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ENFORCEMENT OF INTERPROVINCIAL AND INTERNATIONAL CUSTODY ORDERS

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This paper is devoted to the problems of enforcement of interprovincial and international custody orders. The first section deals with the general conflict rules of the common law provinces and Quebec. The second section is devoted to statutory intervention at both federal and provincial levels. This section will cover the custody orders awarded in divorce proceedings as well as the provincial legislation. Finally, the new provisions on the civil aspects of international child abduction in force in a few provinces will be reviewed in the third section.

I. General Rules of Enforcement of Custody Orders

a) In the common law provinces

It may be useful to point out at the start that the question of enforcement of a foreign custody order - in the sense of an order awarded in a foreign country or in another province - arises only if there is a dispute relating to the custody. In the absence of such, foreign custody orders carry their full effect.

In case of a dispute, the existence of a foreign order does not prevent the court of the forum from making whatever order is in the best interest of the child, even where the foreign order was granted by a court of competent jurisdiction.[1]

In any case, a foreign custody order does not meet all the conditions required for the enforcement of foreign judgments in general. Although it may have been a) granted by a court of competent jurisdiction and b) perfectly compatible with public policy, it is not and cannot be, by its nature, final and conclusive of the matter in issue. Indeed, a custody order is always subject to variation in the forum pronouncing it. Therefore, theoretically at least, a foreign custody order is not enforceable[2]. But the courts do give foreign orders serious consideration, for the common law judges have always maintained a policy against kidnapping and have in general ordered the return of the child to the country where the custody order was granted unless it was clear that the removal of the child did not constitute abduction or that the return would cause harm to the child[3].

The courts exercise jurisdiction in custody matters on the basis of the presence of the child in the jurisdiction, or residence. This does not mean that the courts necessarily take jurisdiction to hear the case on the merits. They may simply order the child back to the other jurisdiction. In Loughran v. Loughran[4], the child had been the object of an interim custody order granted by a court in England, which had awarded custody to the mother. The father removed the infant to Toronto, where he had permanent employment. The court recognized that it had jurisdiction because the child was resident in Ontario with his father, but stated the following:

> In our view, this court should not sanction any attempt to flaunt the jurisdiction of the English court which has already been invoked by the mother at the time when both she and the husband were domiciled in England unless the interest of the child requires our intervention.[5]

The local judge may want to assess the best interest of the child but there is a danger for the court to be seen as encouraging abduction if it hears the case after the child has been illegally removed from the original jurisdiction. The local court has a discretionary jurisdiction in this matter. Professor McLeod states: "the court ought to decline to entertain the custody proceedings where the evidence required to properly determine the issue of custody is in the other jurisdiction; i.e., forum non conveniens."[6]

The Court of Appeal of Ontario took a different position in the Charmasson case[7] where it held that it had jurisdiction to review custody based on the physical presence of a child in Ontario and that it would decline to exercise such jurisdiction only if Ontario was not the forum conveniens. In this case, the child had been brought to Ontario by his mother in spite of the fact that custody had been granted to the father by a French tribunal. It is fair to add however that the French order had become void for failure of the parties to take further action.

b) In Quebec

In Quebec, there are very few cases dealing with custody as an independent matter separate from divorce or other matri-

monial proceedings. Johnson summarizes the state of the law in a fashion which shows that the position is very close to that in the common-law provinces:

> "But all Canadian jurisprudence has consistently declined to waive entirely the right to review the decree insofar as it affects the custody of children. Doubtless, the foreign decree pronounced by a court having international jurisdiction in our view, is entitled to great weight. It is to be assumed that the foreign court has considered the welfare of the children. But the foreign court may have adjudicated on the basis of what seemed best in respect of the children then, but no longer, under its authority, and the circumstances, the conduct and means of the parties, may have altered."[8]

In any case, article 178 of the Code of Civil Procedures allows the Quebec court to review foreign judgments on their merits.[9] Therefore, even if the foreign order was granted by a court of competent jurisdiction and the Quebec court disregarded the matter of conclusiveness, it may re-open the case.

If the order is granted by a tribunal in Canada, article 179 of the Quebec Code of Civil Procedure might have a certain importance[10]. In Guindon v. Lemay[11], the Court refused to take jurisdiction on a petition for custody in the presence of an exemplified decision of the Ontario Surrogate Court. However, the court felt that if the children had been resident in Quebec, it might have modified the Ontario order.

