



International Social Service Crossborder Casework in 1996 Hague Convention matters

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1. ISS and 1996 Hague Convention (HC)

For over 90 years, International Social Service (ISS) has been serving the needs of families and children in the areas of cross border custody, child protection and child abduction. ISS' work has primarily taken the form of individual case-management with families and national authorities in these matters. Likewise ISS has contributed to legislative, advocacy and policy development in cooperation with national, regional and international bodies in cross-border family disputes and child protection.

ISS' work centres on implementation of international standards such as the CRC, Guidelines for the Alternative Care of Children as well as Hague Conventions including the *Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (hereafter 1996 HC).

Through its network ISS focuses on the "need to improve the protection of children in international situations" (preamble 1996 HC). On the ground ISS ensures that families and children benefit from coordinated legal and social support. This occurs by facilitating communication among professional stakeholders

supporting individuals affected by cross border issues, crucial for protecting and promoting the safety and well-being of vulnerable individuals and families.

However co-operation and coordination among stakeholders to find optimal solutions with 1996 HC matters may be challenging:

- few States are signatories
- legal application can take precedence over ethical social work practices
- under-utilisation of existing social service providers such as ISS, especially in cases where Central Authorities (CA) have limited resources etc.

Despite this challenging context, given the scope of 1996 HC and cross-border nature of matters, ISS remains uniquely placed to provide case-management services to families, authorities and courts. Particularly relevant are the ISS network's use of a mediation-based, child focused methodology in cross-border family disputes as well as professional expertise in the undertaking of child protection assessments. Likewise ISS specialises in the preparation of reports and recommendations for the welfare of children and families and the capacity for cross-border cooperation. ISS remains committed to providing all of its services with utmost excellence.

ISS is an international NGO

founded in 1924 and thanks to its presence in more than 120 countries, is a global actor promoting child protection and welfare, particularly across borders. ISS helps approximately 75,000 families in the world each year. Likewise ISS provides training and undertakes advocacy work to better respect children's rights.

ISS' added value for 1996 HC:

- Decades of proven know-how on cross border child protection and family conflict
- Established social work and legal expertise
- Multi-disciplinary approach in complex case-management
- Extensive capacity for liaison through expansive network beyond 1996 HC countries
- Access to in-house/external international family mediators
- "Guide" for professionals/clients with child focused approach
- Multiple language capacities
- Single point of contact for CAs seeking cross-border psychosocial assistance

The 1996 HC places extreme importance on co-operation, especially between Central Authorities - whereby facilitation of communication, drafting of social reports (assessments), agreed solutions and tracing occurs through "other bodies". The 2014 Hague Conference's handbook on this Convention states "Central Authorities will have recourse to bodies of uncontested competence in the field, such as the International Social Service"

1996 HC and co-operation with bodies such as ISS (Articles 31 and 32)

- facilitation of communication between authorities and/or other bodies involved in cases where the authority best situated to act in the child's best interest must be determined (art 31a)
- identify agreed solutions for the protection of a child or their property in circumstances, via mediation, conciliation or other means (art 31b);
- provide a report concerning the situation of a child within 1996 HC scope (art. 32 alt a);
- at request of the responsible Authority in a Contracting State, facilitate tracing of the location of a child for whom concerns exist (art 31 c);
- assess the need to take measures for the protection of a child (art. 32 alt. b)

It is incumbent on States to ensure that essential services in cross border situations are available, either within authorities or outsourced to competent bodies such as ISS. Clear funding, contractual arrangements, access to networks and access to information are essential, to ensure that work undertaken by competent bodies is appropriately resourced and valued.

1996 HC and co-operation with authorities

- co-operation between Central and Local Authorities of prime importance
- several duties only to be discharged by central authorities (art 30 – e.g.: provide information about national laws)

2. Co-operation between ISS and CAs via 3 levels:

2.1 Direct co-operation

On a case-by-case basis, an ISS member and a CA in the same or another country may co-operate.

entity agrees to perform, referral protocols and any accountability measures required.

2.2 Institutional cooperation between ISS member and national CA

Through formalised contracts, memoranda of understanding (MOU), formal meetings, discussions and informal arrangements, a very strong working relationship can be built, facilitating the conduct of holistic cross-border interventions for children and families. For example a MOU can outline tasks which each

2.3 International cooperation with Permanent Bureau on advocacy and policy

Based on ISS' expertise in issues of cross-border child protection and family separation and conflict, the ISS network is ideally placed to offer expert advice and consultation to the Permanent Bureau on practical and psychosocial aspects of 1996 HC through the General Secretariat and national ISS members.

3. ISS service delivery via 2 channels:

3.1 ISS member to ISS member

Cases may be expedited through ISS network without CA:

- Parent(s) separated across borders mandate ISS by requesting social work or mediation to develop an agreement about their child's relationship with the parent in whose country they do not reside.
- A child protection agency requires a home study or crossborder mediation. ISS prepares case referral, facilitates case management, contacts the foreign social service directly or through its ISS partner etc.

3.2 Dual channel involvement of both CA and one or more ISS members

Dual case handling may be helpful where CAs are involved in administrative and legal processes of enforcing a guardianship/protection order (e.g.: transferring child from one country to another). In parallel ISS may be involved in preparation of an assessment report or home study of a potential carer, or be contracted to intervene at the commencement of the placement to provide follow-up.

*Note CA would be involved if legal intervention is necessary

4. ISS Service principles

ISS members will provide services in cases where they can ensure:

- Best interest of the child is overriding principle
- Use of professionals only with appropriate expertise to handle cases
- In-house linguistic capacity exists to facilitate direct communication with child's family rather than reliance on interpreters/translators
- Interventions are prioritised according to case urgency. Whilst hasty and ill-planned responses are not helpful, neither are long delays.
- Effective co-operation with authorities and other bodies