

Questionnaire concerning the Practical Operation of the 1980 Child Abduction Convention

Wherever responses to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1980 Convention, **please provide a copy of the referenced documentation** in (a) the original language and, (b) wherever possible, accompanied by a translation into English and / or French.

Name of State or territorial unit: ¹	Dominican Republic
<i>For follow-up purposes</i>	
Name of contact person:	
Name of Authority / Office:	
Telephone number:	
E-mail address:	
Date:	

PART I – PRACTICAL OPERATION OF THE 1980 CONVENTION

Recent developments in your State²

1. Since the 2017 SC, have there been any significant developments in your State regarding the **legislation** or **procedural rules** applicable in cases of international child abduction? Where possible, please state the reason for the development and the results achieved in practice.

- No
 Yes

Please specify:

Resolution 480-2008, dated March 6, 2008, issued by our Supreme Court of Justice establishes the Procedure to hear the request for restitution of a minor illegally transferred to the Dominican Republic. This legal norm is still in force in our country, and has served as a model law for other countries in the region in order to guarantee the correct application of the 1980 Hague Convention on the Civil Aspects of International Child Abduction to all minors. person transferred to or illegally retained in any State Party.

2. Following the Covid-19 pandemic,³ have there been any **improvements** that have remained in your State in the following areas, in particular in relation to the **use of information technology**, as a result of newly adopted procedures or practices applicable to child abduction cases? In each case, please describe the tools, guidelines or protocols put in place.

- a) Methods for accepting and processing return and access applications and their accompanying documentation;

This Dominican Central Authority continues to allow the use of information technologies, making it easier for other central authorities to receive case documents based on article 7 of the 1980 Hague Convention, accepting their formal presentation through our emails. official accounts.

¹ The term "State" in this Questionnaire includes a territorial unit, where relevant.

² This Part of the Questionnaire is intended to deal primarily with the developments in law and practice relating to international child abduction which have occurred in your State since the Seventh Meeting of the Special Commission (SC) to review the operation of the 1980 Abduction Convention and the 1996 Child Protection Convention (held from 10 to 17 October 2017) ("2017 SC").

³ This question aims to gather information about good practices that were developed in those exceptional circumstances and that will continue to be applied regardless of the pandemic.

- b) Participation of the parties and the child (e.g., appearance in court proceedings, mediation);
The parties involved in the international child abduction judicial process may request the judge who hears the case, the opportunity to be heard by videoconference during the course of the hearing. For minors we can also make use of this technology, they are interviewed in a controlled and prepared environment so that they feel comfortable and express their opinion freely.
- c) Promoting mediation and other forms of amicable resolution;
The aforementioned resolution 480-08 issued by the Supreme Court of Justice, allows our administrative and judicial authorities to apply article 10 of the 1980 Hague Convention to achieve a friendly solution using technology to establish contact between the parties involved. in the process.
- d) Making arrangements for organising or securing the effective exercise of rights of access, including while pending return proceedings;
The parties in the process may request the judge who hears the case to order precautionary measures in order to establish communication through video calls or other ways that allow the use of technology.
- e) Obtaining evidence by electronic means;
Submit evidence with audio recordings of conversations carried out on communication platforms or networks, such as WhatsApp, Facebook, etc.
- f) Ensuring the safe return of the child;
The opportunity to have more fluid communication with the requesting parent who is in the Requesting State is maintained, making use of digital programs, reciprocally sharing information to facilitate the return of the minors.
- g) Cooperation between Central Authorities and other authorities;
Document procedures between central authorities digitally without having to resort to special procedures for validation, based on article 23 of the 1980 Hague Convention.
- h) Providing information and guidance for parties involved in child abduction cases;
See all previous answers.
- i) Other, please specify.
Please insert text here

3. Please provide the three most **significant decisions concerning the interpretation and application of the 1980 Convention** rendered since the 2017 SC by the relevant authorities⁴ in your State.

Case Name	Court Name	Court Level	Brief summary of the ruling
Girl Martinez Benedicto	Court of Appeals for Children and Adolescents of the National District, DR	second degree	The Dominican Central Authority participated in this case as the Requested State, the mother requested the restitution of her daughter. The girl traveled to the Dominican Republic with her father, for vacation reasons, but then the father retained his daughter in our

⁴ The term “relevant authorities” is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1980 Convention. Whilst in the majority of Contracting Parties such “authorities” will be courts (i.e., judicial), in some States Parties administrative authorities remain responsible for decision-making in Convention cases.

