



Abduction of a Colombian Child by a Parent in the United States

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**ABDUCTION OF A COLOMBIAN CHILD BY
A PARENT IN THE UNITED STATES**

A minor, 10 years of age, was given authorization by his mother, a Colombian resident and citizen, to leave Colombia for a short vacation with his father in the United States. The father has requested permanent United States residence for the child.

Since no copy of the authorization for the minor to leave the country was submitted, it is assumed that such authorization was properly issued according to arts. 337-348 of the Minors Code.¹

Colombia is not a party to the Hague Convention on the Civil Aspects of International Child Abduction (1980).² Therefore, the Colombian mother will have to file a suit before the competent Colombian court (the last domicile of the child) to have the child returned to her custody so she may reinstate her parental authority (*patria potestad*) since, we assume she was the one who had legal custody of the minor. If the father wants custody of the child, he must institute a judicial procedure for parental authority to be legally assigned to him. A mere authorization by the mother to take the minor out of the country on vacation does not entitle the father to the custody of the child.³ Complimentary photocopies of the pertinent provisions are appended.

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¹ *Codigo del Menor*, Cuadernos de Legislacion (Bogota, Editorial Temis, 1990).

² *Treaties in Force* (Washington, D.C., 1992).

³ *Codigo Civil* (Bogota, Editorial Temis, 1990), arts. 288-311; *Codigo de Procedimiento Civil*, 1st ed. (Bogota, H. E. Castro, 1991), art. 446.