

**Seventh Meeting of the Special Commission  
 on the practical operation of the 1980 Hague Child Abduction Convention  
 and of the 1996 Hague Child Protection Convention – October 2017**

<b>Document</b>	Preliminary Document <input checked="" type="checkbox"/> Procedural Document <input type="checkbox"/> Information Document <input type="checkbox"/>	No 12 of September 2017
<b>Title</b>	Modernisation of the standardised return application form and development of a standardised access application form under the <i>Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction</i>	
<b>Author</b>	Permanent Bureau	
<b>Agenda item</b>	No 6	
<b>Mandate(s)</b>	<ul style="list-style-type: none"> <li>- C&amp;R No 1.1.14 of the 5<sup>th</sup> meeting of the Special Commission to review the operation of the 1980 Hague Child Abduction Convention and the practical implementation of the 1996 Hague Child Protection Convention</li> <li>- C&amp;R No 10 of the 6<sup>th</sup> meeting of the Special Commission on the practical operation of the 1980 Hague Child Abduction Convention and the 1996 Hague Child Protection Convention (Part I)</li> </ul>	
<b>Objective</b>	<ul style="list-style-type: none"> <li>- To gather comments from States on the standardised Forms developed by the Permanent Bureau.</li> <li>- To submit a standardised Request for Return Form and a standardised Request for Access Form for the approval of the 7<sup>th</sup> meeting of the Special Commission.</li> </ul>	
<b>Action to be taken</b>	For Approval <input checked="" type="checkbox"/> For Decision <input checked="" type="checkbox"/> For Information <input type="checkbox"/>	
<b>Annexes</b>		
<b>Related documents</b>	n.a.	

## A. Introduction

1. The Fifth Meeting of the Special Commission to review the Practical Operation of the 1980 Child Abduction Convention reaffirmed, in line with the Recommendation of the Fourteenth Session of the Conference on the occasion of the adoption of the Convention,<sup>1</sup> that States make use of the standard Request for Return Form.<sup>2</sup> It was further recommended that “the Permanent Bureau, in consultation with Contracting States, update the standard Request for Return Form”.<sup>3</sup>

2. Following these recommendations, the Sixth Meeting of the Special Commission recommended that:

“The Special Commission encourages the Permanent Bureau to continue its work (described in Info. Doc. No 4) to modernise the recommended Request for Return model form and to create a form that can be completed electronically. The Special Commission also requests that the Permanent Bureau continue its work to develop a standardised Request for Access form. The Special Commission requests that different language versions of the forms should be made available on the Hague Conference website. For this purpose, States are encouraged to provide the Permanent Bureau with translations.”<sup>4</sup>

3. Benefitting from experience gained over time, in particular with the development of various forms,<sup>5</sup> the Permanent Bureau has revised the current Request for Return Model Form<sup>6</sup> and produced the attached standardised Request for Return Model Form (hereinafter the “Return Form”) as well as a standardised Request for Access Model Form (hereinafter the “Access Form”).<sup>7</sup> In addition, the Permanent Bureau has drawn on an analysis of over 30 Forms gathered from the websites of various Central Authorities, which are attached to this document for information.<sup>8</sup>

4. The purpose of this note is to present the substantive changes that have been made to the Return Form as well as to introduce the standardised Access Form in order to submit them for consideration to the Seventh meeting of the Special Commission. With this document, the Permanent Bureau further intends to gather the views of the Special Commission on some specific issues pertaining to the development of the Model Forms. These issues are presented in the penultimate section of the document.

## B. General remarks

5. The Permanent Bureau was able to make some substantive changes to the recommended Return Form and to develop a new standardised Access Form. The present document does not

---

<sup>1</sup> *Actes et documents de la Quatorzième session (1980)*, Tome III, *Child Abduction*, The Hague, SDU 1982, p. 423.

<sup>2</sup> “Conclusions and Recommendations of the Fifth Meeting of the Special Commission to review the operation of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction and the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition and Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (30 October – 9 November 2006)”, C&R No 1.1.13, available at < [www.hcch.net](http://www.hcch.net) > under “Child Abduction Section” then “Special Commission meetings”.

<sup>3</sup> *Ibid.*, C&R No 1.1.14.

<sup>4</sup> See “Conclusions and Recommendations of the Sixth Meeting of the Special Commission on the practical operation of the 1980 Hague Child Abduction Convention and the 1996 Hague Child Protection Convention”, C&R NO 10, available at [www.hcch.net](http://www.hcch.net) (see path indicated in note 2).

<sup>5</sup> In this context, it should be noted that the Permanent Bureau drew substantially on the experience of the “Forms Working Group” established further to the Recommendations of the Special Commission on the International Recovery of Child Support and Other Forms of Family Maintenance at the Twenty-First Session of the Hague Conference on Private International Law (hereinafter “the Working Group on Forms”). See in particular, the “Forms Working Group, Report”, Prel. Doc. No 2A of July 2009 for the attention of the Special Commission of November 2009 on the implementation of the 2007 Child Support Convention and the 2007 Protocol on the Law Applicable to Maintenance Obligations (available at < [www.hcch.net](http://www.hcch.net) > under “Child support” then “Preliminary Documents”).

<sup>6</sup> See Annex 1 C.

<sup>7</sup> The “Request for Return Model Form” is the Annex 1 A to this document and the “Request for Access Model Form” is the Annex 1 B to this document. The Permanent Bureau would like to thank in particular Nicolas Sauvage, Lawyer and former Legal Officer at the Permanent Bureau for his invaluable assistance in the development of the attached Forms.

<sup>8</sup> See Annex 2 to this document.

intend to repeat the information presented in Information Document No 4 of May 2011.<sup>9</sup> Rather, this document intends to briefly present where improvements and substantive changes to the recommended Return Form have been made.

6. In particular, in order to make the new proposed forms easily accessible in different languages, they have been developed with a view to making “as much use as possible of “tick-boxes” and requir[ing] “open-text” answers as little as possible”, in line with the approach suggested by the Working Group on Forms under the *Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance*.<sup>10</sup> It is with this approach in mind that the Permanent Bureau has developed the two attached Model Forms. For ease of comparison, the current recommended Return Form is also annexed to the present document.<sup>11</sup>

### **C. Making an access application form available**

7. In line with the recommendation of the Sixth Meeting of the Special Commission, the Permanent Bureau has also worked on the development of a standardised Access Form.

