

## **International child abduction Act**

(Text applying on: 07-10-2015)

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Act of 2 May 1990, in implementation of the European Convention enacted in Luxemburg on 20 May 1980 on the recognition and the enforcement of decisions concerning the custody of children and on the restoration of the custody of children, implementation of the Convention concluded at The Hague on 25 October 1980 on the civil law aspects of international abduction of children, as well as general provisions relating to requests for the return of abducted children across the Dutch border and its implementation.

We Beatrix, by the grace of God, Queen of the Netherlands, Princess of Orange-Nassau, etc.

Greetings to all who shall see or hear these presents! Be it known:

Whereas We have considered that it is desirable to take legal measures in implementation of the European Convention concluded on 20 May 1980 on the recognition and enforcement of decisions concerning the custody of children and on the restoration of the custody of children (*Treaty Series* 1981, 10) and the Convention concluded at The Hague on 25 October 1980 on the civil law aspects of the international abduction of children (*Treaty Series* 1987, 139) and also, in relation to this, general provisions relating to requests for the return of abducted children across the Dutch border and its implementation.

We therefore, having heard the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

### **Title 1, General provisions**

#### **Article 1**

In this Act the following terms shall mean:

- a. The European Convention: the European Convention concluded at Luxemburg on the recognition and enforcement of decisions concerning the custody of children and on the restoration of the custody of children (*Treaty Series* 1981, 10);
- b. The Hague Convention: the Convention concluded at The Hague on 25 October 1980 on the civil law aspects of international abduction of children (*Treaty Series* 1987, 139);
- c. International abduction of children: the illegal transfer or the illegal non-return of a child in violation of a right of custody, as set out in article 3 in conjunction with article 5 under a) of the Hague Convention.

#### **Article 2**

This Act provides for the implementation of the conventions referred to in article 1 and also applies in cases of international abduction of children that are not governed by a convention.

#### **Article 3**

1. This Act applies to international abduction of children that have not yet reached the age of sixteen years.

2. If a child, for whom a request for return is being dealt with, reaches the age of sixteen years, the procedure will be officially discontinued. The same applies to measures in implementation of the decision on a request.

## **Title 2. Task and powers of the central authority**

### **Article 4**

1. By Order to be published in the Dutch Government Gazette (*Nederlandse Staatskrant*) our Minister of Justice designates an agency accountable to his Ministry, which will be charged with the task of central authority, as referred to in article 2 of the European Convention and in article 6 of the Hague Convention. This central authority is also responsible for the handling of cases of international abduction of children which are not governed by a convention.
2. The designation of a central authority as referred to in the first paragraph does not preclude that a person applies directly to the court or other authority to obtain the recognition of the legal custody of an abducted child, the restoration of that custody and the return of that child, or the determination or amendment of an arrangement for contact.

### **Article 5**

1. The central authority is authorised, if necessary even without specific authorisation of the person that applied to it with a request, to act, other than as a party in legal proceedings, on his behalf.
2. The central authority will bear all costs relating to the performance of its task, in so far as they cannot be reclaimed from the applicant or recovered from the person responsible or jointly responsible for the international abduction of the child.

### **Article 6**

1. If the central authority decides not to deal with a request for the return of a child or to discontinue dealing with such a request, it will immediately inform the applicant of this. The applicant may require the central authority to inform him of its decision by means of an order stating the grounds that led to the decision. The central authority informs the applicant of the order by registered post.
2. Within one month after receipt of the order, the applicant may contest the order at the District Court of The Hague, by means of a notice of objection to be submitted by a lawyer. The Court hears the applicant and the central authority on the notice of objection. If the Court upholds the notice of objection, it will quash the order of the central authority and provide a reasoned decision which replaces the order. There is no appeal against this decision by the Court, with the exception of cassation in the interest of the law.

### **Article 7**

The central authority may assign the performance of certain acts, in accordance with its instructions, to the Child Care and Protection Board. The provisions of this Title also apply with respect to the Child Care and Protection Board.

### **Article 8**

The municipal authorities and the registrars of births, deaths and marriages provide the central authority with information, free of charge, and also, free of charge and exempt from stamp duty,

with all copies and extracts from their registers requested from them by this authority in connection with the performance of their task.

#### **Article 9**

1. If, when looking for the whereabouts of a child in the Netherlands, the central authority requires the cooperation of police officials appointed for the performance of the police task, it may apply to the public prosecutor in the court district where the child is presumed to be staying, or otherwise in the court district of The Hague. The public prosecutor may transfer the case in accordance with his instructions to a public prosecutor in a different court district if the investigation is expected to take place in that court district.
2. The public prosecutor referred to in the first paragraph gives priority to the request if the central authority for cooperation.
3. The police official, appointed for the performance of the police task to cooperate in finding the whereabouts of a child, is permitted to enter any location for this purpose, in so far as this is reasonably necessary for the performance of his task.

#### **Article 10**

1. The central authority informs by registered letter the person with whom the abducted child is staying of the request for its return and the grounds on which it is based. This letter also informs this person of the possibility that a request for the issuance of a judicial order for the return of the child may be submitted if this request is not complied with voluntarily within a reasonable period of time.
2. The central authority may refrain from giving the information referred to in the preceding paragraph if, in its opinion, the circumstances of the case require immediate action or the person with whom the child is staying cannot be expected to cooperate voluntarily.

### **Title 3. Procedure in connection with the international abduction of children and right of access.**

#### **Article 11**

1. Without prejudice to the competence of the court in interlocutory proceedings at The Hague, in the first instance only the District Court of The Hague has jurisdiction to hear all cases relating to the compulsory return of an internationally abducted child to the person entitled to its custody and the return of such a child across the Dutch border.
2. The juvenile court in whose district the child has its actual place of residence has, irrespective of the competence of the court in interlocutory proceedings, jurisdiction with respect to all matters pertaining to the regulation and implementation of the right of access in international cases, including requests as referred to in article 14 of this Act. If the child does not have an actual place of residence, or if its place of residence cannot be established, the juvenile court of The Hague will have jurisdiction.

#### **Article 12**

The cases referred to in article 11 are initiated with an application.

#### **Article 13**

1. The compulsory return of an internationally abducted child to the person who is entitled to the custody and the return of such a child across the Dutch border is only possible by virtue of an order of the court to that effect.

2. The court gives priority to the request. The request is heard behind closed doors, in accordance with the provisions in article 803 of the Dutch Code of Civil Procedure. The court does not rule until the child has had an opportunity to state its point of view, at least after it has been duly summoned to do so, unless this is impossible due to the physical or mental condition of the child or if article 8 or 9 of the European Convention applies. The provision in article 802 of the Dutch Code of Civil Procedure applies.
3. In cases in which no convention applies, the court may dismiss the request on the grounds referred to in articles 12, paragraph 2, 13 and 20 of the Hague Convention.
4. The court may, upon request or by virtue of its office, charge a certified institution as referred to in article 1.1 of the Juvenile Act with the provisional guardianship of the child if there is a danger of it being withheld from the execution of an order as referred in the fifth paragraph. The decision will cease to have any effect by operation of law if the request is dismissed. Article 306a of Book 1 of the Dutch Civil Code applies by analogy.
5. If the court allows the request, it will order the return of the child to the person entitled to its custody, or, if this is not possible, provisionally to a certified institution as referred to in article 1.1 of the Juvenile Act. The court may also, upon request or by virtue of its office, sentence the person responsible or jointly responsible for the abduction of the child to the payment to the central authority or to the person entitled to custody of the child of the expenses made in connection with the abduction and the return of the child. If more persons are involved in the abduction, each will be jointly and severally liable for the full costs. The appeal does not suspend the enforcement of the decision, unless in the interest of child the court the court rules otherwise, on request or by virtue of its office.
6. Article 813, paragraph 2 of the Dutch Code of Civil Procedure applies to the enforcement of an order as referred to in the fifth paragraph.
7. Appeals against a final decision must be filed within two weeks after the date of the decision.
8. The decision of the court of appeal is not open to appeal.

#### **Article 14**

1. Anyone in the Netherlands who has custody of a child may request the court to give the decisions referred to in the second paragraph with respect to the right of access to that child, if, in connection with its implementation, it must go outside the Netherlands. The decisions may be given for one or more specific visits or for specific periods of time, during which the right of access with respect to the child can be exercised.
2. The decisions referred to in the first paragraph include:
  - a. establishing that the applicant is entitled to the lawful custody in cases where it has not yet been established by means of a court decision;
  - b. establishing the place and the duration of the residence of the child outside the Netherlands and, if necessary, other circumstances relating to the residence, with due observance of any decisions concerning the right of access already in force;
  - c. addressing a request to the competent authorities of the State where the child is staying during the exercise of the right of access to supervise the correct compliance with that right, or to have it supervised, more specifically as far as the place and the duration are concerned, and also, if necessary, to take measures for the return of the child on the expiry of the time that right is exercised.

#### **Article 15**

The court that has to make a decision with respect to the custody of a child with respect to which a request for return has been made with the central authority defers its decision until that request has been irrevocably decided on. If a request for return has not yet been made, the court will defer its decision for a reasonable period of time if it has good grounds to assume that the child has been

internationally abducted within the meaning of article 1, under c) and that a request for its return will be submitted.

#### **Article 16**

1. Anyone who wishes to take legal action in connection with the application of a convention as referred to in article 1 or in connection with the application of this convention in the Netherlands and requires legal aid for doing so may lay claim to this as laid down in the Act of 4 July 1957, *Bulletin of Acts and Decrees* 233, regulating legal aid to persons of limited means.
2. The persons referred to in the first paragraph are exempted from providing security for the payment of costs, damages and interest which they could be ordered to pay.

#### **Final provisions**

#### **Article 17**

By or pursuant to an order in council, detailed rules may be laid down with regard to the manner of implementation of this Act.

#### **Article 18**

This Act will take effect on a date to be determined by Royal Decree.

#### **Article 19**

The Act may be cited as: International Child Abduction Act.

We order and command that this Act shall be published in the Bulletin of Acts and Decrees, and that all ministerial departments, authorities, bodies and officials who it may concern shall diligently implement it.

Done at The Hague, 2 May 1990

Beatrix

The Minister of Justice  
E.M.H. Hirsch Ballin

The State Secretary for Justice  
A. Kosto

Issued on the seventeenth of May 1990  
The Minister of Justice  
E.M.H. Hirsch Ballin

# Bulletin of Acts and Decrees of the Kingdom of the Netherlands

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## 530

**Act of 10 November 2011 to amend the Act of 2 May 1990 implementing the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children concluded in Luxemburg on 20 May 1980, implementing the European Convention on the Civil Aspects of International Child Abduction concluded in The Hague on 25 October 1980, and implementing general provisions regarding applications for assistance in the return of abducted children across the Dutch border and its execution, and to amend the Implementation Act international child protection with regard to the abolishment of the authority of the Central Authority to act as legal representative in legal proceedings relating to international child abduction and child protection, as well as, in proceedings relating to the return of abducted children, the concentration of the administration of justice, the introduction of the court's authority to suspend the operation of decisions under appeal, and a limitation of the possibilities to appeal to the Supreme Court**

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We Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

Greetings to all those who shall see or hear these presents! Be it known: Whereas We have considered that it would be desirable to abolish the authority of the Central Authority to act as legal representative in proceedings pursuant to the conventions on the civil aspects of international child abduction and child protection and, in proceedings relating to the return of abducted children, to concentrate the administration of justice, to grant authority to the court to decide that appeal proceedings will suspend the operation of decisions regarding the return of abducted children, and to limit the possibilities of appealing to the Supreme Court;

We, therefore, having heard the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

### ARTICLE I

The Act of 2 May 1990 implementing the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children concluded on 20 May 1980, implementing the Convention on the Civil Aspects of International Child Abduction concluded in The Hague on 25 October 1980, and implementing general provisions regarding applications for assistance in the return of abducted children across

the Dutch border and its execution (Bulletin of Acts and Decrees 202) will be amended as follows:

A

Section 5 will be amended as follows:

1. In the first subsection the clause “to act on his behalf at law and otherwise” will be replaced by: “to act on his behalf, except in legal proceedings”.
2. The second subsection will be repealed.
3. The third subsection will be renumbered to second subsection.

B

In Section 7 the clause “except in legal proceedings” will be deleted.

C

Section 10, first subsection, second sentence will read as follows:

This notice will also state that the Central Authority may file an application for a court decision ordering the return, if its request has not been voluntarily complied with within a reasonable term to be stipulated by it.