On the other hand, in Galibois v. MacRae[12], it was held that a British Columbia decision constituted prima facie proof of its content but could not bind the Quebec court.

B. Statutory Interventions

a) Divorce Act

The Divorce Act provides that custody may be awarded as corollary relief in divorce proceedings in Canada[13]. Section 14 of the Divorce Act provides that a decree of divorce has legal effect throughout Canada and section 15 that an order for corollary relief - which includes interim orders for custody and custody orders granted with the decree nisi - may be registered in any other superior court in Canada and may be enforced in like manner as an order of that superior court. These provisions seem to have posed a double problem.

First, the existence of an ancillary custody order made in one province does not seem to prevent the court of another from dealing with an application for the custody of a child over which it has jurisdiction by virtue of that child's residence.[14] This raises a constitutional problem concerning the paramountcy of federal legislation over legislation enacted by the province. It has been decided that the custody order made under the Divorce Act supersedes a previous order for custody made under provincial legislation with respect to the same child[15]. However, the case law is not unanimous[16].

A more frequent difficulty concerns the authority of the courts to vary or rescind an ancillary custody order made by another Canadian superior court. It seems that there is no such jurisdiction in another court to make such an alteration[17]. This opinion is based on the wording of the Divorce Act. Its states that an order for corollary relief may be varied ..."[18] by the Court that made the order". The Supreme Court of Alberta[19] and the Courts of Appeal of Ontario[20] and British Columbia[21] concluded that there was no jurisdiction to vary a decree nisi granted in another province. The Court of Appeal of New Brunswick[22] came to the same conclusion citing Ruttan v. Ruttan[23], a maintenance case based on the same provision of the Act, where the Supreme Court of Canada made it clear that the jurisdiction of courts other than those where the divorce is given is limited to enforcing a maintenance order. The Quebec Court of Appeal reached the opposite conclusion[24] but its decision has not always been followed[25] and has been criticized[26].

At the time of writing, Bill C47 respecting divorce and corollary relief is before the House of Commons[27]. This text attempts to clarify the position. Section 51 states: "A court in a province has jurisdiction to hear and determine a variation proceeding if

a) either a former spouse is habitually resident in the province at the commencement of the proceeding; or

b) both former spouses accept the jurisdiction of the court".

The Bill contains the following proviso:

> s. 6(3) "where an application for variation order in respect of a custody order is made in a variation proceeding to a court in a province and is opposed and the child of the marriage in respect of whom the variation order is sought is most closely associated with another province, the court may, on application by a former spouse or on its own motion, transfer the proceeding to court in that other province."

(b) Provincial legislation

At its 1974 meeting, the Uniform Law Conference of Canada adopted a Uniform Custody Orders Enforcement Act[28]. To date, the Act has been enacted in substantially the same form by the legislatures of all the common-law provinces in Canada.[29]. The Act provides for the enforcement of a custody order made by an extra-provincial tribunal as if the order had been made by the court of the forum. If this court is satisfied that the child did not, at the time the custody order was made, have a real and substantial connection with the province or state or country in which the extraprovincial tribunal made the order, then it may decide not to enforce the order.

The Act further provides that a provincial court may vary a custody order made by an extra-provincial tribunal subject to the condition tht it shall not vary it unless it is satisfied on evidence adduced:

> a) that the child affected by the custody order does not, at the time the application for the variation was made, have a real and substantial connection with the province, state or country in which the extra-provincial tribunal had jurisdiction; and

b) that the child affected by the custody order has a real and substantial connection with (the province), or all the parties affected by the custody order are resident in (the province).

In varying a custody order, the court must give first consideration to the interest of the child.

The uniform extra-provincial custody orders Acts were interpreted several times by the courts. In particular, the notion of real and substantial connection was reviewed. The Court of Appeal of British Columbia decided that "the words 'real and substantial connection' do not necessarily mean the same as 'ordinary residence' but those factors which determine an ordinary residence may be considered in determining whether or not there is a 'real and substantial connection'"[30]. The court noted that a child may have a real and substantial connection with two places at the same time but could not have an ordinary residence in two places at the same time[31]. In Correia v. Williams, Mr. Justice Cameron of the Newfoundland United Family Court, noted that enforcement of the order is mandatory unless 1) at the time of the making of the custody order the child did not have a real and substantial connection (with Ontario) or 2) the court is satisfied that the child would suffer serious harm if restored to the custody of its mother[32].