8. It is noteworthy to mention that the Access Form draws considerably on the revised Return Form in order to provide some consistency between the two Forms. Thus, much of the structure and information provided for in the Return Form has been replicated in the Access Form. However, in the light of the different objectives of the two Forms, some adjustments have been made to fit with the specific purpose of the Access Form. Rather than extensively describing the content of the Access Form, this paper will simply stress where it differs from the Return Form.

### **D. Substantive changes**

#### **1. Information concerning the child**

9. The revised Return Form now includes additional fields to provide detailed information on the physical description of the child (*e.g.*, sex, height, weight). Information on possible medical conditions of the child have been added with a cross-reference to “Section IX” of the Return Form where the applicant is given more space to provide further details. Given the importance of this information, it is a good practice to include such information at the outset on the Form.

10. This section has been replicated with minor adjustments in the Access Form.

#### **2. Information concerning the parents**

11. The revised Return Form also includes additional fields for the applicant to provide practical information concerning the parents, such as telephone numbers, e-mail addresses as well as language(s) spoken. The Form further allows the provision of more information pertaining to the relationship between the parents, including the date and place of divorce / dissolution of the union and whether ongoing legal proceedings in relation to the child are taking place.

12. This section has also been replicated in the Request for Access Form.

#### **3. Information concerning the applicant**

13. This section has been expanded to include as much relevant information as possible in order to allow Central Authorities to contact the applicant – or his / her legal adviser<sup>12</sup> – if

---

<sup>9</sup> Revision of the model application form under the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*, Info. Doc. No 4 of May 2011 for the attention of the Special Commission of June 2011 on the practical operation of the 1980 Hague Child Abduction Convention and the 1996 Hague Child Protection Convention, available at < [www.hcch.net](http://www.hcch.net) > under “Child Abduction Section”, “Special Commission meetings” then “Sixth Special Commission meeting (Part I, June 2011; Part II, January 2012).

<sup>10</sup> *Op. cit.* note 5, at para. 1.

<sup>11</sup> See Annex 1 C.

<sup>12</sup> Some Central Authorities provide for the possibility of filling in this information on their model forms. See, *e.g.*, the Return Form of Japan in Annex 2.

needed.<sup>13</sup> In line with some of the Forms provided on the websites of Central Authorities,<sup>14</sup> an additional field has been included to indicate the language(s) spoken by the applicant.

14. Taking into consideration that this condition is paramount to triggering the application of the Convention, the revised Return Form now indicates that the applicant must actually have exercised custody rights at the time of the removal or retention, in order to meet the requirements of the Convention.<sup>15</sup> This cautionary statement has been included below the title of "Section II" of the revised Return Form.

15. This section has also been replicated in the Access Form (yet without including the cautionary statement pertaining to the actual exercise of custody rights, given its lack of relevance in the context of an access case).

#### **4. Person with whom and place where the child is thought to be**

##### *a. Information on the person alleged to have removed or to retain the child*

16. In line with the good practice suggested in Information Document No 4 of May 2011,<sup>16</sup> the Return Form now provides for detailed information on the person alleged to have removed or to retain the child, allowing for Central Authorities to contact him / her. Information on the physical description of the person has now been included in order to assist Central Authorities in locating the alleged abductor.

##### *b. Information on the person with whom the child habitually resides*

17. The Access Form includes a section specifically designed to the gathering of information on the person with whom the child habitually resides.

##### *c. Information concerning the whereabouts of the child*

18. The revised Return Form no longer refers to the "Address of the child".<sup>17</sup> The Form now requires additional information on the "Present status and whereabouts of the child and the person thought to be with the child". This change of language was made in order to alleviate potential concerns from applicants that giving the address of the child after his / her removal or retention may constitute evidence that the new address is the habitual residence.<sup>18</sup>

#### **5. Factual and legal grounds justifying the request**

19. The inclusion of this information is a direct result of Article 8(c) of the 1980 Child Abduction Convention further to which an application "shall contain [...] the grounds on which the applicant's claim for return of the child is based".

20. From the forms gathered, it seems that the options offered to applicants to fill in this information vary from one Central Authority to another. Whereas some Central Authorities only provide for an open-text field,<sup>19</sup> others, in addition to the open-text field, include some guidance in the form of additional text.<sup>20</sup> Several other Central Authorities chose to include an open-text field with guidance in the form of tick-boxes.<sup>21</sup>

21. This section of the revised Return Form ("Section V") now provides guidance to the applicant both in the form of additional text and tick-boxes. The section has further been divided in two parts, respectively on habitual residence of the child and on rights of custody to the child,

---

<sup>13</sup> *Op. cit.* note 9, p. 9.

<sup>14</sup> See, *e.g.*, the forms of China (Hong Kong SAR) (Return and Access) and Sweden in Annex 2.

<sup>15</sup> *Op. cit.* note 9, p. 9.

<sup>16</sup> *Ibid.*, p. 10.

<sup>17</sup> See Annex 1 C, under 4.2.

<sup>18</sup> *Op. cit.* note 9, p. 10.

<sup>19</sup> See, *e.g.*, the forms of Australia (Return and Access), Brazil, Croatia (Return and Access), Cyprus (Return and Access), Germany (Return), Monaco (Return and Access), Norway and Slovakia (Return) in Annex 2.

<sup>20</sup> See, *e.g.*, the forms of Austria (Return and Access), Belgium (Return and Access), Ireland, Japan (Return and Access) and Switzerland (Return and Access) in Annex 2.

<sup>21</sup> See, *e.g.*, the forms of Argentina (Return and Access), the US and Uruguay (Access) in Annex 2.

in order to assist Central Authorities and authorities that are to make a determination on the wrongful removal or retention of the child in gathering the relevant information.