D

Section 11 will read as follows:

#### **Section 11**

1. Without prejudice to the authority of the judge ruling in preliminary relief proceedings in The Hague, the juvenile judge of the District Court in The Hague will be authorised in the first instance to hear all cases relating to the forced surrender of an internationally abducted child to the person who has custody over that child and the return of such child across the Dutch border.
2. Without prejudice to the authority of the judge ruling in preliminary relief proceedings, the juvenile judge of the District Court of the district in which the child is actually residing will be authorised to hear all cases relating to the arrangement and execution of access rights in international cases, including applications as referred to in Section 14 of this Act. If the child has no actual residence or if its whereabouts are unknown, the juvenile judge of the District Court in The Hague will be authorised to hear the case.

E

The second sentence of Section 12 will be deleted.

F

Section 13 will be amended as follows:

1. The last sentence of the fifth subsection will read as follows:  
The appeal will suspend the enforcement of the decision, unless the court decides otherwise with a view to the child's interests, on request or on its own initiative.

2. A new subsection will be inserted after the seventh subsection, which will read as follows:

8. No ordinary remedy will be available against the judgment of the Court of Appeal.

G

A section will be inserted after Section 18, which will read as follows:

### **Section 19**

This Act will be referred to as: Implementation Act International Child Abduction.

### **ARTICLE II**

The Implementation Act International Child Protection will be amended as follows:

A

Section 5 will be amended as follows:

1. In the first subsection the clause "to act on his behalf at law and otherwise" will be replaced by: "to act on his behalf, except in legal proceedings".

2. The second subsection will be repealed.

3. The third subsection will be renumbered to second subsection.

B

In Section 6 the clause "except in legal proceedings" will be deleted.

C

Section 13 will be amended as follows:

1. In the second sentence "local counsel" will be replaced by: lawyer.

2. The third and the fifth sentence will be deleted.

D



In Section 14 “the Act of 2 May 1990 implementing the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children concluded in Luxemburg on 20 May 1980, implementing the European Convention on the Civil Aspects of International Child Abduction concluded in The Hague on 25 October 1980, and implementing general provisions regarding applications for assistance in the return of abducted children across the Dutch border and its execution” will be replaced by: the Implementation Act International Child Abduction.

E

Section 15, third subsection, will be amended as follows:

1. In the second sentence “local counsel” will be replaced by: lawyer.
2. The third and the fifth sentence will be deleted.

F

Section 18, third subsection, will be amended as follows:

1. In the second sentence “local counsel” will be replaced by: lawyer.
2. The third and the fifth sentence will be deleted.

G

In Section 22 “local counsel” will be replaced by: lawyer.

### **ARTICLE III**

1. Sections 5, 7 and 12 of the Implementation Act International Child Abduction and Sections 5, 6, 13, 15, 18 of the Implementation Act International Child Protection, as they will read pursuant to this Act, will not apply to pending proceedings in which no final decision has been rendered by the court hearing the case at the moment of the entry into force of this Act.

2. Section 11 of the Implementation Act International Child Abduction, as it will read pursuant to this Act, will not apply to pending proceedings in which the application originating the proceedings was filed prior to the entry into force of this Act.

3. The eighth subsection of Section 13 of the Implementation Act International Child Abduction, as it will read pursuant to this Act, will not apply to proceedings in which the Court of Appeal has rendered a final judgment at the moment of the entry into force of this Act.

### **ARTICLE IV**

This Act will enter into force at the beginning of the first day of the second calendar month after the date of publication of the Bulletin of Acts and Decrees by which this Act is published.

We order and command that this Act shall be published in the Bulletin of Acts and Decrees and that all ministries, authorities, bodies and officials whom it may concern shall diligently implement it.

Rendered in The Hague, 10 November 2011

Beatrix

The Minister of Security and Justice,  
I. W. Opstelten

Published the *eighteenth* day of November 2011

The Minister of Security and Justice,  
I. W. Opstelten

**International child protection Act**  
**(Text applying on: 28-10-2015)**

Act of 16 February 2006, in implementation of the European Convention enacted at The Hague on 19 October 1996 on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children as well as the Regulation (EC) no. 2201/2003 of the Council of the European Union of 27 November 2003 concerning jurisdiction and the recognition of decisions in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) no. 1347/2000 (OJ EU L 338), and amendment of the Dutch Civil Code, the Dutch Code of Civil Procedure and the Implementation Act on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters Act (International child protection implementation Act)

We Beatrix, by the grace of God, Queen of the Netherlands, Princess of Orange-Nassau, etc.

Greetings to all who shall see or hear these presents! Be it known:

Whereas We have considered that it is desirable to take legal measures in implementation of the European Convention enacted at The Hague on 19 October 1996 on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children (*Treaty Series* 1997, 299) as well as the Regulation (EC) no. 2201/2003 of the Council of the European Union of 27 November 2003 on jurisdiction and the recognition and enforcement of decisions in matrimonial matters and matters of parental responsibility, repealing Regulation (EC) 1347/2000 (OJ EU L 338), and also to amend the Dutch Civil Code, the Dutch Code of Civil Procedure and the Implementation Act on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters Act.

We therefore, having heard the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

**Chapter 1. General provisions**

**Article 1**

In this Act the following terms shall mean:

- the convention: the convention enacted at The Hague on 19 October 1996 on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children (*Treaty Series* 1997, 299);
- the Regulation: the Regulation (EC) no. 2201/2003 of the Council of the European Union of 27 November 2003 concerning jurisdiction and the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) no. 1347/2000 (OJ EU L 338).

**Article 2**

The chapters 1, 2, 4, 7 and 8 also apply to international matters of parental responsibility and measures for the protection of children that are not governed by the Convention or the Regulation.

### **Article 3**

1. Without prejudice to the provisions in article 1, under a of the European Convention enacted at Luxemburg on 20 May 1980 on recognition and enforcement of decisions concerning custody of children and the restoration of custody of children (Treaty Series 1981, 10), article 4 of the Convention enacted at The Hague on 25 October 1980 on the civil aspects of international child abduction (Treaty Series 1987, 139) and article 2 of the Act of 2 May 1990 in implementation of these conventions (Bulletin of Acts and Decrees 202), this Act applies to children that have not yet reached the age of eighteen years.
2. If a child for whom a request by virtue of the Convention, the Regulation or this Act is being dealt with reaches the age of eighteen years, this request will no longer be considered. The same applies to measures in implementation of a decision on a request.

## **Title 2. Duties and jurisdiction of the central authority**

### **Article 4**

1. The Dutch Minister of Justice will be designated as the central authority for the Netherlands, as referred to in article 29 of the Convention and in article 53 of the Regulation.
2. The central authority will discharge the duties which are imposed on such authorities, as described in chapter V of the Convention and chapter IV of the Regulation. This central authority will also deal with requests for intervention in international matters concerning parental responsibility and measures for the protection of children, if they are not governed by the Convention or the Regulation. When these requests are dealt with, the provisions in chapter V of the Convention will be observed as much as possible.
3. More specifically, the central authority will take all suitable steps to ensure that in circumstances in which the Convention, the Regulation or this Act applies, solutions are agreed for the protection of the person or the property of the child.
4. The designation of the central authority does not preclude that a person applies directly to the court or other authorities to obtain recognition of the parental responsibility for a child, the restoration of the responsibility for a child, or the determination or amendment of a decision concerning parental responsibility or a measure for the protection of a child.

### **Article 5**

1. The central authority is authorised, if necessary also without specific authorisation of the person who applied to the authority with a request, to act on his behalf, other than as a party to legal proceedings.
2. Without prejudice to the provisions in article 5, paragraph 3, of the European Convention enacted in Luxemburg on 20 May 1980 on recognition and enforcement of decisions concerning custody of children and concerning the restoration of custody of children (Treaty Series 1981, 10) and article 26 of the Convention enacted at The Hague on 25 October 1980 on the civil aspects of international abduction of children (Treat Series 1987, 139), the central authority will bear all costs attached to the performance of its task.

## **Article 6**

The central authority may assign the performance of certain acts, in accordance with its instructions, to the Child Care and Protection Board. The provisions of this chapter also apply with respect to the Child Care and Protection Board.

## **Article 7**

The municipal authorities and the registrars of births, deaths and marriages provide the central authority with information, free of charge, and also, free of charge and exempt from stamp duty, with all copies and extracts from their registers requested from them by this authority in connection with the performance of their task.

## **Article 8**

1. If, when trying to locate the residence of a child in the Netherlands, the central authority requires the cooperation of the public authorities, it may apply to the public prosecutor in the court district where the child is presumed to be staying, or otherwise in the court district of The Hague. The public prosecutor may transfer the case in accordance with his instructions to a public prosecutor in another court district if the investigation is expected to take place in that court district.
2. The public prosecutor referred to in the first paragraph gives priority to the central authority's request for cooperation.
3. The police official, appointed for the performance of the police task to cooperate in locating the residence of a child, is permitted to enter any location for this purpose, in so far as this is reasonably necessary for the performance of that task.

## **Chapter 3. Procedure in the case of the placement of a child from the Netherlands in another State and in the case of placement of a child from another State in the Netherlands**

### **Article 9**

1. The decision to place a child, or to provide care to a child from the Netherlands in a foster home or in institutional care in another State in accordance with article 33 of the Convention or in accordance with article 56 of the Regulation is taken in the Netherlands by the central authority, as referred to in article 4, paragraph 1.
2. The central authority sends a reasoned application, accompanied by a report on the child to the central authority, or other competent authority, of the State where the placement or provision of care should take place. The central authority must then enter into consultation with this other authority.
3. The decision referred to in the first paragraph will not be taken before the central authority, as referred to in article 4, paragraph 1, has received the following documents:
  - a. a written declaration of consent from the persons with whom, or the institution with which, the placement is to be made or by whom or which the care is to be provided;
  - b. if desired, a report drawn up by the central authority or other competent authority in the country of placement showing the suitability of the foster parent to provide foster care for the child;
  - c. the consent, as referred to in article 33, paragraph 2, of the Convention, or article 56, paragraph 2 of the Regulation;

- d. if applicable, documents showing that the child has or will receive permission to enter the State where the placement or the provision of care will take place and has been or will be granted residence rights in that State.

#### **Article 10**

1. In the event of the placement of a child from another State in the Netherlands or the provision of care to such a child in a foster home or institution in the Netherlands in accordance with article 33 of the Convention or article 56 of the Regulation, the consent, as referred to in these articles, must be given by the central authority, as referred to in article 4, paragraph 1.
2. The consent, as referred to in paragraph 1, will not be given until the central authority, as referred to in paragraph 1, has received a reasoned request from the competent authority of the State of origin of the child, accompanied by a report on the child, and after it has received the following documents, which documents it sends to the competent authority of the State of origin of the child:
  - a. a written declaration of the persons with whom, or the institution with which, the placement is to be made, or by whom or which the care is to be provided, showing their consent;
  - b. if required, a report showing the suitability of the foster parent to provide foster care for the child;
  - c. if applicable, documents showing that the child has or will be granted permission to enter the Netherlands where the placement or provision of care will take place and has been and will be granted residence rights in the Netherlands.
3. Notices of foreign authorities, as referred to in article 56, paragraph 4 of the Regulation will be addressed to the central authority, as referred to in article 4, paragraph 1. This authority sends copies of these notices to the Child Care and Protection Board and to the Immigration and Naturalisation Service.

#### **Article 11**

1. If the rules of article 10 have not been observed, the public prosecutor or the central authority may request the juvenile court to charge a certified institution, as referred to in article 1 of the Juvenile Act, with the temporary guardianship of the child. This request may also be made by the Child Care and Protection Board. Unless the court has set a longer period for the expiry of the temporary guardianship, the Board applies to the Court within six weeks after the decision on the temporary guardianship for a settlement with regard to the custody of the minor child. Article 241, paragraphs 4 and 5, as well as article 306a of Book 1 of the Dutch Civil Code, apply by analogy. Article 813, paragraph 2, of the Dutch Code of Civil Procedure applies by analogy.
2. The temporary guardianship ends, subject to earlier termination, at the time when either the guardianship of the child or its placement with other persons or another institution commences, or its return to the country of origin has been arranged.
3. The costs the guardianship institution incurs for the child will be borne by the person with whom the child, contrary to article 10, has been placed. The articles 8.2.1 up to and including 8.2.7 of the Juvenile Act apply by analogy.