In Re Carrier[33], Mr. Justice Angers of the Court of New Brunswick stressed that the effect of the Act "is to direct the court's attention not to the best interests of the child, but to

whether the child would suffer serious harm if the foreign custody order was enforced."

There lie the unavoidable difficulties of the whole issue. There are cases where the best interests of the child would certainly be furthered by a modification of the extra-provincial order. The child is more adjusted to the person seeking a modification of the extra-provincial custody order, may have expressed preference to remain with this person and would very likely be allowed to do so but for the extra-provincial custody order enforcement Act. If no serious harm would ensue from the return of the child to the original jurisdiction, the judge is bound to order it.

One of the best illustrations of this dilemma is the case of Minister of Social Services v. T.B.S.O.[34] In this case, a child had been removed from Alberta to Nova Scotia. Mr. Justice Niedermayer, after an in depth study of the case law and the facts of the particular case before him, concluded that the welfare of the child would be better served by her remaining in Nova Scotia with the person who cared for her but had to decide that "regardless of those findings, the act is designed for a reciprocity between jurisdictions. The rule is that the forum conveniens is the ordinary residence of the child. If C (the temporary guardian in Nova Scotia) wishes custody, she must present her case to the Alberta court because she has not proven "serious harm" could befall the child."

This decision was obviously reached very reluctantly and the court ordered a stay of execution of 35 days to give all parties time to review the decision. It also added that if there was an appeal or if C wanted to apply for custody in Alberta, a further stay could be considered.

The difficulty is indeed compounded in Nova Scotia because of the fact that the Act is a Reciprocal Enforcement of Custody Orders Act and that it is far less flexible than the legislation adopted by the other Canadian provinces. Indeed, the court upon application must enforce the custody order of a reciprocating state[35]. The connection between the child and the state in which the order was obtained does not turn on the basis of a real and substantial connection, but rather on whether the foreign country was a reciprocating state.

However, the Act allows a variation of the order where it appears that serious harm might come to the child if the order was enforced in its original form[36].

The Uniform Extra-provincial Custody Orders Enforcement Act was modified by the Uniform Law Conference in order to deal with the circumstances under which the domestic court would assume jurisdiction to hear a custody case.[37] The new Act is based largely on the Ontario Children's Law Reform Amendment Act, 1982[38]. It contains no reference to the Hague Convention on the Civil Aspects of International Child Abduction but is

designed to facilitate adoption of the Convention. The new provisions give the courts of Ontario the power to take interim measures where they are satisfied that the child has been wrongfully removed to Ontario or to decline jurisdiction on the grounds provided for by the Act.

As to the enforcement of extra-provincial orders, the Act provides that the court shall not recognize an extra-provincial order unless it is satisfied

a) that the respondent was not given reasonable notice of the commencement of the proceeding in which the order was made;

b) that the respondent was not given an opportunity to be heard by the extra-provincial tribunal before the order was made;

c) that the law of the place in which the order was made did not require the extra-provincial tribunal to have regard for the best interest of the child;

d) that the order of the extra-provincial tribunal is contrary to public policy in Ontario; or

e) that in accordance with section 22, the extra-provincial tribunal would not have jurisdiction if it were a court in Ontario.[39]

In case a court is presented with conflicting orders made by extra-provincial tribunals for the custody or access to a child, the court must recognize and enforce the order that appears to the court to be most in accord with the best interest of the child[40].

The Act also provides that the court may vary an extra-provincial order in respect of custody where there has been a material change in circumstances that affects or is likely to affect the best interest of the child and where the child satisfies certain conditions of jurisdiction (habitual residence or at least presence), has real and substantial connection with Ontario and has lost any real and substantial connection with the place where the extra-provincial order was made.[41] This provision is illustrated in the case of Re Solnik[42] which shows, inter alia, the difficulty of interpreting a confused family situation.

Under the Act, a court shall only exercise its jurisdiction to make an order for custody ... where ... it is satisfied ... that no application for custody of the child is pending before an extra-provincial tribunal in another place where the child is habitually resident and that no extra-provincial order in respect of custody of the child has been recognized by a court in Ontario[43].

This new Act is much more detailed than the original uniform Act and gives the judges more guidelines on subjective concepts such as real and substantial connections, serious harm to the child, abduction and the like.