22. This section has been adapted in the Access Form. In this section, the applicant is requested to indicate whether the purpose of his / her request is to organise or to secure rights of access for the child. This option follows the wording of Article 21 of the 1980 Convention further to which: “[a]n application to make arrangements for *organising* or *securing* the effective exercise of rights of access may be presented to the Central Authorities (...)” (emphasis added). Whether the purpose of the applicant’s request would be to organise or to secure the effective exercise of rights of access will depend on whether these rights have been previously determined at the time of the request.<sup>22</sup>

23. Information pertaining to the habitual residence of the child has not been included as this element is not decisive in an access case under the 1980 Child Abduction Convention.

## 6. Return of the child

a. *Securing the voluntary return of the child and bringing about an amicable resolution of the issue*

24. Giving due consideration to the importance of securing a voluntary return or an amicable resolution of the issue,<sup>23</sup> the revised Return Form includes a new “Section VII” so as to allow applicants to indicate whether they would agree to a voluntary return of the child or to engage in an amicable resolution of the issue.

25. This section has been replicated in the Access Form (“Section VII”), however with no reference to “the voluntary return of the child” given the lack of relevance of such information for access cases.

b. *Proposed practical arrangements for the return of the child*

26. The revised Return Form includes a new “Section VIII” on the proposed practical arrangements for the return of the child. While also providing for an open-text field where the applicant can elaborate in detail on the practical arrangements for the return of the child, this section also provides for guidance in the form of tick-boxes, thus allowing the applicant to choose some pre-defined practical arrangements that are “usually” contemplated when securing the return of the child.

27. This section has been replicated in the Access Form but without tick-boxes (“Section VIII”). In light of the fact that practical arrangements in relation to the exercise of rights of access are usually “tailor-made”, and also taking into account the best interests of the child, it was not feasible to synthesise the spectrum of possible arrangements in a tick-box format. It was thus decided to keep an open-text field for this section in the Access Form.

## 7. Legal proceedings in progress

28. This section of the Return Form has also been revised to describe the information that is required from the applicants. Following the suggestion made in Information Document No 4 of May 2011, this section draws (while not going into the same level of detail) on the information collected on the “Child custody screen” of iChild.<sup>24</sup>

29. A new sub-section further provides for the possibility to collect information on (possible) pending criminal charges against the person who allegedly removed / is retaining the child.

<sup>22</sup> See E. Pérez-Vera, “Explanatory Report on the 1980 Hague Child Abduction Convention”, in *Proceedings of the Fourteenth Session (1980)*, Tome III, *Child abduction*, The Hague, SDU, 1982, para. 126.

<sup>23</sup> *Op. cit.* note 9, p. 13.

<sup>24</sup> *Ibid.* “iChild” is the electronic case management system for the 1980 Convention. It allows case officers to enter, save and search for detailed information relating to an abduction or access case directly on the system by using predefined fields. It also permits case officers to communicate between each other within the same Central Authority regarding a specific case using a messaging module incorporated into the system and lets them monitor case activity. More information on the background of the project can be found on the website of the HCCH at [www.hcch.net](http://www.hcch.net) under “Child Abduction Section” then “iChild: the Electronic Case Management System for the Child Abduction Convention”.

30. Save for the sub-section on pending criminal charges, which is in principle irrelevant in the context of an access case, this section has been replicated on the Access Form.

## **8. Other relevant information**

31. Whereas the "Other remarks" section of the original recommended Return Form only provides for an open-text field, this section has been amended in the revised Return to provide the applicant with some guidance as to what kind of additional information would be relevant for the purposes of his / her request for return. This section called "Other relevant information" now comprises a series of questions meant to gather any missing relevant information. The last question of the series is an open one through which the applicant is invited to provide any other information that he / she would not yet have had the chance to provide.

32. The questions have been formulated in such a way that they can be answered by "Yes" or "No". However, the applicant is given the opportunity to provide further details (on a separate sheet, if there is not sufficient space).

33. In the Access Form, the section "Other relevant information" (Section IX) simply provides the applicant with an open-text field.

## **E. Areas for further discussion**

### **1. One request for multiple children?**

34. Whether the Return and Access Forms should provide for the possibility of filling in the information pertaining to all siblings concerned in the request has already been raised in Information Document No 4 of May 2011.<sup>25</sup>

35. It seems on the one hand that providing for the possibility of submitting a joint request (whether for access or return) for all children concerned would certainly make it easier for applicants to complete the Forms, as most of the information that is required (*e.g.*, with respect to the circumstances of the abduction, to the information about the parents, on the person with whom the children are thought to be) would not need to be repeated for each and every sibling. In addition, it seems that from a Central Authority perspective some arguments would militate in favour of having one joint request for all of the siblings concerned by the application.<sup>26</sup>

36. It may be argued on the other hand, that submitting one Form per sibling may provide more clarity. For instance, where one of the siblings suffers from a grave condition, there is a risk that this information will go unnoticed if the information pertaining to all siblings is grouped in the same form; there is moreover a risk of confusion, as it may not be clear which of the siblings is suffering from a critical illness. Furthermore, it would appear that the completion of one form per sibling would be appropriate in situations (as rare as they may be) where the outcome sought for each application would be different for each sibling.

37. Both approaches do have their merits and from the sample of forms provided by Central Authorities and on which the Permanent Bureau drew to realise this document, a clear trend could not be identified.<sup>27</sup> The Permanent Bureau would thus like the views of the Special Commission on this issue in order to determine whether it should be possible to submit one

---

<sup>25</sup> *Op. cit.* note 9, p. 6.

<sup>26</sup> *Ibid.*

<sup>27</sup> Sixteen States provide for the possibility to submit a joint request for access or return for more than one child; see, *e.g.*, the Forms of Argentina (Return and Access), Brazil, Denmark, El Salvador, Ireland, Norway and the U.S. in Annex 2. In contrast, 15 States do not provide for this possibility and the applicant would have to submit one request for access or return per child; see, *e.g.*, the Forms of Australia (Return and Access), Austria (Return and Access), Belgium (Return and Access), Cyprus (Return and Access), Germany (Return and Access), Iceland (Return and Access), Italy (Return and Access) and Monaco (Return and Access) in Annex 2. It is noteworthy to mention that the French Central Authority has chosen different options in the Request for Access and in the Request for Return Form. Whereas the French Request for Return Form provides for the possibility to fill in the details of up to four children, the French Request for Access Form only allows to fill in the details of one child.