## **Chapter 4. Proceedings with respect to parental responsibility and measures for the protection of children.**

### **Article 12**

1. Without prejudice to the competence of the judge in interlocutory proceedings, the Court has jurisdiction with respect to all matters pertaining to the regulation and implementation of parental responsibility and measures for the protection of children in international cases, except where it concerns the recognition, the non-recognition and the enforcement of foreign decisions.
2. The Court has jurisdiction with respect to cases as referred to in the first paragraph if the child has its habitual residence in its area of jurisdiction. In cases in which the Convention or the Regulation confers jurisdiction to the authorities of the Contracting State where the child does not have its habitual residence, but where it is staying, jurisdiction rests with the Court in whose area of jurisdiction the child is staying. In cases in which the Convention or the Regulation grants jurisdiction to the authorities of a State in which the child neither has its habitual residence nor where it is staying, the District Court of The Hague has jurisdiction.

### **Article 13**

The cases in which the Court has jurisdiction by virtue of article 12, paragraph 1, are initiated with an application. The application is submitted by a lawyer. The application also includes the choice of an address for service within the district of the court.

### **Article 14**

Article 14 of the International child abduction Act (Bulletin of Acts and Decrees 1990, 202) applies by analogy in cases covered by the Convention, the Regulation or this Act.

## **Chapter 5. Recognition, non-recognition and enforcement of decisions under the Convention.**

### **Article 15**

1. The court in interlocutory proceedings has jurisdiction with respect to all requests relating to the recognition, non-recognition and the enforcement of decisions concerning parental responsibility and measures for the protection of children given under the Convention, in so far as the recognition, non-recognition and enforcement are not governed by the Regulation. As to the leave to enforce, the articles 985 up to and including 990 of the Dutch Code of Civil Procedure do not apply.
2. In cases, as referred to in the first paragraph, jurisdiction rests with the court in interlocutory proceedings in whose district the person against whom enforcement is sought, or a child to which the request relates, has his habitual residence. If none of these persons have their habitual residence in the Netherlands, the court in interlocutory proceedings in whose district the enforcement is to take place has jurisdiction. If the jurisdiction cannot be based on the grounds referred to in this article, the court in interlocutory proceedings in The Hague has jurisdiction.
3. A decision on a request as referred to in the first paragraph is requested by application. It is submitted by a lawyer. The application also includes choice of an address for service within the district of the court.

## **Article 16**

1. The court in interlocutory proceedings with which a request as referred to in article 15, paragraph 1 has been submitted immediately delivers its decision.
2. The leave to enforce has immediate effect.

## **Article 17**

1. The court in interlocutory proceedings which has ruled on a decision as referred to in article 15, paragraph 1, has jurisdiction to hear the appeal against this decision. Only the parties involved may appeal against the decision.
2. The appeal against a decision for which a request as referred to in article 15, paragraph 1, has been granted must be filed within one month after the decision has been served. If the party against whom enforcement is sought has his habitual residence abroad, the term for filing an appeal is two months, counting from the date from the date of the service to this party personally or at his address. No extension of time may be granted on account of distance.
3. If an appeal is filed by the applicant and concerns the refusal to grant a request as referred to in article 15, paragraph 1, it will be filed within one month after the date of the decision.
4. The Court where the appeal is filed immediately delivers its decision.
5. Appeal against the decision lies exclusively with the Supreme Court.
6. The court at which the appeal has been filed, or the Supreme Court at which an appeal against the decision has been filed, may, at the request of the party against whom enforcement has been requested, defer its judgement if in the State of origin of the decision an ordinary remedy has been sought or the term for doing so has not yet expired. In the latter case, the Court, or the Supreme Court, may set a term within which the remedy must be sought.
7. If the decision includes a judgement on more than a part of the request and the enforcement cannot be allowed for the request in its entirety, the enforcement on one or more of these parts will be allowed.
8. The applicant may request partial enforcement.

## **Chapter 6. Recognition, non-recognition and enforcement of decisions under the Regulation.**

### **Article 18**

1. The court in interlocutory proceedings has jurisdiction with respect to the requests as referred to in articles 21, paragraph 3, 28 and 38, paragraph 1, of the Regulation. As to the leave to enforce, the articles 985 up to and including 990 of the Dutch Code of Civil Procedure do not apply.
2. Article 29, paragraph 2, of the Regulation applies by analogy to the relative jurisdiction of the court in interlocutory proceedings in the cases referred to in article 21, paragraph 3, of the Regulation. If the jurisdiction of this court cannot be based on the grounds contained therein, the court in interlocutory proceedings at The Hague will have jurisdiction.



3. A decision on a request as referred to in the first paragraph is applied for by application. It is submitted by a lawyer. The application also includes choice of an address for service within the district of the court.
4. Without prejudice to the provisions in article 38, paragraph 1 of the Regulation, if the documents submitted with the request are insufficient, the applicant will be given an opportunity to supplement them with the document referred to in article 37, paragraph 1, under a, of the Regulation.

#### **Article 19**

1. The person against whom enforcement is sought and other interested parties are not summoned to the proceedings on a request as referred to in article 18, paragraph 1.
2. Granting the request, as referred to in article 28 of the Regulation, by the court in interlocutory proceedings is by a simple leave, which is included on the authenticated copy of the decision to be enforced.
3. The leave to enforce is has immediate effect.

#### **Article 20**

1. The court in interlocutory proceedings which has ruled on a request as referred to in article 18, paragraph 1, has jurisdiction on the legal remedy, as referred to in article 33 of the Regulation.
2. The legal remedy, as referred to in article 33 of the Regulation, sought by the applicant and made against a refusal to grant a request as referred to in article 18, paragraph 1, must be sought within one month after the decision has been served.
3. The court at which the appeal has been lodged immediately delivers its decision.

#### **Article 21**

1. The procedure of article 26 of Book 1 of the Dutch Civil Code does not apply with respect to the request based on article 21, paragraph 3, of the Regulation for a decision concerning recognition or non-recognition of a decision given in another Member State relating to divorce, legal separation or annulment of the marriage.
2. Article 26e of Book 1 of the Dutch Civil Code applies by analogy to a decision as referred to in the first paragraph.

#### **Article 22**

In the case referred to in article 41, paragraph 3 of the Regulation the request for a certificate concerning a decision with respect to the right of access is issued by application through a lawyer to the judge in interlocutory proceedings of the court where the juvenile judge has given the decision. The court in interlocutory proceedings immediately rules on the decision.

#### **Article 23**

Article 31 of the Dutch Code of Civil Procedure applies by analogy to the procedure as referred to in article 43 of the Regulation, if the certificate issued by a Dutch court.

## **Chapter 7. International cooperation between courts**

### **Article 24**

1. The Council for the Judiciary appoints one or more juvenile judges who are specifically responsible for facilitating contacts between judges in the Netherlands with whom under the Convention, Regulation or this Act proceedings are pending with judges abroad with relevant qualifications, as well as contacts between judges with whom such proceedings are pending with judges in the Netherlands with relevant qualifications.
2. If a judge in the Netherlands wishes to consult a judge abroad in connection with proceedings in the first paragraph, he may avail himself of the services of the judge referred to in the first paragraph.
3. The services referred to in the second paragraph are also granted to a judge abroad who wishes to consult a judge in the Netherlands in connection with proceedings that are pending, as referred to in the first paragraph.
4. If, in connection with a consultation as referred to in the second or third paragraph, documents need to be translated or if the assistance of an interpreter is required, the judge referred to in the first paragraph will take care of this.
5. Before a consultation as referred to in the second paragraph takes place, the judge with whom the proceedings are pending informs the parties of this. After the consultation has taken place, he will give an account of this consultation to the other parties.
6. The transfer of requests as referred to in the articles 8 and 9 of the Convention and article 15 of the Regulation takes place through the judge referred to in the first paragraph. The judge who has transferred a request will inform the parties of this.

## **Chapter 8. Declaration concerning parental responsibility**

### **Article 25**

1. Authorisation for the issuance of a declaration as referred to in article 40 of the Convention rests with a civil-law notary.
2. The declaration is issued by means of a form to be determined by a decision of the Dutch Minister of Justice.

## **Chapter 9. Concurrence with other international arrangements**

### **Article 26**

In the relations between the Netherlands and other States that are a party to both the convention referred to in article 1 and the European Convention enacted at Luxemburg on 20 May 1980 on the recognition and enforcement of decisions concerning custody of children and restoration of custody of children (Treaty Series 1981,10), the convention referred to in article 1 has priority.

## **Chapter 10. Amendment of other Acts**

### **Article 27**

[Amends the Dutch Civil Code Book 1]

### **Article 28**

[Amends the Dutch Code of Civil Procedure]

### **Article 29**

[Amends the Implementation Act on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters Act]

## **Chapter 11. Final provisions**

### **Article 30**

1. Article 28, under B, of this Act applies to proceedings concerning divorce, legal separation and annulment of the marriage after legal separation, nullification as well as nullity and validity of the marriage, which are instituted on or after 1 March 2005.
2. The convention referred to in article 1 does not apply in proceedings concerning parental responsibility or measures for the protection of children, which have been instituted before it has entered into force in the Netherlands and in which a decision is made after it has entered into force.
3. The entry into force in the Netherlands of the convention referred to in article 1 does not affect the parental responsibility previously attributed to a person by operation of law.
4. From the date on which the convention referred to in article 1 entered into force in the Netherlands, the parental responsibility attributed by operation of law to a person who does not already have that responsibility will be governed by that convention.

### **Article 31**

This Act takes effect on a date to be determined by Royal Decree.

### **Article 32**

This Act is cited as: International Child Protection Act.

We order and command that this Act shall be published in the Bulletin of Acts and Decrees, and that all ministerial departments, authorities, bodies and officials who it may concern shall diligently implement it.

Done at The Hague, 16 February 2006

Beatrix

The Minister of Justice  
J.P.H.Donner

Issued on the seventh of March 2006  
The Minister of Justice  
J.P.H. Donner

Application form for the return of the child/ Aanvraagformulier voor terugleiding van het kind

Please complete the downloaded form in Dutch and sign the attached authorization. You are recommended to first read the enclosed explanation before completing the form. U wordt verzocht dit gedownloade formulier in het Nederlands in te vullen en het machtigingsformulier in te vullen en te ondertekenen. U wordt aangeraden eerst de toelichting bij dit formulier te lezen, voordat u het formulier invult.

For every other involved child, you may copy this page, complete it and attach it

Voor ieder ander betrokken kind dient u deze pagina te kopiëren, in te vullen en toe te voegen.

<b>REQUESTING CENTRAL AUTHORITY / VERZOEKENDE CENTRALE AUTORITEIT</b>  The Netherlands / Nederland	<b>REQUESTED CENTRAL AUTHORITY / AANGEZOCHTE CENTRALE AUTORITEIT</b>  .....  (The Central Authority of the country where the child now resides/ De Centrale autoriteit van het land waar het kind nu verblijft)
<b>A. GENERAL INFORMATION / ALGEMENE INFORMATIE</b>	
<b>I Identity of the child and parents / Identiteit van het kind en de ouders</b>	
I.1. Child / Kind	
Name / Naam:	
First names / Voornamen:	
Date and place of birth: Geboortedatum en -plaats: ( dd/mm/yyyy)	
Nationality(ies): / Nationaliteit(en):	
Sex / Geslacht:	
Habitual residence / Gewone verblijfplaats:	
Passport(s) or identity card(s) (nr): Paspoort(en) of identiteitskaar(en)t(nr.):	
Civil registry number: Burgerservicenummer:	
Residence permit number: Verblijfsdocumentnummer:	
Description / Beschrijving:	

I.2.	Parents / Ouders	
I.2.1	Mother / Moeder	
	Name: / Naam:	
	First names: / Voornamen:	
	Date and place of birth: Geboortedatum en -plaats: ( dd/mm/yyyy)	
	Nationality (ies): / Nationaliteit(en):	
	Habitual residence: / Gewone verblijfplaats	
	Street name and number of the house: Straatnaam en huisnummer	
	Postal code and City/Town : Postcode en woonplaats :	
	Country: / Land:	
	Phone number and E-mail address: Telefoonnummer en e-mailadres:	
	Passport(s) or Identity card(s) (nr): / Paspoort(en) of Identiiteitskaart(en)(nr.):	
	Civil Registry number:./ Burgerservicenummer:	
	Residence Permit number: / Verblijfsdocumentnummer:	
I.2.2	Father / Vader	
	Name / Naam:	
	First names: / Voornamen:	
	Date and place of birth: / Geboortedatum en -plaats: (dd/mm/yyyy)	
	Nationality (ies): /Nationaliteit(en):	

