



INTERNATIONAL SOCIAL SERVICE

PARENTAL RESPONSIBILITY

Casework, technical assistance and advocacy

Parental responsibility in cross-border family conflicts

Family conflicts with an international dimension affect the parents and children concerned in a special way. In the process of any separation - often involving a challenging history - parents are often unable to successfully cooperate in a reasonable manner regarding parental responsibility. For example, in deciding where the child's main place of residence will be, and how the child will spend time with the other parent.

For these families across-border aspect can add an additional complicating aspect, and can be very unsettling. Complicating factors include geographical distance to be crossed for visiting arrangements as well as variances in legal systems particularly when determining who has custody (solely or jointly) - a factor which may or may not be dependent on marital status. Many family law systems do not give the right to determine the child's residence to one of the parents, but provide for this to be judicially determined. Likewise cultural and language barriers create a risk of misunderstandings and misinterpretation.

Given the above complexities, cross-border cases may give rise to a need to involve bodies and professionals from another country. In conflict cases, counsellors and decision-makers may need information from abroad (assessments, home studies, etc.) in determining the best interests of the children involved. Parents and children themselves may need specialised professional counselling and support.

ISS advocates for

- Full implementation of the CRC, 1996 Hague Convention, and any other relevant standards
- The best interest of the child being the paramount consideration
- Child(ren) having their right to maintain a relationship with both parents recognised
- An interdisciplinary approach in casework
- The use of qualified social workers based in both countries, given that counsellors and decision-makers may need information from abroad (assessments, home studies, follow up reports etc.)
- A mediation oriented approach given the likelihood that conflicting interests may exist ([see factsheet](#))
- Full co-operation between central authorities and other expert bodies who can assist in finding a solution. This is particularly important when working in international family kinship, with children on the move, and in international kafalah ([see relevant factsheets](#))

Guiding international standards and ISS internal documents:

- [Convention on the Rights of the Child](#)
- [1996 Hague Convention](#)
- [Brussels IIa](#)
- [1980 Hague Convention](#)
- [ISS Manual](#)
- [ISS Factsheet on Mediation](#)

ISS-Casework services include:

- Through the ISS network, obtaining home studies/social reports for courts to allow for informed custody/access decisions
- Guiding parents in understanding the situation they are confronted with and the potential impact on their children
- Informing about psycho-social and legal specificities of cross-border family conflicts
- Supporting parents in weighing options for action and the various modes of conflict resolution - including mediation
- Supporting parents with obtaining the recognition of agreements in various countries
- Providing support to professionals in understanding information / social reports about the person(s) in the other country

Technical assistance and advocacy include:

- dissemination of information to professionals about conflict solutions and active participation in expert consultation groups
- work with UN and regional treaty bodies
- evaluation missions, law reform and training