Return or Access Form for all siblings or whether applicants should submit one Return or Access Form for each sibling.

## **2. Electronic Form completion**

38. Consideration ought to be given to the possibility of completing the Access and Return Forms online. While the option to create forms that can be submitted online was not recommended by the Permanent Bureau in Information Document No 4 of May 2011,<sup>28</sup> it seems that in the light of experiences gained by the Permanent Bureau in developing electronic forms since then, the feasibility thereof could be revisited at this stage.

39. Alternatively, it would be recommended to create forms with active cells, so that applicants, if they choose, can complete the form on a computer and then print and submit a hard copy.<sup>29</sup>

## **3. One form multiple languages**

40. Finally, consideration should be given to the possibility of making the Forms available in multiple languages.

41. In line with the practice of some Central Authorities,<sup>30</sup> one of the options would be to include multiple languages in the Return and Access Forms. It has been argued however that such possibility may make the Forms difficult to read and complete.<sup>31</sup>

42. An alternative would be to develop electronic forms that require information through tick-boxes which permit a user, to a large extent, to fill in a form in one language in one template and to read it in another language template.<sup>32</sup> The present Model Forms as they have been developed, by making use as much as possible of tick-boxes and by providing as little as possible for open-text fields, would certainly allow for this possibility.

## **F. Conclusion**

43. The Permanent Bureau would like to submit for the attention of the Special Commission the annexed Request for Return Model Form (Annex 1 A) and Request for Access Model Form (Annex 1 B). The Permanent Bureau invites the Special Commission to approve the annexed Return and Access Forms and to adopt Conclusions and Recommendations to the effect that Central Authorities are encouraged to use these Forms, whether by making them directly available on their websites or by revising their current Access and / or Return Forms by taking into account the improvements suggested in the present document.

44. Should the Special Commission be of the view that further improvements to the annexed Forms ought to be made, the Permanent Bureau would invite the Special Commission to provide it with comments. The Permanent Bureau would be particularly grateful for the Special Commission to express its views on the specific issues identified above, under "E. Areas for further discussion".

---

<sup>28</sup> *Op. cit.* note 9, p. 15.

<sup>29</sup> *Ibid.*

<sup>30</sup> See, *e.g.*, the forms of Brazil, Croatia (Return and Access) and Switzerland (Return and Access) in Annex 2.

<sup>31</sup> *Op. cit.* note 9, p. 15.

<sup>32</sup> *Ibid.*

## **ANNEXES**



<b>Proposed Request for Return Model Form under the 1980 Child Abduction Convention</b>
---



## REQUEST FOR RETURN OF CHILD

### *The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*

#### **Application for assistance in securing the return of a child to his / her place of habitual residence under Article 8 of the Convention**

Concerning the following child: \_\_\_\_\_

Who will attain the age of 16 on (dd/mm/yyyy): \_\_\_\_\_

Does this child have siblings subject to a return application?      Yes  No

If so, please indicate their names: \_\_\_\_\_

**REQUESTING CENTRAL AUTHORITY:** \_\_\_\_\_

**REQUESTED CENTRAL AUTHORITY:** \_\_\_\_\_

## SECTION I – IDENTITY OF THE CHILD AND HIS/HER PARENTS

### (1) CHILD

#### 1.1 Information about the identity of the child

Family name, first name(s) and alias	
Sex (male/female)	Male <input type="checkbox"/> Female <input type="checkbox"/>
Date of birth (dd/mm/yyyy)	
Place of birth	
Nationality/ies	
Identity and travel document(s) and number(s) thereof (if applicable)	
Language(s)	

Address of habitual residence immediately before removal or retention	
---	--

### 1.2 Physical description of the child

Height	
Weight	
Eye colour	
Hair colour	
Additional characteristics (e.g., scars or birth marks)	
Medical conditions (if necessary, please provide further information in <b>Section IX</b> )	
Are photos of the child attached?	Yes <input type="checkbox"/> No <input type="checkbox"/>

## (2) THE PARENTS

### 2.1 Parent One

Family name, first name(s) and alias	
Relation to the child	<input type="checkbox"/> Father <input type="checkbox"/> Mother
Date of birth (dd/mm/yyyy)	
Place of birth	
Nationality/ies	
Identity and travel document(s) and number(s) thereof	
Occupation, name and address of employer (if applicable)	
Current address	
Telephone number(s)	Home: Office: Mobile:
Fax number(s)	
E-mail address(es)	
Language(s)	

**2.2 Parent Two**

Family name, first name(s) and alias	
Relation to the child	<input type="checkbox"/> Father <input type="checkbox"/> Mother
Date of birth (dd/mm/yyyy)	
Place of birth	
Nationality/ies	
Identity and travel document(s) and number(s) thereof	
Occupation, name and address of employer (if applicable)	
Current address	
Telephone number(s)	Home: Office: Mobile:
Fax number(s)	
E-mail address(es)	
Language(s)	

**2.3 Marriage / Union of the parents (if applicable)**

Type of union	Marriage <input type="checkbox"/> Other <input type="checkbox"/>
Date and place of marriage / union	in:
Date and place of divorce / dissolution of the union (if applicable)	in:
Are there ongoing divorce proceedings or other legal proceedings (e.g., mediation) relating to the child?	Yes <input type="checkbox"/> No <input type="checkbox"/> If the answer is YES, please provide further details in <b>Section VI</b>

**SECTION II – REQUESTING INDIVIDUAL OR INSTITUTION (“APPLICANT”)  
(WHO ACTUALLY EXERCISED CUSTODY BEFORE THE WRONGFUL REMOVAL OR RETENTION)**

<input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Other (please specify) _____	
Family name, first name(s) and alias of the requesting individual OR name of the requesting institution	
Name and contact details of legal adviser (if applicable)	
<b><i>IF THE REQUESTING INDIVIDUAL IS A PARENT MENTIONED IN SECTION I, PLEASE GO DIRECTLY TO SECTION III</i></b>	
Date and place of birth (dd/mm/yyyy)	
Nationality/ies	
Identity and travel document(s) and number(s) thereof	
Address (if an institution, please also provide the name of a contact person)	
Telephone number(s)	Home: Office: Mobile:
Fax number(s)	
E-mail address(es)	
Language(s)	