	Habitual residence: / Gewone verblijfplaats:	
	Street name and number of the house: Straatnaam en huisnummer:	
	Postal code and City /Town : Postcode en woonplaats :	
	Phone number and E-mail address: Telefoonnummer en e-mailadres:	
	Country / Land:	
	Passport(s) or Identity card(s) (nr): Paspoort(en) of Identiteitskaart(en) (nr.):	
	Civil Registry number: Burgerservicenummer:	
	Residence Permit number: Verblijfsdocumentnummer:	
I.2.3	Date and place of marriage: / Datum en Plaats huwelijk: ( dd/mm/yyyy)	
or of	Registered partnership since: / Datum Geregistreerd partnerschap: (dd/mm/yyyy)	
or of	Other form of cohabitation since: / Andere samenlevingsvorm sinds: (dd/mm/yyyy)	
I.2.4	Date and place of any divorce decision, finalisation of registered partnership or any other form of cohabitation: / Datum en plaats echtscheiding, beëindiging geregistreerd partnerschap of andere samenlevingsvorm : (dd/mm/yyyy)	
	Copy of decision included Yes / No Kopie bewijsstuk bijgevoegd Ja / Nee	
I.3	Parental authority / Custody entrusted to: (circle what is applicable) Ouderlijk gezag/voogdij berust bij: (omcirkelen wat van toepassing is)	
	Father / Vader    Mother / Moeder    Both/beiden	
	Other person or institution, namely: / (only to be completed in case this person is not the father or mother) Andere persoon of instelling, namelijk: (alleen invullen wanneer deze persoon niet de vader of de moeder is)	

	Institution, namely (see below)/ instantie, namelijk (zie hieronder)
	Name other person:/ naam andere persoon:
	First names: / Voornamen:
	Nationality (ies): / Nationaliteit(en):
	Address / Adres
	Street name and number of the house: / Straatnaam en huisnummer:
	Postal code and City /Town : Postcode en woonplaats:
	Country : / Land :
	Phone number and E-mail address: Telefoonnummer en e-mailadres:
	Passport or Identitycard number: / Paspoort of identiteitskaart:
	Document proving parental authority or custody: / Document waaruit ouderlijk gezag of voogdij blijkt:
	Relation of the contact person to the child: / Relatie van de contactpersoon tot het kind:
	Name Institute: / Naam instantie:
	Address / Adres
	Street name and number of the house: / Straatnaam en huisnummer:
	Postal Code and City /Town : Postcode en plaats :
	Country : / Land :
	Contact person : / Contactpersoon :
	Phone number and E-mail address: Telefoonnummer ene-mailadres:
	Passport or Identity card number: Paspoort of identiteitskaart(nr.):
	Document proving parental authority, custody or child protection measure: /



	Document waaruit ouderlijk gezag, voogdij of kindbeschermingsmaatregel blijkt:	
<b>II.</b>	<b>Requesting individual or institution:</b> (circle what is applicable) <b>Verzoekende persoon of instantie:</b> (omcirkelen wat van toepassing is)  Father / Vader      Mother / Moeder  Other person, namely: / Andere persoon, namelijk:  Institution, namely / Instantie,	
<b>III.</b>	<b>Legal Assistance / juridische bijstand</b>	
	Legal advisor / Juridisch adviseur	
	Office Name: / Naam kantoor:	
	Name Legal advisor: / Naam juridisch adviseur:	
	Street name and number of the house: / Straatnaam en huisnummer:	
	Postal code and City /Town Postcode en plaats:	
	Phone number and E-mail address: Telefoonnummer en e-mailadres:	
<b>IV.</b>	<b>Factual and/or legal grounds for the request (e.g. court decision): /</b> <b>Feitelijke of juridische gronden die het verzoek rechtvaardigen (vb. rechterlijke beslissing):</b>	

<b>V.</b>	<b>Proceedings: / Procedures:</b>
<b>B.</b>	<b>ADDITIONAL RELEVANT INFORMATION: / OVERIGE RELEVANTE INFORMATIE:</b>
<b>VI.</b>	<b>Place where the child is thought to be: / Plaats waar het kind vermoedelijk verblijft:</b>
<b>VI.1.</b>	<p>Information concerning the person alleged to have wrongfully removed or retained the child(ren) /  Informatie over de persoon die vermoedelijk het kind / de kinderen ongeoorloofd heeft overgebracht of achtergehouden</p> <p>Father / Vader    Mother / Moeder    (circle what is applicable / omcirkelen wat van toepassing is)</p> <p>Other, namely: (only to be completed when this person is <u>not</u> the father or mother) /  Ander, namelijk: (alleen in te vullen wanneer deze persoon <u>niet</u> de vader of moeder is)</p>
<b>VI.2.</b>	<b>Presumed whereabouts of the child(ren) / Vermoedelijk verblijfadres van het kind / de kinderen</b>
	Street name and number of the house: / Straatnaam en huisnummer:
	Postal code and place : / Postcode en plaats :
	Country: / Land:
	Phone number and E-mail address:

	Telefoonnummer en e-mailadres:	
VI.3.	Other persons who might be able to supply additional information relating to the whereabouts of the child(ren): / Andere personen die mogelijk aanvullende informatie kunnen verschaffen m.b.t. de verblijfplaats van het kind / de kinderen:	
VI.4.	Any other clues that may be helpful to find the whereabouts of the child(ren): / Andere aanknopingspunten om de verblijfplaats van het kind / de kinderen te kunnen achterhalen:	
VII.	<p><b>The request has been made for the return of the child(ren) to: /</b>  <b>Het verzoek is gedaan voor de terugkeer van het kind/de kinderen naar:</b></p> <p>Father / vader    Mother / Moeder    (circle what is applicable / omcirkelen wat van toepassing is)</p> <p>Other person, mentioned under II / Andere persoon, genoemd onder II</p> <p>Institution, mentioned under II / Instelling, genoemd onder II</p>	
a.	Proposed arrangements for the return of the child(ren): / Voorgestelde maatregelen voor de terugkeer van het kind / de kinderen:	
b.	Thoughts about the way the contact between the child(ren) and the abducting parent can be maintained after the return of the child(ren): / Gedachten over de wijze waarop het kind en de ontvoerende ouder na terugkeer van het kind contact met elkaar kunnen onderhouden:	

<b>VIII.</b>	<b>Place, date and circumstances of the wrongful removal or retention of the child(ren): /</b> <b>Plaats datum en omstandigheden van de ongeoorloofde overbrenging of achterhouding van het kind/de kinderen:</b>
	Place of removal or retention:/ Plaats van overbrenging of achterhouding:
	Date of removal or retention: / Datum van overbrenging of achterhouding: (dd/mm/yyyy)
	Circumstances of the removal or retention: / Omstandigheden van de overbrenging of achterhouding:
	Has permission been granted for the removal or retention? / Is er toestemming verleend voor het overbrengen of achterhouden van het kind?
	Further explanation: / nadere toelichting:



<b>XI.</b>	<b>List of documents to be annexed: / Lijst van bij te voegen documenten:</b> (Delete where not applicable) / (doorhalen wat niet van toepassing is)
a.	Completed and signed "authorization / Ingevulde en ondertekende "volmacht"
b.	Photos / Foto's
c.	Copies of passports / identity cards / residence permits Kopieën van paspoorten / identiteitskaarten / verblijfsdocumenten
d.	Certified extract of marriage certificate or certified copy of registered partnership document or other cohabitation contract / Uittreksel huwelijksregister of kopie van document van geregistreerd partnerschap of andere samenlevingsovereenkomst
e.	Certified extract(s) of birth certificate of the child(ren) / Uittreksel(s) geboorteregister van het kind / de kinderen
f.	Certified extract(s) of residence / Uittreksel(s) Basisregistratie Personen
g.	Certified extract(s) of custody / Uittreksel(s) uit gezagregister
h.	Copy divorce decree or copy of document of the termination of registered partnership or other form of cohabitation / Kopie echtscheidingsbeschikking of kopie van document waaruit de beëindiging van het geregistreerd partnerschap of andere samenlevingsvorm blijkt
i.	Copy of entry of the divorce decree into the register of marital status / Bewijs van inschrijving echtscheidingsbeschikking
j.	Copy of the police report concerning the removal from parental custody / Kopie van het proces-verbaal bij aangifte van onttrekking aan het gezag (only if relevant) / (alleen indien van toepassing)  (You are recommended to first consult your legal advisor before reporting the abduction or retention of the child to the police. Reporting the abduction or retention of the child to the police may give rise to a ground for refusal of the return of the child / U wordt geadviseerd eerst uw juridisch adviseur te raadplegen alvorens bij de politie aangifte te doen van de ontvoering of achterhouding van het kind. Het doen van aangifte kan een weigeringsgrond vormen voor de terugkeer van het kind)

# AUTHORISATION

Dear Madam/Sir,

Please accept this letter as written authorisation, as may be required by Article 28 of the Hague Convention on the Civil Aspects of International Child Abduction (25 October 1980) and / or Article 13 of the European Convention on recognition and enforcement of decisions concerning custody of children and on restoration of custody of children (20 mei 1980), empowering the Central Authority of the State to which the application must be sent ( the State where the child now resides)

(name of that State)..... or its designated representative, to act on my behalf.

Name of applicant:

Date of birth (dd/mm/yyyy):

Date (dd/mm/yyyy):

Place:

Signature:

# VOLMACHT

Geachte dame/heer,

Ik verzoek u dit document te aanvaarden als schriftelijke volmacht, zoals vereist in Artikel 28 van het Haags Verdrag inzake de burgerrechtelijke aspecten van internationale kinderontvoering (25 oktober 1980) en / of Artikel 13 van het Europees Verdrag betreffende de erkenning en de tenuitvoerlegging van beslissingen inzake het gezag over kinderen en betreffende het herstel van het gezag over kinderen (20 mei 1980), waarmee ik de Centrale autoriteit van het land waar het kind nu verblijft

(Naam van dat land)..... of diens  
aangewezen vertegenwoordiger in staat stel om namens mij op te treden.

Naam verzoeker:

Geboortedatum (dd/mm/yyyy):

Datum (dd/mm/yyyy):

Plaats:

Handtekening:



## **Toelichting bij aanvraagformulier**

### Inleiding:

Indien het kind vanuit Nederland ongeoorloofd naar het buitenland is overgebracht of daar wordt achtergehouden, kunt u een verzoek richten tot de Nederlandse Centrale autoriteit internationale kinderaangelegenheden om de Centrale autoriteit van het land waar het kind thans verblijft op de hoogte te stellen van de ongeoorloofde overbrenging of achterhouding en de terugkeer van het kind te bewerkstelligen. U dient hiervoor het aanvraagformulier zo volledig mogelijk en in het Nederlands in te vullen. Mocht u de Nederlandse taal niet machtig zijn, dan kan het Centrum Internationale Kinderontvoering u behulpzaam zijn. De Nederlandse Centrale autoriteit zal op basis van het volledig ingevulde aanvraagformulier beoordelen of mogelijk sprake is van kinderontvoering volgens het Haags Kinderontvoeringsverdrag. Indien daarvan sprake is, zal de Nederlandse Centrale autoriteit bij de Centrale autoriteit van het land waar het kind verblijft, een verzoek indienen tot teruggeleiding van het kind. Hiertoe zullen het aanvraagformulier en de bijlagen vanuit het Nederlands worden vertaald in de taal van het land waar het kind verblijft. De Nederlandse Centrale autoriteit is dan de verzoekende partij en de buitenlandse Centrale autoriteit de aangezochte partij. In geval het kind is overgebracht naar een staat die geen partij is bij het Haags Verdrag inzake de burgerrechtelijke aspecten van internationale kinderontvoering, dan wel het Europees Verdrag betreffende de erkenning en de tenuitvoerlegging van beslissingen inzake het gezag over kinderen en het herstel daarvan, is er in het buitenland geen Centrale autoriteit. Het verzoek wordt dan langs diplomatieke weg gericht tot de aangezochte staat door tussenkomst van het Nederlandse Ministerie van Buitenlandse Zaken. Nadere informatie over de vraag of het land waarheen uw kind is overgebracht of waar het is achtergehouden, is aangesloten bij het genoemde Haagse Verdrag kunt u vinden op [www.hcch.net](http://www.hcch.net)

De contactgegevens van de Nederlandse Centrale autoriteit zijn: Ministerie van Veiligheid en Justitie, Postbus 20301, 2500 EH 's-Gravenhage. Faxnummer: +31 70 370 7507. Telefoonnummer: +31 70 370 6252. Website: [www.rijksoverheid.nl/internationale-kinderontvoering](http://www.rijksoverheid.nl/internationale-kinderontvoering)

Het Centrum Internationale Kinderontvoering is te bereiken via telefoonnummer +31 (0)88 800 9000 (bereikbaar op werkdagen tussen 9:30 uur en 16:30 uur) of via het e-mailadres: [info@kinderontvoering.org](mailto:info@kinderontvoering.org).