Quebec never adopted the original Uniform Extraprovincial Custody Orders Act. However, the Province passed an Act to

Secure the Carrying Out of the Entente between France and Quebec respecting Mutual Aid in Judicial Matters.[44] Title VII of the Entente deals with the recognition and execution of decisions regarding the status and capacity of persons and particularly the custody of children and alimentary obligations. It provides that the French decisions have pleno jure the authority of res judicata in Quebec if they meet a set of conditions. These conditions do not change the present requirement that the foreign decision be rendered by a court of competent jurisdiction and not include anything contrary to public order. It does away with the requirement that the foreign decision should not be reviewable by the court that rendered it[45] and prohibits any examination of the case on its merits[46]. It unfortunately articulates a relatively new requirement introduced by the courts for decision in matters of family status:

> ...1(b) (the original court) has applied the law applicable to the dispute under the rules of selection of conflicts of laws obtaining in the territory of the authority where the decision is executed[47].

The Entente also provides for a system of exchange of information and mutual assistance with a view to "obtaining the voluntary return of displaced minors, where the right of custody has simply been ignored[48]. These provisions are obviously inspired by the Hague Convention on Civil Aspects of International Civil Abduction[49].

The constitutionality of the Entente was challenged before the Courts of Quebec but the Court of Appeal upheld its constitutional validity[50] basing itself on The Attorney General for Canada v. Scott[51] where the Supreme Court of Canada considered the validity of the Ontario Reciprocal Enforcement of Maintenance Act. This statute gave effect to arrangements between Ontario and England. Mr. Justice Abbott stated:

> I am unable to see any valid legal reason why the Province of Ontario cannot, in relation to a subject matter within its legislative jurisdiction, make a reciprocal arrangement with another Province or a foreign state in relation to such subject matter. It is not, in my opinion, the exercise of any treaty-making authority vested in the Parliament of Canada[49].

C. International Convention

The Convention on the Civil Aspect of International Child Abduction was prepared by the Hague Conference on Private International Law at its 14th session held at the Hague in 1980.

The purpose of the Convention is to ensure that the situation which existed before the abduction is re-established as quickly as possible. Therefore, the drafters of the Convention deliberately refrained from dealing with questions concerning the merits of custody rights and recognition and enforcement of custody orders.

The system proposed in the Hague Convention may be summarized as follows: where there is a breach of custody rights

under the law of the state in which the child is habitually resident, the person whose rights of custody have been breached, applies to the central authority of his state or that of the state where the child is, with a view to obtaining the return of the child, voluntarily if possible, or otherwise, by means of a a judicial decision (article 3).

The central authority is generally a governmental agency. For example, in Quebec, it is the Department of Justice.

The central authorities of states parties to the Convention "shall co-operate with each other and promote co-operation amongst the competent authorities of their respective states to secure the prompt return of children and to achieve the other objects of the Convention" (article 7).

In particular, they must take all appropriate measures to discover the whereabouts of the child, to prevent further harm to the child, to secure the voluntary return of the child, to initiate or facilitate the institution of judicial or administrative proceedings with a view to obtaining the return of the child ...

Where application is made to the judicial authority of the requested state within 12 months from the wrongful removal or retention, the authority will order the immediate return of the child. Where the proceedings have been commenced after this

time limit, the authority shall also order the return of the child, unless it is demonstrated that the child is now settled in its new environment (article 12).

The only grounds of defence provided for in the Convention against an application for the return of the child - raised by the person who opposed its return - are that, at the time of the alleged breach, the applicant was not actually exercising the custody of rights, or had consented to or subsequently acquiesced in the removal or retention, or that there was a grave risk that the return would expose the child to physical or psychological harm or otherwise place him in an intolerable tuation (article 13).

The custody rights may be derived from the law itself or from a judicial or administrative decision. The applicant, the person who wants the return of the child, must have exercised these rights. It is not sufficient that he has them by law. A Canadian proposal was made to enable the person having access rights to obtain repatriation of the child when he had been deprived of the exercise of his right as a result of removal of the child but this proposal was rejected by a large majority. It was felt that the proposal offered the parent having access rights the possibility of reversing the custody right attributed by the state in which the child was habitually resident before the removal and this was beyond the intention of the Convention[53].

It must be noted, finally, that the Convention covers only children whose habitual residence is in a contracting state at the time of the wrongful removal or retention. It is thus a reciprocity convention. It was felt that it was impractical to extend the benefit of the Convention to children residing in a non-contracting state because of the role of the central authorities.