**SECTION III – TIME PLACE, DATE AND CIRCUMSTANCES OF THE WRONGFUL REMOVAL OR RETENTION**

--

**SECTION IV – PERSON WITH WHOM AND PLACE WHERE THE CHILD IS THOUGHT TO BE****(1) Information concerning the person thought to be with the child**

<input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Other (please specify) _____	
Family name, first name(s) and alias of the requesting individual OR name of the requesting institution	
Physical description (weight, height, colour of hair and eyes, etc). Attach photos, if any.	
<b><i>IF THE REQUESTING INDIVIDUAL IS A PARENT MENTIONED IN SECTION I, PLEASE GO DIRECTLY TO (2)</i></b>	
Date of birth (dd/mm/yyyy)	
Place of birth	
Nationality/ies	
Identity and travel document(s) and number(s) thereof	
Address	
Telephone number(s)	Home: Office: Mobile:
E-mail address(es)	
Occupation, name and address of employer (if applicable)	
Language(s)	

**(2) Any other relevant information on the present status and whereabouts of the child and the person thought to be with the child**

--

**(3) Other person(s) who might be able to provide additional information concerning the present status and whereabouts of the Child (if applicable)**

--

Do you have any objection if the authorities approach such person(s) to obtain information?

--

**SECTION V – FACTUAL AND LEGAL GROUNDS JUSTIFYING THE REQUEST**

Please provide factual and legal grounds justifying your request:

**Habitual residence of the child**

*Please provide details related to the child's place of habitual residence (e.g., is the child schooled in the requesting State?; are close relatives of the child living in the requesting State?):*

--

**Rights of custody**

**Attribution of rights of custody to the applicant arose:**

- By operation of law (*that is applicable to cases where there is neither a court order nor an agreement but legislation may exist which gives custody to the relevant person*)
- By virtue of an agreement between the parties (*that is any agreement reached by the parties agreeing custody and having legal effect under the law applicable in the country of the child's habitual residence*)
- By virtue of a court order (*that is a formal court order in which custody is clearly defined*)

--

**Please indicate which person(s) and / or institution(s) vested with rights of custody** that "include rights relating to the care of the person of the child and, in particular, the right to determine the child's place of habitual residence" (Article 5 of the 1980 Convention):

- Custody to "parent one"\*
- Custody to "parent two"\*\*
- Joint / shared custody
- Access rights to "parent one"\* including the right to object to the removal or the relocation of the child abroad
- Access rights to "parent two"\*\* including the right to object to the removal or the relocation of the child abroad
- Custody to others (e.g., caretaking institution). Please specify:

\* Please note that this terminology refers to the person mentioned under 2.1 in Section I of the Form

\*\* Please note that this terminology refers to the person mentioned under 2.2 in Section I of the Form

**Was there any judicial / administrative decision or legal agreement made on custody rights before the wrongful removal or retention?**

Yes  No

**If yes**, please provide a copy of the latest decision or legal agreement and the following information:

- Date of the decision / agreement
- Name of court or authority

**SECTION VI – DETAILS OF ONGOING LEGAL PROCEEDINGS CONCERNING THE CHILD**

Ongoing civil proceedings in the <b>requesting</b> State	Name of court:	Date of hearing: dd/mm/yyyy	Case No:
	<i>Please provide details:</i>		
Ongoing civil proceedings in the <b>requested</b> State	Name of court:	Date of hearing: dd/mm/yyyy	Case No:
	<i>Please provide details:</i>		

<b>Criminal proceedings</b>	<p><b>Have criminal charges been initiated against the person who is considered to have wrongfully removed / to be wrongfully retaining the child?</b> Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>If yes, please provide details:</i></p>
-----------------------------	---

### SECTION VII – VOLUNTARY RETURN / AMICABLE SETTLEMENT OF THE DISPUTE

<p><b>Please indicate if you are in principle willing to participate in an amicable settlement of the dispute (for example, by means of conciliation or mediation).</b> Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><b>Do you have any reservations or grounds for the refusal?</b></p>
---

### SECTION VIII – PROPOSED ARRANGEMENT FOR RETURNING THE CHILD

Proposed arrangement for return of the child	<input type="checkbox"/> Applicant to accompany the child personally <input type="checkbox"/> Others (please specify):
<p>Is the applicant willing to pay for the airfare / travel expenses of:</p> <p>(i) the child;  (ii) the person who removed / retained the child, to go back to the State of habitual residence?</p>	<p>(i) <input type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> Other (please specify):</p> <p>(ii) <input type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> Other (please specify):</p>



**SECTION IX – OTHER RELEVANT INFORMATION**

(a) Is the child suffering from any illness or disability? If yes, please elaborate on a separate sheet.	<input type="checkbox"/> Yes <input type="checkbox"/> No
(b) Has the child in the past been subject to any abuse by the person thought to be with him/her? If yes, please elaborate on a separate sheet.	<input type="checkbox"/> Yes <input type="checkbox"/> No
(c) Is the person thought to be with the child likely to flee with the child once alerted of the Request for Return under the Hague Convention?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(d) Does the person thought to be with the child have any history of mental illness or personality disorder? If yes, please give more information on a separate sheet about his / her mental condition (if known) including what medication, if any, he / she is on.	<input type="checkbox"/> Yes <input type="checkbox"/> No
(e) Is the person thought to be with the child likely to agree to return the child voluntarily ( <i>i.e.</i> , through negotiations, mediation, etc.) without resorting to court proceedings? If yes, please give reasons on a separate sheet.	<input type="checkbox"/> Yes <input type="checkbox"/> No
(f) Please set out on a separate sheet any further information which the Central Authorities should know.	<input type="checkbox"/> Yes <input type="checkbox"/> No

**SECTION X – LIST OF DOCUMENTS ATTACHED TO THIS FORM**

Please indicate the selected documents that are attached with this form by ticking the relevant box(es):