### **Toelichting over de in te vullen gegevens:**

#### **Doel van het verzoek:**

Een verzoek aan de Centrale autoriteit kan strekken tot teruggeleiding van een kind of tot vaststelling van een internationale omgangsregeling tussen het kind en een ouder (of andere belanghebbende).

Een teruggeleiding kan aan de orde zijn nadat het kind ongeoorloofd is overgebracht naar het buitenland, dan wel wanneer het in het buitenland wordt achtergehouden en niet terugkeert.

Ongeoorloofd wil zeggen: in strijd met het gezag recht over het kind. Strijd met het gezag recht doet zich voor wanneer een ouder (of andere persoon) die niet met het ouderlijke gezag over het kind is belast c.q. geen voogdij heeft, het kind naar het buitenland overbrengt of achterhoudt zonder toestemming van de andere ouder. Van strijd met het gezag recht is

eveneens sprake indien beide ouders het gezamenlijk gezag over het kind uitoefenen en de toestemming van de ene ouder ontbreekt voor de overbrenging of achterhouding van het kind naar/in het buitenland.

**NB 1: Indien het verzoek betrekking heeft op meerdere kinderen dan wordt u verzocht de eerste pagina van dit aanvraagformulier te kopiëren en voor elk kind afzonderlijk in te vullen. Vergeet u dan niet van ieder kind een beschrijving en zo mogelijk een foto bij te voegen. ( waar in het formulier wordt gesproken over ‘het kind’ dient u dan te lezen ‘de kinderen’).**

**NB 2: Indien uw verzoek gericht is op het treffen van een omgangsregeling voor uw kind(eren) dient u het andere formulier in te vullen dat hier op gericht is.**

#### **A. Algemene informatie:**

Kind: Om de identiteit van het kind vast te stellen en de familierechtelijke betrekkingen tussen kind en zijn ouders aan te tonen, is het noodzakelijk uittreksels uit het geboorteregister van het kind alsmede eventueel de akte van erkenning door de vader, indien deze niet met de moeder gehuwd was ten tijde van de geboorte van het kind, toe te voegen. Het uittreksel kan worden aangevraagd bij de afdeling Burgerzaken van de gemeente waar het kind is geboren en waar het staat ingeschreven in de registers van de Burgerlijke Stand.

Gewone verblijfplaats: Dit is de plaats waar het kind (vóór zijn overbrenging of achterhouding) zijn hoofdverblijf had. De plaats waar het kind meestal verbleef, naar school ging etc. De plaats waar het sociale middelpunt van het leven van het kind ligt. De normale verblijfplaats kan blijken uit het uittreksel uit de Basisregistratie Personen (BRP).

Burgerservicenummer of Verblijfsdocumentnummer: U wordt verzocht het burgerservicenummer, zoals vermeld in het paspoort of op de identiteitskaart van het kind, in te vullen. Indien het verblijf in Nederland gebaseerd is op een verblijfsdocument, dient u het nummer daarvan hier in te vullen.

Beschrijving en foto: Het betreft de beschrijving van het uiterlijk van het kind waarop het verzoek betrekking heeft. Een foto is vooral van belang wanneer de precieze feitelijke verblijfplaats van het kind niet bekend is en het door de aangezochte autoriteiten moet worden gezocht.

Ouders: Hier dienen de gegevens van zowel de moeder als de vader te worden ingevuld. Bij ‘gewone verblijfplaats’ dient het woonadres te worden ingevuld. Ook wordt u verzocht het burgerservicenummer van ieder van u, zoals vermeld in het paspoort of op de identiteitskaart, in te vullen. Indien het verblijf in Nederland van (een van) u is gebaseerd op een verblijfsdocument, dient u het nummer daarvan hier in te vullen.

Datum en plaats huwelijk: Uit de gegevens betreffende het huwelijk van de ouders kan veel worden afgeleid met betrekking tot het ouderlijk gezag over het kind. Vermelding van de volledige gegevens en het bijvoegen van een uittreksel uit het Huwelijksregister waaruit het huwelijk van de ouders blijkt, is daarom wenselijk. Een uittreksel kan worden verkregen bij de afdeling Burgerzaken van de gemeente waar het huwelijk is voltrokken en waar het ingeschreven is in het Huwelijksregister.

Geregistreerd partnerschap of andere samenlevingsvorm: Indien sprake is van een geregistreerd partnerschap of een andere samenlevingsvorm, dienen hier de gegevens hiervan te worden vermeld met datum van registratie van het partnerschap, dan wel de datum van aanvang van de samenlevingsvorm en bijvoeging van documentatie waaruit de registratie of aanvang van de samenlevingsvorm blijkt.

Datum en plaats echtscheiding: Informatie betreffende de eventuele ontbinding van het huwelijk van de ouders is van even groot belang als de informatie betreffende het huwelijk. Een kopie van de beschikking van de rechtbank waarbij de echtscheiding is uitgesproken en een bewijs van inschrijving van de echtscheiding in de registers van de Burgerlijke Stand is daarom evenzeer wenselijk. Indien tussen de ex-echtgenoten een echtscheidingsconvenant is gesloten is bijvoeging hiervan eveneens aan te raden. Dat geldt ook voor het document waaruit de omzetting van een huwelijk in een geregistreerd partnerschap blijkt, indien van toepassing, of de beëindiging van het geregistreerd partnerschap of een andere samenlevingsvorm. Voorts is uiteraard ieder ander stuk onmisbaar indien daaruit kan blijken dat het kind niet naar het buitenland mocht worden overgebracht.

Ouderlijk gezag en voogdij: Wanneer het ouderlijk gezag bij beschikking van de rechter is opgedragen aan een van de ouders, een andere persoon of instantie, dient u dat hier aan te geven met de datum van de beschikking. U wordt in dat geval verzocht het document waaruit dit blijkt toe te voegen.

## **II. Verzoekende persoon of instantie:**

Indien de vader of de moeder de verzoekende ouder is kunt u dat eenvoudig aangeven door de “vader” of “moeder” te omcirkelen op het formulier. Indien de verzoekende partij een andere persoon is, wordt u verzocht de gegevens op pagina 4 volledig in te vullen. Indien de verzoekende partij een instantie is, wordt u verzocht de gegevens van deze instantie op pagina 4 volledig in te vullen.

## **III. Juridische bijstand:**

In het geval u zich bij de verdere procedure tot terugleiding van uw kind juridisch laat bijstaan door een advocaat, wordt u verzocht de gegevens van deze advocaat hier in te vullen.

## **IV. Feitelijke of juridische grond die het verzoek rechtvaardigen:**

U kunt hier nader toelichten waarom u meent dat sprake is van het ongeoorloofd meenemen of achterhouden van uw kind.

## **V. Procedure:**

In voorkomend geval kan hier vermeld worden welke andere civiele procedures aanhangig zijn of zijn voorgenomen, zoals bijvoorbeeld een echtscheidingsprocedure of een procedure waarbij wijziging van het ouderlijk gezag over het kind wordt verzocht.

Informatie over een eventuele strafrechtelijke procedure is ook nuttig, met name de vermelding of aangifte is gedaan van ontvoering van het kind. Wanneer dit het geval is wordt u verzocht een kopie van het proces-verbaal van de aangifte bij te voegen.

## **B. Overige informatie:**

## **VI. Plaats waar het kind vermoedelijk verblijft:**

Inlichtingen waar het kind thans (hoogstwaarschijnlijk) feitelijk verblijft zijn van het grootste belang. Immers indien het kind zich niet op het grondgebied van de aangezochte staat bevindt,

of aldaar niet wordt gevonden, kan een teruggeleiding niet plaats vinden. Indien het kind bij de vader of de moeder verblijft kunt u ook hier volstaan met het omcirkelen van “vader” of “moeder” op het formulier. Wanneer het kind bij een andere persoon verblijft, wordt u verzocht de gegevens van deze persoon op pagina’s 6 en 7 volledig in te vullen. Indien niet bekend is waar precies het kind zich bevindt, maar wel vaststaat dat het in de aangezochte staat is, is het ten behoeve van de opsporing van het kind noodzakelijk dat zoveel mogelijk gegevens over andere personen worden vermeld die mogelijk aanvullende informatie kunnen verschaffen over de verblijfplaats van het kind, dan wel andere aanknopingspunten voor de opsporing worden verstrekt. Bij het zoeken naar het kind kan een afbeelding of foto van het kind van groot nut zijn.

## **VII. Het verzoek is gedaan voor de terugkeer van het kind:**

Uitgangspunt van de procedure is dat het kind teruggebracht wordt in de situatie voordat het werd meegenomen of achtergehouden, dus bij vader, moeder, een andere persoon of instelling in het land waar het kind zijn gewone verblijf had. U kunt dit eenvoudig aangeven door de betrokken persoon of instantie te omcirkelen.

### **a. Voorgestelde maatregelen voor de terugkeer van het kind:**

De verzoekende ouder kan hier aangegeven op welke wijze hij/zij wenst dat de effectieve teruggeleiding van het kind zal plaats vinden. De ouder kan aangeven dat hij/zij, indien nodig, bereid is het kind te komen ophalen.

### **b. Gedachten over de wijze waarop het kind en de ontvoerende ouder na terugkeer van het kind contact met elkaar kunnen onderhouden:**

De verzoekende ouder kan hier aangeven wat hij/zij voorstelt met betrekking tot het contact tussen het kind en de ontvoerende ouder. Deze informatie kan behulpzaam zijn om de ontvoerende ouder er toe te bewegen het kind te laten terugkeren.

## **VIII. Plaats datum en omstandigheden van de ongeoorloofde overbrenging of achterhouding van het kind:**

U wordt verzocht om hier de gegevens in te vullen betreffende de datum, de plaats en omstandigheden waaronder de ontvoering of achterhouding van het kind. Ook wordt hier de gelegenheid geboden om een nadere toelichting op het gebeurde te geven.

## **IX. Andere informatie:**

Indien u behoefte heeft om overige informatie te verstrekken die van belang kan zijn om een beeld te krijgen van de ontvoering of achterhouding, dan wel die van belang kan zijn voor de teruggeleiding, kunt u deze informatie hier geven.

## **X. Eventuele weigeringsgronden:**

Indien u verwacht dat de ouder die het kind heeft overgebracht of heeft achtergehouden, argumenten zal aanvoeren om de teruggeleiding te voorkomen, kunt u dit hier aangeven, evenals welke argumenten dat kunnen zijn.

## **XI. Lijst van bij te voegen documenten:**

Tot slot kan hier voor de duidelijkheid een lijst worden verstrekt van alle bijgevoegde stukken. U kunt hier doorhalen wat niet van toepassing is. De Centrale autoriteit zal de benodigde Nederlandse wets- en verdragsbepalingen bijvoegen.

**Volmacht:**

De verzoekende ouder dient de buitenlandse Centrale autoriteit volmacht te verlenen namens hem/haar op te treden. Op de stippellijn dient de naam van de aangezochte Staat te worden ingevuld (dit is de staat waarheen het kind is overgebracht of waar het is achtergehouden en nu verblijft). Vervolgens dient de verzoekende ouder achtereenvolgens zijn/haar volledige naam in te vullen, zijn/haar geboortedatum, de datum en plaats van ondertekening en tot slot dient de volmacht ondertekend te worden. Graag beide volmachtformulieren in de Nederlandse en Engelse taal invullen en ondertekenen.

# Dutch Civil code

## Book 1 Law of Persons and Family Law

### Title 1.14 Authority over minor children

#### Section 1.14. Parental authority

*Subsection 1.14.2.1 Joint authority of parents during and after their marriage and authority of one of the parents after a divorce*

#### Article 1:251 Joint authority of parents during and after their marriage

- 1. During their marriage the parents jointly exercise authority over their minor children.
- 2. When the marriage has been dissolved for another reason than the death of one of the spouses or a legal separation, the parents who had joint authority over their minor children during that marriage, will keep having joint authority over these children after the dissolution of that marriage.

#### Article 1:251a Request to convert joint authority into exclusive authority after the marriage has ended

- 1. After the marriage has been dissolved for another reason than the death of one of the spouses or a legal separation, the court may order, upon the request of one or both of the parents, that only one of the parents shall have authority over the child, if:
  - a. there is an unacceptable risk that the child would get lost or jammed between the parents and it is not to be expected that this situation will sufficiently improve within a foreseeable period of time, or;
  - b. for another reason a change in authority over the child is necessary in the best interest of the child.

