

15 YEARS OF THE HCCH WASHINGTON DECLARATION
PROGRESS AND PERSPECTIVES
ON
INTERNATIONAL FAMILY RELOCATION
2-4 APRIL 2025
EMBASSY OF CANADA, WASHINGTON DC

RELOCATION LAWS IN HUNGARY – DR. SOMA KÖLCSÉNYI

Sources of Law

- Act V of 2013 (Civil Code, CC)
- Act LXII of 2021 (International Judicial Cooperation in Parental Responsibility)
- Act CXVIII of 2017 (Rules for Civil Extrajudicial Proceedings)
- Act XXXI of 1997 (Child Protection and Guardianship Administration)
- Act XXVIII of 2017 (Private International Law Code)
- Govt. Decree no.149/1997 (Guardianship Authorities & Child Protection Proceedings)

Parental Responsibility & Relocation

- **Content of parental responsibility (CC 4:146 §)**
- **Jointly exercised parental responsibilities (CC 4:175 §)**
 - Parents living apart still exercise rights jointly
 - Key topics: name, nationality, education, relocation

Procedure Overview

- **Default forum:** District child protection authority

- **Steps:**

1. Parents dispute relocation
2. Application lodged
3. Decision within 60 days (by default)

- **Application Requirements:**

- Settlement vs. temporary relocation
- Social report
- Proof of school enrollment
- Proof of income
- Proof of accommodation

Key Factors in Decision-Making

- Ensuring parenting/visitation plan execution
- International treaties and reciprocity
- Parental responsibility/custody case pending → application dismissed
- Never settled responsibilities → parents advised on legal actions, application dismissed

If Relocation Is Granted

- Purpose of relocation (temporary or permanent)
- Adjustment of parenting/visitation plan
- Parental obligations:
 - Register address change
 - Register schooling abroad
 - Inform the respondent & authority of the relocation date

Case Law Highlights

• **Curia Kfv. 37.910/2020/11**

- Decision considers child's best interests
- Maintaining contact with the other parent

• **Curia Kfv. 37.857/2018/7**

- Residence conditions abroad must be appropriate
- Temporary relocation difficulties considered

• **Curia Kfv. 37.516/2017/6**

- Authority cannot grant post-facto relocation permission
- Parental misconduct impacts decision

Relocation Process Types

1. **Mutual Parental Agreement** (No approval needed)
2. **Disagreement, but custody decided** (Public Administration Procedure)
3. **Disagreement & no custody decision** (Court handles relocation)

Legal Assistance & Representation

- **Available for EU citizens** (English & Hungarian)
- **No means test:** Disabled, refugees, homeless
- **Means-tested:** Income-based assistance
- **Legal representation:** Not mandatory

International Considerations

- **Advantage for:**

- EU states
- Hague 1980 & 1996 member states

- **Authority considers:**

- Ensuring contact with the other parent
- Legal consequences of child abduction

Washington Declaration Compliance

- **Followed:** Best interest of child, direct contact, enforceability of contact
- **Not Followed:** Child's maturity, mobility issues for family

Domestic Abuse & Relocation

- No specific statutory rules for DA/DV
- Considered in care & access arrangements

Timeframe & Success Rate

- **Legal duration:** 60 days
- **Realistic duration:** 4-8 months
- **Success Rate:** No central statistics, but thorough preparation improves chances

Suggested Improvements

- Court should always decide on relocation (more qualified forum)
- More training for decision-makers
- Address irreversible errors in custody handling
- Standardize social report expectations

Recognition of Foreign Decisions

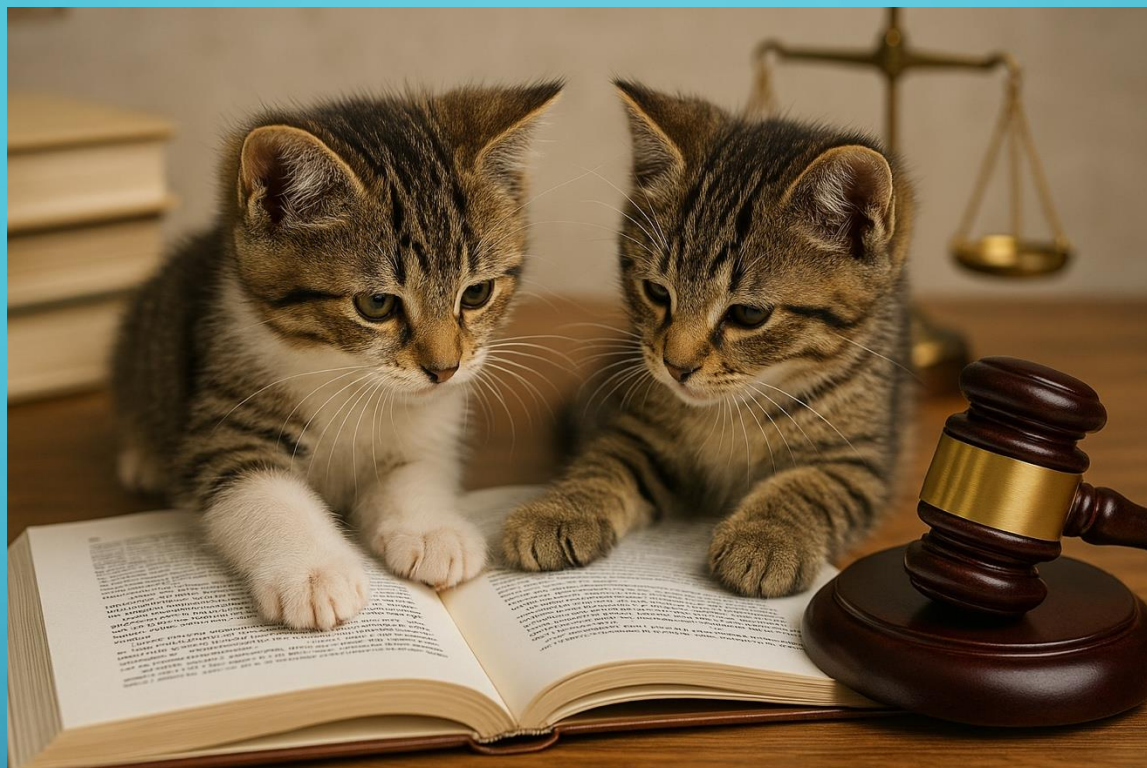
- **EU Orders:** No special procedure required (Art. 30 of BR II ter)
- **Non-EU Orders:** Recognition criteria & refusal grounds

Non-Compliance & Enforcement

- No specific Hungarian legal tools for enforcement

Conclusion

- Relocation is a complex process with multiple legal and procedural considerations
- Best interest of the child is central
- Legal assistance and preparation are key to success



“The only thing that will redeem mankind is cooperation.”

— **Bertrand Russell**