*Concerning the child*

- Recent photograph of the child
- Copy of the custody or access order(s) (or agreement(s)) relating to the child
- Copy of the child's birth certificate
- Copy of the child's identity card(s) / travel document(s)
- Copy of the latest judicial / administrative decision or legal agreement concerning custody rights
- Copy of the medical prescription for treatment (when applicable)
- Evidence of the child's habitual residence (school and medical certificates, etc.)
- Letter of consent to travel / Consent to travel form (when applicable)
- Revocation of the letter of consent to travel / consent to travel form (when applicable)

*Concerning the applicant*

- Copy of the applicant's identity card(s)
- Legal aid form (when applicable)
- Power of Attorney (when applicable)

*Concerning the parents*

- Copy of the marriage or registered partnership certificate of the child's parents (when applicable)
- Copy of the divorce decree of the child's parents or the official document stating the end of their registered partnership (when applicable)

*Concerning the person thought to have wrongfully removed the child or other persons thought to be with the child*

- Recent photograph of the person thought to have wrongfully removed the child
- Copy of the identity card(s)/travel document(s) of the person thought to have wrongfully removed the child
- Recent photograph of other person(s) thought to be with the child

*Others (please specify)***SECTION XI – AUTHORISATION AND SIGNATURE**

I confirm that the information above is true and correct to the best of my knowledge.

I hereby authorise [the Central Authority of \_\_\_\_\_and]\* the Central Authority of the [name of the requested State] under the *Hague Convention of 25 October on the Civil Aspects of International Child Abduction*, to act on my behalf with respect to my application for the return of the child\_\_\_\_\_

\_\_\_\_\_  
(Signature of the applicant)

Name:

Date:

ID card No / Passport type and No:

\_\_\_\_\_  
Signed for and on behalf of the

Central Authority of

Date:

*\* Applicable when assistance is sought also from a Central Authority different from the requested Central Authority.*

<b>Proposed Request for Access Model Form under the 1980 Child Abduction Convention</b>
---



## REQUEST FOR ACCESS OF CHILD

### *The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*

#### Application for assistance in organising or securing access for a child under Article 21 of the Convention

Concerning the following child: \_\_\_\_\_

Who will attain the age of 16 on (dd/mm/yyyy): \_\_\_\_\_

Does this child have siblings subject to an access application? Yes  No

If yes, please indicate their names: \_\_\_\_\_

**REQUESTING CENTRAL AUTHORITY:** \_\_\_\_\_

**REQUESTED CENTRAL AUTHORITY:** \_\_\_\_\_

## SECTION I - IDENTITY OF THE CHILD AND HIS / HER PARENTS

### (1) CHILD

#### 1.1 Information about the identity of the child

Family name, first name(s) and alias	
Sex (male/female)	Male <input type="checkbox"/> Female <input type="checkbox"/>
Date of birth (dd/mm/yyyy)	
Place of birth	
Nationality/ies	
Identity and travel document(s) and number(s) thereof (if applicable)	
Language(s)	

**1.2 Physical description of the child**

Height	
Weight	
Eye colour	
Hair colour	
Additional characteristics (e.g., scars or birth marks)	
Medical conditions (if necessary, please provide further information on a separate sheet)	
Are photos of the child attached?	Yes <input type="checkbox"/> No <input type="checkbox"/>

**(2) THE PARENTS****2.1 Parent One**

Family name, first name(s) and alias	
Relation to the child	<input type="checkbox"/> Father <input type="checkbox"/> Mother
Date of birth (dd/mm/yyyy)	
Place of birth	
Nationality/ies	
Identity and travel document(s) and number(s) thereof	
Occupation, name and address of employer (if applicable)	
Current address	
Telephone number(s)	Home: Office: Mobile:
Fax number(s)	
E-mail address(es)	
Language(s)	

**2.2 Parent Two**

Family name, first name(s) and alias	
Relation to the child	<input type="checkbox"/> Father <input type="checkbox"/> Mother
Date of birth (dd/mm/yyyy)	
Place of birth	
Nationality/ies	
Identity and travel document(s) and number(s) thereof	
Occupation, name and address of employer (if applicable)	
Current address	
Telephone number(s)	Home: Office: Mobile:
Fax number(s)	
E-mail address(es)	
Language(s)	

**2.3 Marriage / Union of the parents (if applicable)**

Type of union :	Marriage <input type="checkbox"/> Other <input type="checkbox"/>
Date and place of marriage / union (if applicable)	in :
Date and place of divorce / dissolution of the union (if applicable)	in :
Are there ongoing divorce proceedings or other legal proceedings relating to the child?	Yes <input type="checkbox"/> No <input type="checkbox"/> If the answer is YES, please provide further details in <b>Section VI</b>

**SECTION II – REQUESTING INDIVIDUAL OR INSTITUTION (“APPLICANT”)**

<input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Other (please specify) _____	
Family name, first name(s) and alias of the requesting individual OR name of the requesting institution	
Name and contact details of legal adviser (if applicable)	
<b><i>IF THE REQUESTING INDIVIDUAL IS A PARENT MENTIONED IN SECTION I, PLEASE GO DIRECTLY TO SECTION III</i></b>	
Date and place of birth (dd/mm/yyyy)	
Nationality/ies	
Identity and travel document(s) and number(s) thereof	
Address (if an institution, please also provide the name of a contact person)	
Telephone number(s)	Home: Office: Mobile:
Fax number(s)	
E-mail address(es)	
Language(s)	

**SECTION III – PERSON WITH WHOM THE CHILD HABITUALLY RESIDES AND THE WHEREABOUTS OF THE CHILD****(1) Person with whom the child habitually resides**

<input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Other (please specify) _____	
Family name, first name(s) and alias of the individual OR name of the institution	
<b><i>IF THE REQUESTING INDIVIDUAL IS A PARENT MENTIONED IN SECTION I, PLEASE GO DIRECTLY TO (2)</i></b>	
Date and place of birth (dd/mm/yyyy)	
Nationality/ies	
Identity and travel document(s) and number(s) thereof	
Address (If an institution, please also provide name of contact person)	
Telephone number(s)	Home: Office: Mobile:
Fax number(s)	
E-mail address(es)	

