19.2 to 19.6?</p>	
<p>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</p>	

Part VI: Direct judicial communications

21 Direct judicial communications	
<p>a) Has a member of the International Hague Network of Judges been designated for your State?</p> <p>For more information, go to www.hcch.net under “Child Abduction Section” then “Judicial Communications”</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>Name(s): Three judges have been designated in Canada:</p> <ul style="list-style-type: none"> - 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) <p><i>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</i></p> <p><input type="checkbox"/> No</p>
<p>b) Is there a legislative basis upon which judges in your State can engage in direct judicial communications?</p>	<p><input type="checkbox"/> Yes, please specify how the legislation can be accessed (e.g., website) or attach a copy: Go to Part VII: Other information</p> <p><input checked="" type="checkbox"/> No, go to question c)</p>
<p>c) In the absence of legislation, can judges in your State engage in direct judicial communications?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

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.

	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? <i>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</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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

24 Other services	
a) What general services / resources are available in your State to assist those involved in international child abduction cases? <i>Please indicate, where available, contact details, websites and costs for such services</i>	<input type="checkbox"/> International Social Service (ISS) (please provide contact information): <input type="checkbox"/> Specific NGOs dealing with child abduction: <input checked="" type="checkbox"/> 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. <input type="checkbox"/> Social / welfare assistance:

	<input type="checkbox"/> Immigration services: <input type="checkbox"/> Other (<i>please specify</i>):
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