

parents will be tempted to let their children and flee as a result of this "shared parenting" to the Family Law Act on International child has warned.

Nicholes said the new law would make it more for a parent to relocate to another country.

Nicholes is a former of the Department of the Hague Convention national Child Abduc-

range of three children re abducted by a parent into or out of Australia from New Zealand, he US, the Netherlands r countries that are es to the Hague Con- There are 76 signatory in all.

own numbers of chil- also taken, to countries the Middle East and it are not signatories to ntion. The convention that governments co- ensure that children gally are returned to try of origin.

week's changes to the w Act emphasise the ight to know both and support shared as long as this does children at risk.

choles said the 1980 n, signed by Australia was originally aimed at the most common of their own children 70s. But it was now ally being invoked in to cases in which a id taken her children ne" after the break- a cross-cultural P.

oid is getting smaller e having many more nal marriages." Ms said. "The whole

Trying to get people to consider shared and equal time. But where does child abduction fit into this user-friendly scheme?"

Chief Justice of the Family Court, Diana Bryant, said she was not convinced that the changes would spur a rise in abduction rates. "There is a view that the amendments might make it more difficult, but that is only a view," she said.

Justice Bryant said that many of the Family Court's Hague convention cases were "heart-breaking". But the decisions being made in these cases were only about the place where the final hearing on the child's residency arrangements would be made.

In most cases, she said, the court decided that the final hearing would be held in the country where the child had been living, although there were exceptions, such as when there was risk that a return would expose the child to harm.

But Australian courts had not usually accepted domestic violence as a part of a mother's defence to a charge of wrong-

return' as a return to a country, not a particular person — and they will look at questions like 'can the mother and child be protected (in that country)?'

"They are always difficult cases and you feel tremendous sympathy for people who simply want to return to their (family) supports. But once you have a child with someone from another country, both parents have rights," she said.

The judge cited a recent case involving a Swiss woman who abducted her children from Australia on false passports five years ago and whose husband launched Family Court action to bring them back.

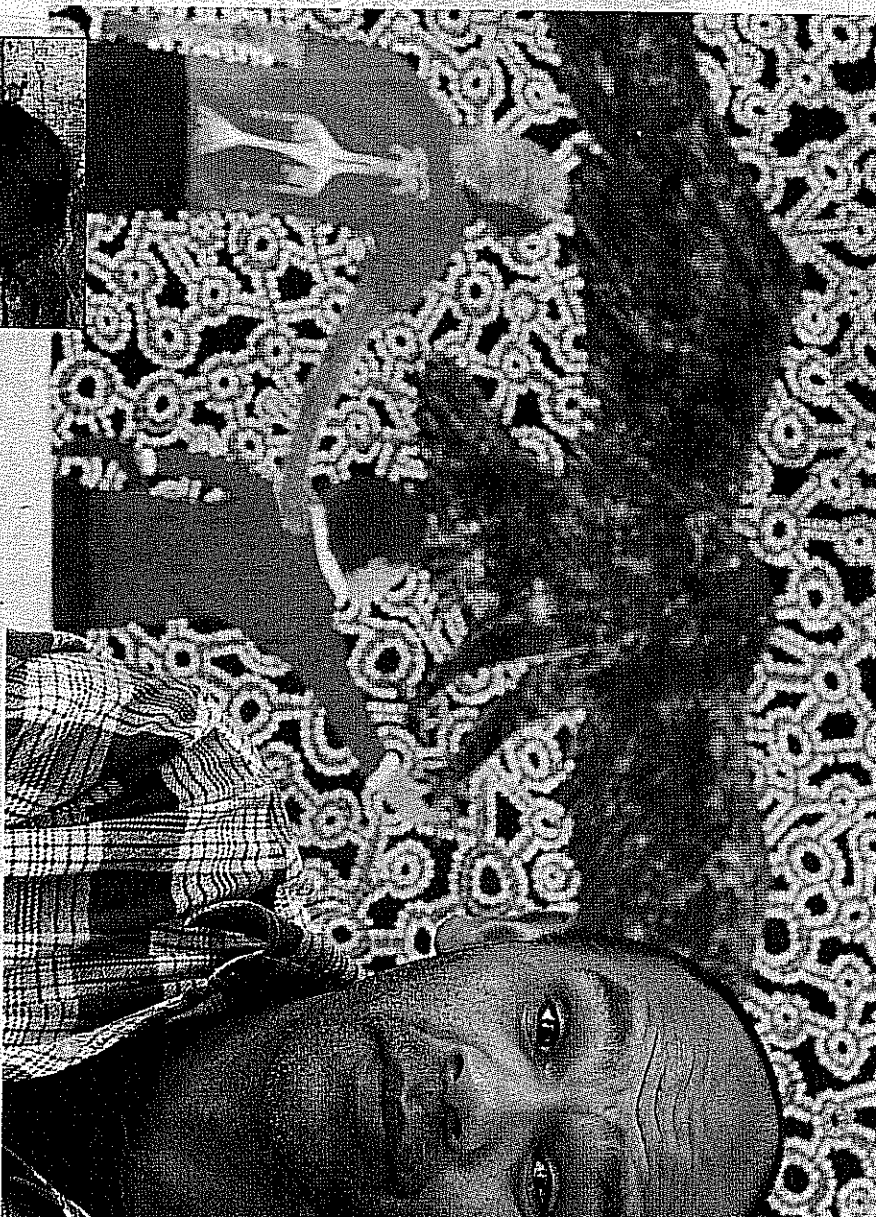
After a five-year legal battle the children were brought to Perth in January. But recently the Family Court ruled that the children should be returned to Switzerland to live with their mother.