Language(s)	
-------------	--

**(2) Any other relevant information on the present status and whereabouts of the child and the person thought to be with the child**

**(3) Other person(s) who might be able to provide additional information concerning the present status and whereabouts of the child (if applicable)**

**Do you have any objection if the authorities approach such person(s) to obtain information?**

Yes  No

If yes, please explain:

**SECTION IV – TIME PLACE, DATE AND CIRCUMSTANCES OF THE REFUSAL TO THE RIGHT OF ACCESS**

**SECTION V – PURPOSE OF THE REQUEST**

Please tick the relevant box(es) and complete as appropriate:

The purpose of this request is **to organise rights of access\*** for the applicant. (*i.e., where the applicant has no such rights of access, whether by operation of law, by virtue of an agreement between the parties or by virtue of a court order*)

**Please indicate which person(s) and / or institution(s) are vested with rights of custody, i.e. "rights relating to the care of the person of the child and, in particular, the right to determine the child's place of habitual residence" (Article 5 of the 1980 Convention):**

- Custody to "parent one"\*\*\*  
 Custody to "parent two"\*\*\*\*  
 Joint / shared custody  
 Access rights to parent one\*\* including the right to object to the removal or the relocation of the child abroad  
 Access rights to parent two\*\*\* including the right to object to the removal or the relocation of the child abroad  
 Custody to other (*e.g.,* caretaking institution) Please specify:

\* Please note that, pursuant to Article 5 of the 1980 Convention, rights of access "shall include the right to take a child for a limited period of time to a place other than the child's habitual residence."

\*\* Please note that this terminology refers to the person mentioned under 2.1 in Section I of the Form

\*\*\* Please note that this terminology refers to the person mentioned under 2.2 in Section I of the Form

The purpose of this request is **to secure existing rights of access\*** for the applicant.

1) **Attribution of rights of access to the applicant** arose (*please specify the nature of the applicant's access rights*):

By operation of law (*that is applicable to cases where there is neither court order nor agreement but legislation may exist which gives access to the applicant*)

By virtue of an agreement between the parties (*that is any agreement reached by the parties agreeing access and having legal effect under the law applicable in the country of the child's habitual residence*)

By virtue of a court order (*that is a formal court order in which access is clearly defined*)

2) **Please indicate which person(s) and / or institution(s) vested with rights of custody** that "include rights relating to the care of the person of the child and, in particular, the right to determine the child's place of habitual residence" (Article 5 of the 1980 Convention):

- Custody to "parent one"\*\*\*  
 Custody to "parent two"\*\*\*\*  
 Joint / shared custody  
 Access rights to "parent one"\*\*\* including the right to object to the removal or the relocation of the child abroad  
 Access rights to "parent two"\*\*\*\* including the right to object to the removal or the relocation of the child abroad  
 Custody to other (*e.g.,* caretaking institution) Please specify:

\* Please note that, pursuant to Article 5 of the 1980 Convention, rights of access "shall include the right to take a child for a limited period of time to a place other than the child's habitual residence."

\*\* Please note that this terminology refers to the person mentioned under 2.1 in Section I of the Form

\*\*\* Please note that this terminology refers to the person mentioned under 2.2 in Section I of the Form



**SECTION VI – DETAILS OF ONGOING LEGAL PROCEEDINGS CONCERNING THE CHILD**

Ongoing civil proceedings in the <b>requesting</b> State	Name of court:	Date of hearing: dd/mm/yyyy	Case No:
	<i>Please provide details:</i>		
Ongoing civil proceedings in the <b>requested</b> State	Name of court:	Date of hearing: dd/mm/yyyy	Case No:
	<i>Please provide details:</i>		

**SECTION VII – AMICABLE SETTLEMENT OF THE DISPUTE**

**Please indicate if you are in principle willing to participate in an amicable settlement of the dispute (for example, by means of conciliation or mediation).** Yes  No

**If no, please specify:**

**SECTION VIII – PROPOSED ARRANGEMENT FOR ACCESSING THE CHILD**

**Please detail the proposed arrangements for the exercise of rights of access:**

**SECTION IX – OTHER RELEVANT INFORMATION****SECTION X – LIST OF DOCUMENTS ATTACHED TO THIS FORM**

Please indicate the selected documents that are attached with this form by ticking the relevant box(es):

*Concerning the child*

- Recent photograph of the child
- Copy of the medical prescription for treatment
- Copy of the child's birth certificate
- Copy of the child's identity card(s)/travel document(s)
- Copy of the latest judicial/administrative decision or legal agreement on custody rights and access

*Concerning the applicant*

- Copy of the applicant's identity card(s)

*Concerning the parents*

- Copy of the marriage or registered partnership certificate of the child's parents (when applicable)
- Copy of the divorce decree of the child's parents or the official document stating the end of their registered partnership (when applicable)

*Others (please specify)*

-

**SECTION XI - SIGNATURE**

I confirm that the information above is true and correct to the best of my knowledge.

\_\_\_\_\_  
(Signature of the applicant)

Name:

Date:

ID card No/Passport type and No:

\_\_\_\_\_  
Signed for and on behalf of the  
Central Authority of  
Date:

**ANNEX 1 C – RECOMMENDED REQUEST FOR RETURN FORM UNDER THE 1980 CHILD ABDUCTION CONVENTION**

**Recommandation adoptée par la Quatorzième session<sup>1</sup>**

**Recommendation adopted by the Fourteenth Session<sup>1</sup>**

La Quatorzième session,

Recommande aux Etats parties à la *Convention sur les aspects civils de l'enlèvement international d'enfants* d'utiliser pour les demandes de retour des enfants déplacés ou retenus illicitement la formule modèle suivante:

The Fourteenth Session,

Recommends to the States Parties to the *Convention on the Civil Aspects of International Child Abduction* that the following model form be used in making applications for the return of wrongfully removed or retained children –

**Requête en vue du retour**

Convention de La Haye du 25 octobre 1980 sur les aspects civils de l'enlèvement international d'enfants

**Request for return**

Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction.