The Convention has been ratified by Canada and entered into force in December, 1983. Several provinces have enacted implementing legislation. Indeed, the Convention applies within Canada only to provinces having done so, child custody being a matter of provincial jurisdiction[54].

FOOTNOTES

1. McKee v. McKee [1951] A.C. 352, [1951] All E.R. 942 (P.C.); see J.-G. Castel, Canadian Conflict of Laws, vol. 2, Toronto, Butterworths, 1977, p. 229; J.-G. McLeod, The Conflict of Laws, Calgary, Carswell, 1983, p. 734.
2. J.C. McLeod, op. cit., p. 734.
3. For a recent case, see Bazilewich v. Bazilewich (1984) 40 R.F.L. (2d) 108 (Man. Q.B.).
4. See Loughran v. Loughran [1973] 1 O.R. 109; 9 R.F.L. 255 (Ont. C.A.); Munz v. Munz (1974) 15 R.F.L. 123 (Alta. C.A.); Re Ridderstroem [1972] 2 O.R. 113, 25 D.L.R. (3d) 29 (Ont. C.A.).
5. Supra, note 4, p. 256.
6. Op. cit., p. 740.
7. Charmasson v. Charmasson (1982) 34 O.R. (2d) 498, 25 F.R.L. (2d) 41; see also Goldin v. Goldin [1980] 104 D.L.R. (3d) 76 (Ont. H.C.).
8. W.S. Johnson, Conflict of Laws, 2nd ed., Montreal, Wilson & Lafleur, 1962, p. 174.
9. C.P.C., art. 178: Any defence which was or might have been set up to the original action may be pleaded to an action brought upon a judgment rendered out of Canada.
10. C.P.C., art. 179: Any defence which might have been set up to the original action may be pleaded to an action brought upon a judgment rendered in any other province of Canada,

provided that the defendant was not personally served with the action in such other province or did not appear in such action.

11. [1973] R.P. 147 (C.S.).

12. [1974] R.P. 331 (C.S.).

13. R.S.C. 1970, c. D-8.

14. Bray v. Bray [1971] 1 O.R. 232, (1970) 15 D.L.R. (3d) 40; Emerson v. Emerson [1972] 3 O.R. 5, 27 D.L.R. (3d) 278 (H.C.); see also Dalshaug v. Dalshaug (1973) 14 R.F.L. 271, 41 D.L.R. 475 (Alta. C.A.).

15. Gillespie v. Gillespie (1973) 36 D.L.R. (3d) 421, 6 N.B.R. (2d) 227 (N.B.C.A.).

16. Re Z and B (1980) 115 D.L.R. (3d) 710 (Man. C.A.). This case contains an extensive review of the case-law.

17. See O'Neill v. O'Neill (1972) 5 R.F.L. 98, 4 N.S.R. (2d) 640 (N.S.S.C.).

18. S. 11(2).

19. A.G. for Alta. v. Allard (1978) 30 R.F.L. 43 (Alta. S.C.).

20. Ramsay v. Ramsay et al. (1976) 13 O.R. (2d) 85, 70 D.L.R. (3d) 415, 23 R.F.L. 225 (Ont. C.A.), inf. 18 R.F.L. 225; Re D.J.C. & W.C. (1975) 57 D.L.R. (3d) 694 (Ont. C.A.).

21. Rodness v. Rodness [1976] 3 W.W.R. 414; 70 D.L.R. (3d) 746, 23 R.F.L. 266 (B.C.C.A.).

22. Cross v. Tyler (1984) 36 R.F.L. 67 (N.B.C.A.) and the cases considered in this decision. See also Kyle v. Kyle (1985) 44 R.F.L. (2d) 200 (Sask. Q.B.).