- 2. The decision based on paragraph 1 shall be taken in the court order in which the legal separation, divorce or dissolution of the marriage after a legal separation has been decreed or in a later court order.
- 3. If the decision based on paragraph 1 did not concern all the children of the spouses, then the District Court may extend it to all these children upon the request of one of the parents or the Child Protection Board or of its own motion.
- 4. The court may of its own motion take a decision based on paragraph 1 if it thinks this would be appreciated by an involved child who has reached the age of twelve years. The same applies if the involved child has not yet reached the age of twelve years, but may be regarded to be able to make a reasonable evaluation of his interests in the matter.

Article 1:252 Parents who after their divorce still A child born from the relationship of the former parents after their divorce

- 1. Parents who had been married to each other or who had been registered as a partner under a registered partnership with each other and from whose relationship after the end of that marriage or registered partnership a child is born, shall jointly exercise authority over that child if this joint authority has been marked, upon their joint request, in the public authority register referred to in Article 1:244. A request referred to in the first sentence cannot be made with regard to children over whom such parents had jointly exercised authority in the past [the reason for this is that only a court order can end this joint authority over children born during the marriage or registered partnership and it would not be consistent that such a court order could be pushed aside by a simple request for a mark in the public authority register].
- 2. The clerk of the court shall refuse to make the requested mark if, at the moment on which the request was made:
  - a. one or both of the parents do not possess the legal capacity to exercise authority over minors, or;

- b. one of the parents has been removed or deprived from the right to exercise authority and the other parent exercises this authority alone, or
- c. a guardian has been charged with exercising authority over the minor, or
- d. authority over the child has not been established at all, or
- e. one of the parents has authority over the child and exercises it jointly with another person than the other parent of that child.

- 3. An appeal against a refusal to make the requested mark is only open if the request has been rejected because of the incapacity of one or both parents to exercise authority over minors on account of another reason than infancy (minority of age) or adult guardianship. Only then the District Court may be requested to order that the mark has to be registered. The District Court shall reject the appeal if there are well-substantiated grounds to fear that the interests of the child would be neglected if the appeal would be granted.

#### Article 1:253 Reactivation of authority when former spouses remarry with each other

- 1. If two former spouses remarry with each other or enter into a registered partnership with each other, while one of them still exercises authority over their child, then their joint authority will be reactivated by operation of law, unless the other former spouse does not possess the legal capacity to exercise authority over minors or has been removed or deprived from the right to exercise authority over this child or unless the former spouse who already exercised authority over the child did so on account of a joint authority exercised with another person who is not a parent of that child.

- 2. The former spouse whose authority has not been reactivated, may request the District Court to entrust him with authority over his child. Such a request may be rejected only if there are well-substantiated grounds to fear that the interests of the child would be neglected if the request would be granted.

- 3. Paragraph 1 and 2 apply accordingly if a legal separation has ended because of an official reconciliation.



- 4. Paragraph 1 and 2 apply accordingly where former registered partners, who jointly exercised authority over the child, enter into a new registered partnership or a marriage with each other.

#### Article 1:253a Court arrangement for the exercise of parental authority

- 1. When two parents jointly exercise authority over a child and there is a dispute in this regard between them, then this dispute may be laid before the District Court upon the request of one or both of the parents. The court shall settle the dispute by taking a decision in the best interests of the child.

- 2. Upon the request of one or both of the parents the District Court may also make an arrangement for the exercise of parental authority. This arrangement may include:

a. a distribution of the care and upbringing duties to each parent and, but only if this is required in the best interests of the child, a temporary ban for a parent to have contact with the child;

b. the decision with whom of the parents the child will reside primarily (main residence of the child);

c. the way in which information about serious matters relating to the child's person or property shall be provided to the parent with whom the child does not primarily reside or the way in which that parent has to be consulted;

d. the way in which information from third persons has to be provided in accordance with Article 1: 377c paragraph 1 and 2.

- 3. Where the parents are committed to an obligation as referred to in Article 1:247a and they have not complied with it, the court that has to decide on a request as meant in paragraph 2 shall of its own motion stay proceedings until this obligation has been performed properly. A stay of proceedings shall be omitted if this appears to be in the best interests of the child.

- 4. Articles 1:377a, 1:377e and 1:377g apply accordingly. The words 'right of contact' [right of access] or 'visitation arrangement' in these statutory

provisions, however, are to be read as 'distribution of care and upbringing duties'.

-5. Before the court takes a decision on a request as meant in paragraph 1 or 2, it will examine if the parents may reach a settlement and, when this is not possible, it may also, of its own motion or upon request, impose a coercive penalty insofar this is permitted by law or decide that the court order or parts of it will be enforceable with immediate effect under the application of Article 812, second paragraph, of the Code of Civil Procedure, always provided that the interests of the child do not oppose to this.

- 6. The court shall take the request into consideration within six weeks after it was filed.

#### *Subsection 1.14.2.1a Joint authority of parents within a registered partnership*

#### Article 1:253aa Authority over a child born during a registered partnership

- 1. Where a child is born during a registered partnership, its parents shall jointly exercise authority over it.

- 2. The statutory provisions for joint authority of parents apply accordingly to a joint authority as meant in paragraph 1, with the exception of Articles 1:251 paragraph 2 and 1:251a paragraph 2 and 3.

# Criminal Code

## Part XVIII. Serious Offences against Personal Liberty

### Section 279

1. Any person who intentionally removes a minor from the custody of a person who exercises parental authority over him, or from the supervision of a person legally vested with such supervision, shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.

2. A term of imprisonment not exceeding nine years or a fine of the fifth category shall be imposed if a ruse, an act of violence or threat of violence has been used, or if the minor is under age of twelve.

# Cooperation protocol regarding mandatory enforcement of return orders in international child abduction cases

## **Subject cooperation protocol**

### *International child abduction*

International child abduction takes place when a child is wrongfully removed from or not returned to the country of its habitual residence. This is wrongful when this happens contrary to the rights of custody of the country of its habitual residence (article 2 Hague Child Abduction Convention (HCAC)). This cooperation protocol applies to incoming cases, i.e. cases in which a child has been wrongfully brought to or retained in The Netherlands and where the effectuation of the return of the child has been applied for.

### *Mandatory enforcement of return orders*

When the court rules that the child must be returned to the country of its habitual residence, this return preferably takes place in proper consultation with both parents. The attorneys-at-law of both parents play an important role in this. If the abducting parent does not want to cooperate with the return of the child, the situation may arise in which the return order must be enforced with the aid of the law and the police. This is the case, for instance, when the abducting parent threatens to go into hiding. This only happens in very special circumstances, approximately one to three times a year.

## **Organisations involved**

The following organisations are involved in the mandatory enforcement of return orders:

- The legal profession
- The Public Prosecution Service;
- The police;
- The child Care and Protection Board;
- The Youth Care Agency;
- The Central authority for international child matters.

## **Legal framework**

The following legislation and regulations apply to the mandatory enforcement of return orders in international child abduction cases:

- Hague Child Abduction Convention (HCAC);
- International Child Protection (Implementation) Act (article 13);
- Code of Civil Procedure (articles 812, 813);
- Relevant rulings by the European Court for Human Rights (incl. no. 8677/03, P.P. v. Poland and no. 35030/04, Karadzic v. Croatia);
- International Convention on the Rights of the Child (ICRC) (in particular article 3).

## General agreements

### *Purpose*

The interest of the child should be the first consideration in return proceedings (in conformity with article 3 of the ICRC). Any returns from the Netherlands with the aid of the police must take place as adequately as possible, in order to ensure the best interest of the child as much as possible.

### *Process control*

When the Public Prosecutor receives an application from an attorney-at-law and article 13 of the International Child Abduction (Implementation) Act has been met, the Public Prosecutor shall follow the cooperation protocol pursuant to the provisions in article 813(2) CCP. The Public Prosecution Service subsequently is responsible for the actions arising from this and for process control. At the request of the attorney-at-law or a Public Prosecutor, the Central Authority may in special circumstances (where necessary) call on a cooperating organisation to act in conformity with the protocol. The purpose of this is to ensure that the system of return is not jeopardized.

### *Extensive circulation including in the workplace*

The relevant organisations will circulate this cooperation protocol and ensure its implementation in their own organisation.

## Cooperation procedure

### *Criteria*

- Cases of international child abduction are preferably settled through civil instead of criminal proceedings. This is in particular important for the cooperation between the police and the Public Prosecution Service<sup>1</sup>.
- In individual child abduction cases involving mandatory enforcement of a return order, the attorney-at-law will be the discussion partner of the Public Prosecutor.
- An international divorce situation may be complex and unclear. The Public Prosecutor must take as few as possible civil-law decisions (for instance surrounding questions of international private law).
- In principle, the Central Authority is not involved in individual cases, but may provide general legal information in respect of international divorce situations.

- The court decides on the interest of the child in conformity with the HCAC and on its return. Once the court has issued a return order there is no further scope for discussion whether return will or will not take place.
- The mandatory enforcement of the return order must to the largest possible extent consider the interest of the child.
- Involved organisations must do everything that may be reasonably required of them to enforce the return order, without delay.

### *Process description*

**Case:** The court has issued a return order. The child must be returned to the country of origin. The attorneys-at-law of the parents have discussed the enforcement of the court order, but the abducting parent refuses to cooperate with the return. The attorney-at-law of the left-behind parent involves the Public Prosecution Service. Subsequently, the following steps are taken.

1. The attorney-at-law of the left-behind parent contacts the Public Prosecutor in the district where the child is assumed to be residing, or otherwise in the district of The Hague (see article 9 of the Implementation Act).
2. The attorney-at-law of the left-behind parent sends the bailiff's copy of the return order to the relevant Public Prosecutor.
3. The relevant Public Prosecutor promptly deals with the case. If the Public Prosecutor requires further general (legal) information, or wishes to hold further consultations, he may contact the central contact point at the Public Prosecution Service. For general (legal) information in respect of international divorce situations the Public Prosecutor may contact the Central Authority, which he can also contact if he needs information from a central authority in the country of habitual residence of the child.
4. The criterion is that the Public Prosecutor ensures the prompt enforcement of the return order of the court. This is his responsibility, also in the event of complex international divorce situations. However:
  - In special circumstances, the Public Prosecutor may refuse his cooperation<sup>2</sup>. He informs the attorney-at-law of the left-behind parent hereof and the attorney-at-law may request, by way of preliminary relief proceedings, his cooperation after all.

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<sup>1</sup> See the instruction of the Procurators-General for the use of the National Schengen Information System.

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<sup>2</sup> For instance when there is clearly a case of a legal or actual error or if the facts that have come to light after the ruling will create a situation in which prompt enforcement cannot be accepted. See also hereafter.

- It does occur that the abducting parent starts preliminary relief proceedings to prevent the return. In that case, the enforcement court is in principle bound to the return order of the court in the main action. Only when there is obviously a case of a legal or actual error or if the facts that have come to light after the ruling will create a situation in which prompt enforcement cannot be accepted, the enforcement court may take measures to prevent enforcement<sup>3</sup>.
5. The Public Prosecutor requests the police in the relevant region to find out the place of residence of the child.
  6. The Public Prosecutor will contact the location of the Child Care and Protection Board in The Hague. He will discuss the situation with one of the board members appointed for this task, discussing in any case the way in which the enforcement may take place in the best possible way for the child. The location of the Board in The Hague will ensure coordination with the location of the Child Care and Protection Board in the region where the child resides at that time. The Public Prosecutor is responsible for making arrangements to proceed with the process, focussing on the following points:
    - The question whether the abducting parent will be invited for a meeting at the police station.
    - The question whether the abducting parent will be given a last opportunity to voluntarily cooperate with the return of the child or not, for instance if parent and child are in hiding or are suspected to be in hiding.
    - The question who the child will be handed over to and where the child will stay. This must be clear before the actual enforcement of the return order by the police is carried out.
    - The criterion is that the child has the chance to say goodbye to the abducting parent and can bring along much-loved possessions. This can only be deviated from if the safety of the persons involved is at risk or if the parent and child are in hiding.
    - Arrangements should be made about the way in which the police take action. Per case, it has to be considered whether a civilian police officer is required or indeed a uniformed officer. Not in any circumstance must light and sound signals on police vehicles be used in view of the shock effect this may have on the child. The criterion is that any actions are carried out as calmly as possible in the interest of the child.
  7. The Public Prosecutor, the police and the Child Care and Protection Board are responsible within their own roles and tasks for focussing on the child's best interest.
  8. The Child Care and Protection Board is responsible for an application for provisional guardianship if this is required for the enforcement of the return order in the interest of the child. This can be the case if the left-behind parent and the child have had no contact for a long time. In that case a provisional guardianship order may be applied for at and issued by the juvenile court. In that case, the Youth Care Agency takes care of the supervision of the child. However, enforcement of the return order of the court continues to be the objective.