Justice Bryant called for the establishment of a special legal aid program for people involved in cross-cultural marriage breakdowns, suggesting that such a program could be associated with the family relationship centres now being set up under the changes to the Family Law Act.

The International Parental Child Abduction Service, a specialist service funded by the Attorney-General and run by the Australian branch of International Social Service, has dealt with 60 cases of child abduction since it began last October.

Sandra De Silva, the national co-ordinator of the service, said the complexities of the legal system presented a major problem for her clients, who included "left behind" parents pining for missing children, as well as parents who have abducted children from Australia and have been compelled to return home.

On behalf of clients, she routinely contacts her International Social Service social worker counterpart who



Peter Clarke, top, with his painting of himself and son Elliot, above. PICTURE: KEN IRWIN

## Wait almost over for father and

PETER CLARKE is counting the days until September 21, the day he arrives in Ireland for a long-awaited reunion with his son, Elliot, who will turn 11 the following day.

The boy has been living in Ireland since 1998, when he left Australia with his Irish mother to see her ill uncle. Mr Clarke made a brief sojourn to Ireland in April 1999, but the visit ended with a court case after allegations were made — and then

retracted in court — that he had been violent.

Mr Clarke, 37, a former native title field officer and a member of the "stolen generation" raised in a Ballarat orphanage, married Pauline "Polly" Browne, a former Monash University post-graduate student of Aboriginal anthropology, in 1992.

Their son, Elliot, was born in 1995. Mr Clarke's lawyer, the Aboriginal Legal Service's Denis Barry, has

abducted children, make welfare checks on children and make contact with the schools that abducted children are attending. Parents on both sides of the "tug of love" suffered from breakdowns of the relationship.

Later fled overseas, were living "hand to mouth" on food from the Salvation Army, unable to work or access Medicare while they waited for court hearings. Another client whose wife

undertakings of financial support for his wife and children that were stipulated by the overseas court that ruled she had to return to Australia. "He is back with his parents,

applied to the Att Hague Convention but Elliot's mother aid lawyer before with the document

Mr Clarke said he touring his school agreed to him visit "I have been in communication with n calls or letters but been supportive o

to them as he were on the o world." Ms De Ruth, Rich director of Int Service (Austr