23. Ruttan v. Ruttan [1982] 1 S.C.R. 690, 27 R.F.L. (2d) 165, [1982] 4 W.W.R. 756, 135 D.L.R. (3d) 193, 42 N.R. 91.

24. Stein v. Phillips [1976] C.A. 150.

26. Avon v. Haynes [1980] C.A. 714.

26. C. Emmanuelli, Commentaire de Avon c. Haynes (1982) 12 R.D.U.S. 463.

27. First Session, Thirty-Third Parliament, 33 & 34 Eliz. II, 1984-85, First Reading, May 1, 1985.

28. Proceedings of the 56th Annual Meeting, held at Minaki, Ontario, pp. 21 and 101.

29. Alberta: Extra-Provincial Enforcement and Custody Orders Act, R.S.A. 1980, c. E-17; British Columbia: Family Relations Act, R.S.B.C. 1970, c. 121, Part 2, ss. 38-42; Manitoba: The Child Custody Enforcement Act, S.M. 1982, c. 27/C360; New Brunswick: Child and Family Services and Family Relations Act, S.N.B. 1980, c. C-2.1, Part VII, ss. 130.1-130.8; Newfoundland: The Extra-Provincial Custody Orders Enforcement Act, S. Nfld. 1976, Act No. 24; Nova Scotia: Reciprocal Enforcement of Custody Orders Act, S.N.S. 1976, c. 15; Ontario: Children's Law Reform Act, R.S.O. 1980, c. 68, Part III, ss. 18, 19, 41-46; Prince Edward Island: Extra-Provincial Custody Orders Enforcement Act, S.P.E.I. 1975, c. 68; Saskatchewan: The Extra-Provincial Custody Orders Enforcement Act, R.S.S. 1978, c. E-18; Northwest Territories: Extra-Territorial Custody Orders Enforcement Ordinance, O.N.W.T. 1981 (2nd), c. 2.

30. Mayor v. Mayor (1983) 4 D.L.R. (4th) 55 (B.C.C.A.) quoting with approbation Gergely v. Gergely (1978) 89 D.L.R. (3d) 359 at p. 362, 5 R.F.L. (2d) 365 at p. 368 (McLeod, J.); see also Husband v. Husband, (1984) 39 R.F.L. 104 (Sask. Q.B.).

31. Seaton J. at p. 58.

32. (1984) 46 Nfld. & P.E.I.R. 87 (Nfld. U.F.C.).

33. (1980) 27 N.B.R. (2d) 519; 60 A.P.R. 519; 16 R.F.L. (2d) 16, at p. 19 R.F.L. (N.B.Q.B. T.D.).

34. (1983) 39 R.F.L. (2d) 204 (N.S. Fam. Ct.).

35. Reciprocal Enforcement of Custody Orders Act, S.N.S. 1976, c. 15, s. 3.

36. For a criticism, see McLeod, op. cit., p. 144.

37. See the detailed Ontario Report in Uniform Law Conference of Canada, Proceedings of the 60th Annual meeting, held at St. John, Newfoundland, August 1978, p. 143. See text of the Uniform Custody Jurisdiction and Enforcement Act in Uniform Law Conference of Canada, Proceedings of the 63rd Annual Meeting, held at Whitehorse, Yukon, August 1981, p. 91.

38. S.O. 1982, c. 20.

39. Ibid., s. 42(1).

40. Ibid., s. 42(3).

41. Ibid., s. 43.

42. (1984) 44 O.R. 684 (Ont. C.A.).

43. S.O. 1982, c. 20, s. 22 as interpreted in Wickham v. Wickham, (1983) 35 R.F.L. (2d) 448 (Ont. C.A.); Lawson v. Bauman (1985) 42 R.F.L. 395 (Ont. Prov. Ct.).

44. R.S.Q., c. A-20.1.

45. Title VII, s. 1(c).

46. Ibid., s. 3.

47. For a criticism of these requirements, see E. Groffier, Précis de droit international privé québécois, 3rd ed., Montreal, Wilson & Lafleur/Sorej, 1984, paras. 343 and ff.

48. Title VI, s. 2.

49. Collection of Conventions, published by the Secretariat of the Hague Convention, p. 264.

50. Bazilo v. Collins, [1984] C.A. 268.

51. [1956] S.C.R. 137.

52. Ibid., p. 147.

53. Explanatory Report, Convention on the Civil Aspects of International Child Abduction by the Department of Justice, mimeographed, p. 8.

54. British Columbia: Family Relations Act, R.S.B.C. 1979, c. 121, as amended, s. 42.1; Manitoba: Child Custody Enforcement Act, S.M. 1982, c. 27/C360, as amended, s. 17; New Brunswick: International Child Abduction Act, S.N.B. 1982, c. I-12.1; Newfoundland: The International Child Abduction Act, S. Nfld. 1983, c. 29; Nova Scotia: Child Abduction Act, S.N.S. 1982, c. 4; Ontario: Children's Law Reform Act, R.S.O. 1980, c. 68, as amended; Quebec: An Act respecting the Civil Aspects of International and Inter-provincial Child Abduction, R.Q. 1984, c. 12.