*This cooperation protocol has been compiled in collaboration with the National Bureau of the Child Protection Council, the National Office of the Public Prosecution Service, The Netherlands Youth Care Agency, the Netherlands Police Agency, the Central Authority for International Child Matters, the Netherlands Bar Association and the Ministry for Security and Justice.*

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<sup>3</sup> The Court at The Hague, 29 March 2009, LJN: AV5333.

<sup>4</sup> In general, the court order states that the child has to return to the country of origin six weeks following the date of the order (in order to enable an appeal).

Application form for an international access arrangement to the child/  
Aanvraagformulier voor een internationale omgangsregeling met het kind

Please complete the downloaded form in Dutch and sign the attached authorization form. You are recommended to first read the enclosed explanation before completing the form. U wordt verzocht dit gedownloade formulier in het Nederlands in te vullen en het machtigingsformulier in te vullen en te ondertekenen. U wordt aanbevolen om eerst de toelichting bij dit formulier aandachtig te lezen, voordat u het formulier invult.

**For every other involved child, you may copy this page, complete it and attach it.**

**Voor ieder ander betrokken kind dient u deze pagina te kopiëren, in te vullen en toe te voegen.**

<p><b>REQUESTING CENTRAL AUTHORITY</b> VERZOEKENDE CENTRALE AUTORITEIT</p> <p style="text-align: center; font-size: 1.2em;">The Netherlands/Nederland</p>	<p><b>REQUESTED CENTRAL AUTHORITY</b> AANGEZOCHTE CENTRALE AUTORITEIT</p> <p>.....</p> <p>(The Central Authority in the country where the child now resides/De Centrale autoriteit van het land waar het kind nu verblijft)</p>
<b>A</b>	<b>GENERAL INFORMATION / ALGEMENE INFORMATIE</b>
<b>I</b>	<b>Identity of the child and parents / Identiteit van het kind en de ouders</b>
1.1.	Child / Kind
	Name / Naam:
	First names / Voornamen:
	Date and place of birth / Geboortedatum en -plaats: (dd/mm/yyyy)
	Nationality(ies) / Nationaliteit(en):
	Sex / Geslacht:
	Habitual residence / Gewone verblijfplaats:
	Passport(s) or identity card(s) (nr.) Paspoot(en) of identiteitskaart(en) (nr.):
	Civil registry number / Burgerservicenummer:
	Residence permit number / Verblijfsdocumentnummer:
	Description / Beschrijving:

1.2	Parents / Ouders	
1.2.1.	Mother / Moeder	
	Name / Naam:	
	First names / Voornamen:	
	Date and place of birth / Geboortedatum en -plaats: (dd/mm/yyyy)	
	Nationality(ies) / Nationaliteit(en):	
	Habitual residence / Gewone verblijfplaats:	
	*Street name and number of the house: Straatnaam en huisnummer:	
	*Postal code and City/Town: Postcode en woonplaats :	
	*Country / Land :	
	*Phone number and e-mail address : Telefoonnummer en e -mailadres:	
	Passport(s)or identitycard(s)(nr.): Paspoort(en) of identiteitskaart(en)(nr.):	
	Civil registry number / Burgerservicenummer:	
	Residence permit number/ Verblijfsdocumentnummer:	
1.2.2	Father / Vader	
	Name / Naam:	
	First names / Voornamen:	



	Date and place of birth / Geboortedatum en -plaats: (dd/mm/yyyy)	
	Nationality(ies) / Nationaliteit(en):	
	Habitual residence / Gewone verblijfplaats :	
	*Street name and number of the house: Straatnaam en huisnummer:	
	*Postal code and City/Town : Postcode en woonplaats:	
	*Phone number and E-mail address: Telefoonnummer en e-mailadres:	
	*Country / land:	
	Passport(s) or identitycard(s)(nr.) / Paspoot(en) of identiteitskaart(en) (nr.):	
	Civil registry number / Burgerservicenummer:	
	Residence permit number / Verblijfsdocumentnummer:	
1.2.3	Date and place of marriage / Datum en plaats huwelijk: (dd/mm/yyyy)	
or of	Registered partnership since / Datum geregistreerd partnerschap: (dd/mm/yyyy)	
Or of	Other form of cohabitation since / Andere samenlevingsvorm sinds: (dd/mm/yyyy)	
1.2.4	Date and place of any divorce decision, finalization of registered partnership or any other form of cohabitation / Datum en plaats echtscheiding, beëindiging geregistreerd partnerschap of andere samenlevingsvorm: (dd/mm/yyyy)	
	Copy of the decision included Yes / No Kopie van het bewijsstuk bijgevoegd Ja / Nee	
<b>II</b>	<b>Requesting individual:</b> (circle what is applicable) <b>Verzoekende persoon:</b> (omcirkel wat van toepassing is)	

	Father / Vader      Mother / Moeder  Other person, namely: / Ander persoon, namelijk:	
<b>III</b>	<b>Legal assistance / Juridische bijstand</b>	
	Office Name / Naam kantoor:	
	Name Legal advisor / Naam juridisch adviseur:	
	*Street name and number of the house: Straatnaam en huisnummer:	
	*Postal Code and City /Town : Postcode en plaats:	
	*Phone number and E-mail address : Telefoonnummer en e-mailadres:	
<b>IV</b>	<b>Summary of factual and/or legal information substantiating the request (e.g. a court decision): Opsomming van feitelijke en/of juridische informatie ten gronde aan het verzoek (bijv. een beschikking van de rechter):</b>	
<b>V</b>	<b>Specific proposal for an access arrangement / Concreet voorstel voor omgangsregeling:</b> Please be specific and practical in describing access moments; including visiting times, travel arrangements, costs, school Hollidays and also the ability to use phone, Skype/chat or other forms of media to maintain contact / Graag zo specifiek en praktisch mogelijk de omgangscontacten omschrijven; zowel de bezoektijden, de reis- en verblijfkosten, overige kosten, schoolvakanties en ook uw mogelijkheden om via telefoon, Skype/chat of andere manieren om contact te onderhouden.	

<b>B</b>	<b>ADDITIONAL RELEVANT INFORMATION / OVERIGE RELEVANTE INFORMATIE:</b>
<b>VI</b>	<b>Place where the child is thought to be / Plaats waar het kind vermoedelijk verblijft:</b> Father/vader          Mother/moeder Other person or institution/andere persoon of instelling
VI.1	Presumed whereabouts of the child(ren) / Vermoedelijk verblijfadres van het kind / de kinderen:
	*Name of the person or institution Naam van de persoon of instelling
	*Street name and number of the house: Straatnaam en huisnummer:
	*Postal code and City /Town : Postcode en plaats :
	*Country / Land :
	*Phone number and e-mail address : Telefoonnummer en e-mailadres:
VI.2	<b>In cases of unknown address or whereabouts of the child/In geval van onbekendheid met het adres of de feitelijke verblijfplaats van het kind:</b> Other persons who might be able to supply additional information relating to the whereabouts of the child(ren) / Andere personen die mogelijk aanvullende informatie kunnen verschaffen m.b.t. de verblijfplaats van het kind / de kinderen:

VI.3	Any other clues that may be helpful to find the whereabouts of the child(ren): Andere aanknopingspunten om de verblijfplaats van het kind / de kinderen te kunnen achterhalen:
<b>C</b>	<b>REQUESTED ANNEXES / GEVRAAGDE BIJLAGEN:</b>
<b>VII</b>	<b>List of documents to be annexed / Lijst van bij te voegen documenten:</b>
a.	Completed and signed 'Authorization' / Ingevulde en ondertekende 'volmacht'
b.	Photos / Foto's
c.	Copies of Passports / identitycards / residence Permits / Kopieën van paspoorten / identiteitskaarten / verblijfsdocumenten
d.	Certified extract(s) of birth certificate of the child(ren) / Uittreksel(s) van geboorteregister van het kind / de kinderen
e.	Certified extract(s) of custody / Uittreksel(s) uit het gezagsregister
f.	Copy of divorce decree or copy of document of the termination of registered partnership or other form of cohabitation / Kopie echtscheidingsbeschikking of kopie van document waaruit de beëindiging van geregistreerd partnerschap of andere samenlevingsvorm blijkt
g.	Copy of decree containing a decision regarding access to the child(ren) or other document containing an agreed access arrangement / Kopie van beschikking waarin omgang met het kind / de kinderen is bepaald of ander document waaruit een overeengekomen omgangsregeling blijkt

# AUTHORISATION

Dear Madam/Sir,

Please accept this letter as written authorisation, as may be required by Article 28 of the Hague Convention on the Civil Aspects of International Child Abduction (25 October 1980) and / or Article 13 of the European Convention on recognition and enforcement of decisions concerning custody of children and on restoration of custody of children (20 may 1980), empowering the Central Authority of the State where the child now resides

(Name of that State)..... or its designated representative, to act on my behalf.

Name of applicant:

Date of birth (dd/mm/yyyy):

Date (dd/mm/yyyy):

Place:

Signature:

# V O L M A C H T

Geachte dame/heer,

Ik verzoek u dit document te aanvaarden als schriftelijke volmacht, zoals vereist in Artikel 28 van het Haags Verdrag inzake de burgerrechtelijke aspecten van internationale kinderontvoering (25 oktober 1980) en / of Artikel 13 van het Europees Verdrag betreffende de erkenning en de tenuitvoerlegging van beslissingen inzake het gezag over kinderen en betreffende het herstel van het gezag over kinderen (20 mei 1980), waarmee ik de Centrale autoriteit van het land waar het kind nu verblijft

(Naam van dat land)..... of  
diens aangewezen vertegenwoordiger in staat stel om namens mij op te treden.

Naam verzoeker:

Geboortedatum (dd/mm/yyyy):

Datum (dd/mm/yyyy):

Plaats:

Handtekening:

## **Toelichting bij aanvraagformulier**

### Inleiding:

Indien het kind vanuit Nederland ongeoorloofd naar het buitenland is overgebracht of daar wordt achtergehouden en u berust daarin, maar u wilt wel omgang met uw kind hebben, kunt u een verzoek richten tot de Nederlandse Centrale autoriteit internationale kinderaangelegenheden om de Centrale autoriteit van het land waar het kind thans verblijft te verzoeken een omgangsregeling te bewerkstelligen. U dient hiervoor het aanvraagformulier zo volledig mogelijk in het Nederlands in te vullen. Mocht u de Nederlandse taal niet machtig zijn, dan kan het Centrum Internationale Kinderontvoering u behulpzaam zijn. De Nederlandse Centrale autoriteit zal op basis van het volledig ingevulde aanvraagformulier bij de Centrale autoriteit van het land waar het kind verblijft, een verzoek indienen voor een omgangsregeling met het kind. De Nederlandse Centrale autoriteit is dan de verzoekende partij en de buitenlandse Centrale autoriteit de aangezochte partij. In geval het kind is overgebracht naar een staat die geen partij is bij het Haags Verdrag inzake de burgerrechtelijke aspecten van internationale kinderontvoering, dan wel het Europees Verdrag betreffende de erkenning en de tenuitvoerlegging van beslissingen inzake het gezag over kinderen en het herstel daarvan, is er in het buitenland geen Centrale autoriteit. Het verzoek wordt dan langs diplomatieke weg gericht tot de aangezochte staat door tussenkomst van het Nederlandse Ministerie van Buitenlandse Zaken. Nadere informatie over de vraag of het land waarheen uw kind is overgebracht of waar het is achtergehouden, is aangesloten bij het genoemde Haagse Verdrag kunt u vinden op [www.hcch.net](http://www.hcch.net)

De contactgegevens van de Nederlandse Centrale autoriteit zijn: Ministerie van Veiligheid en Justitie, Postbus 20301, 2500 EH 's-Gravenhage. Faxnummer: +31 70 370 7507.

Telefoonnummer: +31 70 370 6252. Website: [www.rijksoverheid.nl/internationale-kinderontvoering](http://www.rijksoverheid.nl/internationale-kinderontvoering)

Het Centrum Internationale Kinderontvoering is te bereiken via telefoonnummer +31 (0)88 800 9000 (bereikbaar op werkdagen tussen 9:30 en 16:30 uur) of via het e-mailadres: [info@kinderontvoering.org](mailto:info@kinderontvoering.org)

### Toelichting over de in te vullen gegevens:

#### **Doel van het verzoek:**

Een verzoek aan de Centrale autoriteit kan strekken tot terugleiding van een kind of tot vaststelling van een internationale omgangsregeling tussen het kind en een ouder (of andere belanghebbende).