AUTORITÉ CENTRALE REQUÉRANTE OU REQUÉRANT	AUTORITÉ REQUISE
--	------------------

REQUESTING CENTRAL AUTHORITY OR APPLICANT	REQUESTED AUTHORITY
--	---------------------

Concerne l'enfant ..... qui aura 16 ans  
le ..... 19.....

Concerns the following child: ..... who will  
attain the age of 16 on ..... 19.....

NOTE: Les rubriques suivantes doivent être remplies de la façon la plus complète possible.

NOTE: The following particulars should be completed insofar as possible.

**I – IDENTITÉ DE L'ENFANT ET DES PARENTS**

1 *Enfant*

nom et prénoms .....  
date et lieu de naissance .....  
résidence habituelle avant l'enlèvement .....  
passport ou carte d'identité No (s'il y a lieu) .....  
signalement et éventuellement photo (voir annexes) .....

**I – IDENTITY OF THE CHILD AND ITS PARENTS**

1 *Child*

name and first names .....  
date and place of birth .....  
habitual residence before removal or retention .....  
passport or identity card No, if any .....  
description and photo, if possible (see annexes) .....

**2 *Parents***

2.1 *Mère:* nom et prénoms .....  
date et lieu de naissance .....  
nationalité .....  
profession .....  
résidence habituelle .....  
passport ou carte d'identité No (s'il y a lieu) .....

**2 *Parents***

2.1 *Mother:* name and first names .....  
date and place of birth .....  
nationality .....  
occupation .....  
habitual residence .....  
passport or identity card No, if any .....

2.2 *Père:* nom et prénoms .....  
date et lieu de naissance .....  
nationalité .....  
profession .....  
résidence habituelle .....  
passport ou carte d'identité No (s'il y a lieu) .....

2.2 *Father:* name and first names .....  
date and place of birth .....  
nationality .....  
occupation .....  
habitual residence .....  
passport or identity card No, if any .....

2.3 Date et lieu du mariage .....

2.3 Date and place of marriage .....

**II – PARTIE REQUÉRANTE: PERSONNE OU INSTITUTION (qui exerçait la garde effectivement avant l'enlèvement)**

3 nom et prénoms .....  
nationalité (si personne physique) .....  
profession (si personne physique) .....  
adresse .....  
passport ou carte d'identité No (s'il y a lieu) .....  
relation avec l'enfant .....  
nom et adresse du conseiller juridique (s'il y a lieu) .....

**II – REQUESTING INDIVIDUAL OR INSTITUTION (who actually exercised custody before the removal or retention)**

3 name and first names .....  
nationality of individual applicant .....  
occupation of individual applicant .....  
address .....  
passport or identity card No, if any .....  
relation to the child .....  
name and address of legal adviser, if any .....

**III – ENDROIT OÙ DEVRAIT SE TROUVER L'ENFANT**

4.1 Renseignements concernant la personne dont il est allégué qu'elle a enlevé ou retenu l'enfant

nom et prénoms .....  
profession .....  
dernière résidence connue .....  
passport ou carte d'identité No (s'il y a lieu) .....  
signalement et éventuellement photo (voir annexes) .....

**III – PLACE WHERE THE CHILD IS THOUGHT TO BE**

4.1 Information concerning the person alleged to have removed or retained the child

name and first names .....  
date and place of birth, if known .....  
nationality, if known .....  
occupation .....  
last known address .....  
passport or identity card No, if any .....  
description and photo, if possible (see annexes) .....

<sup>1</sup> Extrait de l'Acte final de la Quatorzième session, Partie F.

<sup>1</sup> Extract from the Final Act of the Fourteenth Session, Part F.

<p>4.2 Adresse de l'enfant .....</p> <p>4.3 Autres personnes susceptibles de donner d'autres informations permettant de localiser l'enfant .....</p> <p>IV — MOMENT, LIEU, DATE ET CIRCONSTANCES DU DÉPLACEMENT OU DU NON-RETOUR ILLICITES .....</p> <p>V — MOTIFS DE FAIT OU LÉGAUX JUSTIFIANT LA REQUÊTE .....</p> <p>VI — PROCÉDURES CIVILES EN COURS .....</p> <p>VII L'ENFANT DOIT ÊTRE REMIS A:</p> <p><i>a</i> nom et prénoms .....</p> <p>date et lieu de naissance .....</p> <p>adresse .....</p> <p>téléphone .....</p> <p><i>b</i> arrangements proposés pour le retour .....</p> <p>VIII — AUTRES OBSERVATIONS .....</p> <p>IX — ENUMÉRATION DES PIÈCES PRODUITES* .....</p> <p>Fait à .....</p> <p>le .....</p> <p>Signature et/ou cachet de l'Autorité centrale requérante ou du requérant .....</p>	<p>4.2 Address of the child .....</p> <p>4.3 Other persons who might be able to supply additional information relating to the whereabouts of the child .....</p> <p>IV — TIME, PLACE, DATE AND CIRCUMSTANCES OF THE WRONGFUL REMOVAL OR RETENTION .....</p> <p>V — FACTUAL OR LEGAL GROUNDS JUSTIFYING THE REQUEST .....</p> <p>VI — CIVIL PROCEEDINGS IN PROGRESS .....</p> <p>VII — CHILD IS TO BE RETURNED TO:</p> <p><i>a</i> name and first names .....</p> <p>date and place of birth .....</p> <p>address .....</p> <p>telephone number .....</p> <p><i>b</i> proposed arrangements for return of the child .....</p> <p>VIII — OTHER REMARKS .....</p> <p>IX — LIST OF DOCUMENTS ATTACHED* .....</p> <p>Date .....</p> <p>Place .....</p> <p>Signature and/or stamp of the requesting Central Authority or applicant .....</p>
--	--

\* p. ex. copie certifiée conforme d'une décision ou d'un accord relatif à la garde ou au droit de visite; certificat de coutume ou déclaration avec affirmation relatif à la loi applicable; information sur la situation sociale de l'enfant; procuration conférée à l'Autorité centrale.

\* e.g. Certified copy of relevant decision or agreement concerning custody or access; certificate or affidavit as to the applicable law; information relating to the social background of the child; authorization empowering the Central Authority to act on behalf of applicant.