Een terugleiding kan aan de orde zijn nadat het kind ongeoorloofd is overgebracht naar het buitenland, dan wel wanneer het in het buitenland wordt achtergehouden en niet terugkeert. Ongeoorloofd wil zeggen: in strijd met het gezag recht over het kind. Strijd met het gezag recht doet zich voor wanneer een ouder (of andere persoon) die niet met het ouderlijke gezag over het kind is belast c.q. geen voogdij heeft, het kind naar het buitenland overbrengt of

achterhoudt zonder toestemming van de andere ouder. Van strijd met het gezag recht is eveneens sprake indien beide ouders het gezamenlijk gezag over het kind uitoefenen en de toestemming van de ene ouder ontbreekt voor de overbrenging of achterhouding van het kind naar/in het buitenland.

**NB 1: Indien het verzoek betrekking heeft op meerdere kinderen dan wordt u verzocht de eerste pagina van dit aanvraagformulier te kopiëren en voor elk kind afzonderlijk in te vullen. Vergeet u dan niet van ieder kind een beschrijving en zo mogelijk een foto bij te voegen.** ( waar in het formulier wordt gesproken over ‘het kind’ dient u dan te lezen ‘de kinderen’).

**NB 2: Indien uw verzoek gericht is op terugleiding van het kind dat vanuit Nederland ongeoorloofd naar het buitenland is overgebracht of daar wordt achtergehouden, dient u het andere formulier in te vullen dat hier op gericht is.**

#### **A. Algemene informatie:**

Kind: Om de identiteit van het kind vast te stellen en de familierechtelijke betrekkingen tussen kind en zijn ouders aan te tonen, is het noodzakelijk uittreksels uit het geboorteregister van het kind alsmede eventueel de akte van erkenning door de vader, indien deze niet met de moeder gehuwd was ten tijde van de geboorte van het kind, toe te voegen.

Het uittreksel kan worden aangevraagd bij de afdeling Burgerzaken van de gemeente waar het kind is geboren en waar het staat ingeschreven in de registers van de Burgerlijke Stand.

Gewone verblijfplaats: Dit is de plaats waar het kind (vóór zijn overbrenging of achterhouding) zijn hoofdverblijf had. De plaats waar het kind meestal verbleef, naar school ging etc. De plaats waar het sociale middelpunt van het leven van het kind ligt. De normale verblijfplaats kan blijken uit het uittreksel uit de Basisregistratie Personen (BRP).

Burgerservicenummer of Verblijfsdocumentnummer: U wordt verzocht het burgerservicenummer, zoals vermeld in het paspoort of op de identiteitskaart van het kind, in te vullen. Indien het verblijf in Nederland gebaseerd is op een verblijfsdocument, dient u het nummer daarvan hier in te vullen.

Beschrijving en foto: Het betreft de beschrijving van het uiterlijk van het kind waarop het verzoek betrekking heeft. Een foto is vooral van belang wanneer de precieze feitelijke verblijfplaats van het kind niet bekend is en het door de aangezochte autoriteiten moet worden gezocht.

Ouders: Hier dienen de gegevens van zowel de moeder als de vader te worden ingevuld. Bij ‘gewone verblijfplaats’ dient het woonadres te worden ingevuld. Ook wordt u verzocht het burgerservicenummer van ieder van u, zoals vermeld in het paspoort of op de identiteitskaart, in te vullen. Indien het verblijf in Nederland van (een van) u is gebaseerd op een verblijfsdocument, dient u het nummer daarvan hier in te vullen.



Datum en plaats huwelijk: Uit de gegevens betreffende het huwelijk van de ouders kan veel worden afgeleid met betrekking tot het ouderlijk gezag over het kind. Vermelding van de volledige gegevens en het bijvoegen van een uittreksel uit het Huwelijksregister waaruit het huwelijk van de ouders blijkt, is daarom wenselijk. Een uittreksel kan worden verkregen bij de afdeling Burgerzaken van de gemeente waar het huwelijk is voltrokken en waar het ingeschreven is in het Huwelijksregister.

Geregistreerd partnerschap of andere samenlevingsvorm: Indien sprake is van een geregistreerd partnerschap of een andere samenlevingsvorm, dienen hier de gegevens hiervan te worden vermeld met datum van registratie van het partnerschap, dan wel de datum van aanvang van de samenlevingsvorm en bijvoeging van documentatie waaruit de registratie of aanvang van de samenlevingsvorm blijkt.

Datum en plaats echtscheiding: Informatie betreffende de eventuele ontbinding van het huwelijk van de ouders is van even groot belang als de informatie betreffende het huwelijk. Een kopie van de beschikking van de rechtbank waarbij de echtscheiding is uitgesproken en een bewijs van inschrijving van de echtscheiding in de registers van de Burgerlijke Stand is daarom evenzeer wenselijk. Indien tussen de ex-echtgenoten een echtscheidingsconvenant is gesloten is bijvoeging hiervan eveneens aan te raden. Dat geldt ook voor het document waaruit de omzetting van een huwelijk in een geregistreerd partnerschap blijkt, indien van toepassing, of de beëindiging van het geregistreerd partnerschap of een andere samenlevingsvorm. Voorts is uiteraard ieder ander stuk onmisbaar indien daaruit kan blijken dat het kind niet naar het buitenland mocht worden overgebracht.

Ouderlijk gezag en voogdij: Wanneer het ouderlijk gezag bij beschikking van de rechter is opgedragen aan een van de ouders, een andere persoon of instantie, dient u dat hier aan te geven met de datum van de beschikking. U wordt in dat geval verzocht het document waaruit dit blijkt toe te voegen.

## **II. Verzoekende persoon of instantie:**

Indien de vader of de moeder de verzoekende ouder is kunt u dat eenvoudig aangeven door de “vader” of “moeder” te omcirkelen op het formulier. Indien de verzoekende partij een andere persoon is, wordt u verzocht de gegevens op pagina 4 volledig in te vullen. Indien de verzoekende partij een instantie is, wordt u verzocht de gegevens van deze instantie op pagina 4 volledig in te vullen.

## **III. Juridische bijstand:**

In het geval u zich bij de verdere procedure tot teruggeleiding van uw kind juridisch laat bijstaan door een advocaat, wordt u verzocht de gegevens van deze advocaat hier in te vullen.

## **IV. Opsomming van feitelijke en/of juridische informatie ten gronde aan het verzoek :**

U kunt hier aangeven op welke feitelijk of juridische informatie u uw verzoek baseert (bijvoorbeeld een uitspraak van de rechter)

## **V. Concreet voorstel voor een omgangsregeling:**

Hier wordt u verzocht zo specifiek en praktisch mogelijk de omgangscontacten te omschrijven; zowel de bezoektijden, de reis- en verblijfkosten, overige kosten, schoolvakanties en ook uw mogelijkheden om via telefoon, Skype/chat of andere manieren om contact te onderhouden.

## **B. Overige informatie:**

### **VI. Plaats waar het kind vermoedelijk verblijft:**

Inlichtingen waar het kind thans (hoogstwaarschijnlijk) feitelijk verblijft zijn van het grootste belang. Immers indien het kind zich niet op het grondgebied van de aangezochte staat bevindt, of aldaar niet wordt gevonden, kan geen omgangsregeling worden gevraagd. Indien het kind bij de vader of de moeder verblijft kunt u ook hier volstaan met het omcirkelen van “vader” of “moeder” op het formulier. Wanneer het kind bij een andere persoon verblijft, wordt u verzocht de gegevens van deze persoon op pagina’s 5 volledig in te vullen. Indien niet bekend is waar precies het kind zich bevindt, maar wel vaststaat dat het in de aangezochte staat is, is het ten behoeve van de opsporing van het kind noodzakelijk dat zoveel mogelijk gegevens over andere personen worden vermeld die mogelijk aanvullende informatie kunnen verschaffen over de verblijfplaats van het kind, dan wel andere aanknopingspunten voor de opsporing worden verstrekt. Bij het zoeken naar het kind kan een afbeelding of foto van het kind van groot nut zijn.

## **C. Gevraagde bijlagen:**

### **VI Lijst van bij te voegen documenten:**

Tot slot kan hier voor de duidelijkheid een lijst worden verstrekt van alle bijgevoegde stukken. U kunt hier doorhalen wat niet van toepassing is. De Centrale autoriteit zal de benodigde Nederlandse wets- en verdragsbepalingen bijvoegen.

### **Volmacht:**

De verzoekende ouder dient de buitenlandse Centrale autoriteit volmacht te verlenen namens hem/haar op te treden. Op de stippellijn dient de naam van de aangezochte Staat te worden ingevuld (dit is de staat waarheen het kind is overgebracht of waar het is achtergehouden en nu verblijft). Vervolgens dient de verzoekende ouder achtereenvolgens zijn/haar volledige naam in te vullen, zijn/haar geboortedatum, de datum en plaats van ondertekening en tot slot dient de volmacht ondertekend te worden. Graag beide volmachtformulieren in de Nederlandse en Engelse taal invullen en ondertekenen.

# Dutch Civil Code

## Law of Persons and Family Law

### **Title 1.15 Right of contact with the child and the provision of information**

#### Article 1:377a Right of contact and visitation arrangements

- 1. A child has a right of contact [right of access] with its parents and with those persons with whom it maintains a close personal relation. A parent who has no authority over the child, has the right and the obligation to have contact with his child.
- 2. Upon the request of both parents or of one of them or upon the request of the persons with whom the child maintains a close personal relation, the court shall order an arrangement for exercising the right of contact ('visitation arrangement'), whether or not for a specific period, or it shall deny the right of contact, whether or not for a specific period.
- 3. The court shall only deny a right of contact if:
  - a. such contact would seriously harm the mental or physical development of the child, or
  - b. the parent or the person with whom the child maintains a close personal relation is obviously incapable or clearly not in a position to have contact with the child, or;
  - c. the child who has reached the age of twelve years expressed at its hearing before the court that it has serious objections against having contact with his parent or the person with whom it maintains a close personal relation, or;
  - d. such contact is otherwise in conflict with significant interests of the child.

#### Article 1:377b Information and consultation

- 1. The parent who has been entrusted with authority over the child, must inform the parent without authority of important matters concerning the person and the property of the child and he must consult this parent - if necessary through third parties – on decisions to be taken on these matters. At the request of a parent the court may make an arrangement for this purpose.

- 2. If the interest of the child require so, the court may order, upon the request of the parent exercising authority or of its own motion, that paragraph 1 of the present Article will remain inapplicable.
- 3. Article 1:377e applies accordingly.

#### Article 1:377c Information to be provided by professional third persons

- 1. Without prejudice to the provisions of Article 1:377b the parent without authority will, if he desires so, be informed by third persons of important facts and circumstances concerning the person of the child or the child's care and upbringing, available to these third persons on account of their profession, unless these third persons would not in the same way provide this information to the person who exercises authority over the child or at whose address the child's habitual residence is located or unless the interest of the child are not served by providing such information.
- 2. If the provision of information has been refused, the court may order, upon the request of the parent meant in paragraph 1, that the information must be provided in the way as specified to this end in its court order. The court shall in any event reject such a request if providing this information would be in conflict with the interests of the child.

#### Article 1:377d Start of exercising right of contact (right of access)

- 1. Notwithstanding the provisions of paragraph 2 of the present Article, the exercise of the right of contact will start as soon as the relevant court order has become final and binding or, if it has been made enforceable with immediate effect, the day after the court order has been handed over or sent out.
- 2. If as well a court order on authority over the child is given or has been given, the exercise of the right of contact will start no sooner than at the moment on which the other parent or the guardian has started to exercise his authority.

#### Article 1:377e Change of a court order or a visitation arrangement for having contact with the child

At the request of both parents or of one of them or at the request of a person with whom the child maintains a close personal relation, the court may change a court order establishing a right of contact or a visitation arrangement made by the parents mutually on the ground of a change of circumstances or on the ground that the court order was taken on the basis of incorrect or incomplete information.

Article 1:377g Minor himself may ask the court to take certain decisions

The court may of its own motion give a court order based on Articles 1:377a, 1:377b or 1:377f or change an earlier given court order by virtue of Article 1:377e if the child has indicated to the court that it would appreciate this. The same applies if the minor has not yet reached the age of twelve years, but is regarded to be able to evaluate his interests in the matter reasonably.