			country without the consent of the mother or any judicial authority. In the first place, the First Degree Court was able to confirm the right of guardianship that the mother had before the transfer of her daughter. It also confirmed that the girl had her habitual residence outside the national territory. The Court of Appeal confirmed the decision to return the girl, since the father could not prove the existence of the causes indicated in article 13 of the Hague Convention of 1980.
Brothers Pérez Villanueva	Court of Appeals for Children and Adolescents of the Santiago Judicial Department	second degree	This case referred to a request for restitution made by the father against the mother, she transferred her children to our country simulating false documents that she had obtained in the place of habitual residence of the minors. The Dominican Central Authority was able to demonstrate in both degrees of justice with the support of the Central Authority of the Requesting State, that the mother falsified documents and permits to leave the country to illegally transfer her children. The children were interviewed by the judges, they wanted to stay in the Dominican Republic with their mother, but the judges found that the children were being manipulated by the mother in their answers, so their opinion was rejected. The Court of Appeals ordered the restitution of the minors together with their father, who is the one who exercises custody of them in the country of their habitual residence.
Child Contreras Peña	Court of Appeal for Children and Adolescents of the National District.	second degree	This case had the particularity that it involved two women who had undergone a process of artificial insemination to become mothers of the child. The judges were able to observe the custody rights exercised by the biological mother of the child. In this case, the judges rejected the request for restitution, motivating their decision by indicating that the child had already adapted to a new home, and changed his habitual residence, the request was filed at a time when the country was affected by the COVID-19 pandemic. This caused the return request to be filed after the one-year period.

4. Please provide a brief summary of **any other significant developments** in your State since the 2017 SC.

Please insert text here

Issues of compliance

5. Has your State faced any particular **challenges with other Contracting Parties** to the 1980 Convention in achieving successful cooperation? Please specify the challenges that were encountered and, in particular, whether the problems appear to be systemic.

- No
 Yes

Please specify the challenges encountered:

One of the main places as a destination country for our migration is Spain, this indicates that we constantly have requests for cases that we work on reciprocally between the two (Requested State or Requesting State). However, Spanish legislation or regulations for the application of the 1980 Hague Convention do not establish the procedure for requests that have as their object the application of article 21 of this Agreement, this means that the Spanish Central Authority does not accept requests for access or visits between both states. This has consequences for us because we do not have their cooperation to guarantee the right of children and adolescents to share visits with their parents.

6. Are you aware of situations or circumstances in which there has been **avoidance or improper application** of the 1980 Convention as a whole or any of its provisions in particular?

- No
 Yes

Please specify:

There are aspects or failures for the correct application of Resolution 480-08 issued by our Supreme Court of Justice, basically due to time issues for hearing judicial processes and/or criteria used when judging cases contrary to the provisions of the the aforementioned resolution and the 1980 Hague Convention itself, such as:

Extremely long deadlines for setting and subsequent knowledge of hearings, in contrast to the call for speed and urgency framed in Article 11 of the 1980 Hague Convention, and the short deadlines established in Resolution 480-08 for the realization of due process.

Courts that rule on substantive aspects related to custody and custody, which is contrary to the exhaustive interpretation of article 16 of the same Agreement.

Priority to evaluate the stability or living conditions of the minor who is the object of the illegal transfer or retention in our country, ordering the completion of Social Work studies and without taking into account article 12 of the Agreement.

Courts that order psychological interviews for 3-year-old children, without them presenting an ideal degree of maturity to express their opinion in the case that involves them.

Courts that hear Requests for Visits in cases that have as their object the restitution of a minor illegally transferred and retained in our country

Addressing delays and ensuring expeditious procedures

7. The 2017 SC encouraged States to review their procedures (including, where applicable, at the Central Authority, judicial, enforcement and mediation / other alternative dispute resolution - “ADR” phases)⁵ in order to identify possible sources of delay and implement the adjustments needed to secure shorter time frames consistent with Articles 2 and 11 of the Convention. Please indicate any identified sources of delay at the following phases:

Central Authority

- No
 Yes
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

Please insert text here

Judicial proceedings

- No
 Yes
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

Please note the answer to question 6.

Enforcement

- No
 Yes
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

On occasions, the representation of the Public Prosecutor's Office specialized in dealing with matters of minors does not act with the speed indicated in articles 2 and 11 of the 1980 Hague Convention.

Mediation / ADR

- No
 Yes
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

Please insert text here

Court proceedings and promptness

⁵ See C&R No 4 of the 2017 SC, “The Special Commission acknowledges that some States have made progress in reducing delays and encourages States to review their procedures (including, where applicable, at the Central Authority, judicial, enforcement and mediation / ADR phases) in order to identify possible sources of delay and implement the adjustments needed to secure shorter time frames consistent with Articles 2 and 11 of the Convention.”

8. Does your State have mechanisms in place to deal with return decisions within six weeks (e.g., production of summary evidence, limitation of appeals, swift enforcement)?
- No
 Yes
 Please specify:
 The aforementioned Resolution 480-08 establishes short deadlines to learn about the application process of the 1980 Hague Convention, which is adjusted to the six-week deadline. Limited to hearing a single appeal, there are no further appeals open on these matters.
9. If the response to question 8 above is “No”, does your State contemplate implementing mechanisms to meet the requirement of prompt return under the 1980 Convention (e.g., procedures, bench-books, guidelines, protocols)?
- No
 Please specify:
 Please insert text here
 Yes
 Please specify:
 Please insert text here
10. Do the courts in your State make use of direct judicial communications⁶ to ensure prompt proceedings?
- No
 Yes
 Please specify:
 Our country has the designation of a Judge for the International Hague Network of Judges (Judge Antonia Josefina Grullón Blandino, Court Judge, in the Court of Appeals for Children and Adolescents of the National District.) to guarantee the correct application of the Convention, this person facilitates communication between the central authority and the judges who find cases of international abduction, provide guidance, among other support..
11. If your State has not designated a judge to the International Hague Network of Judges (IHNJ) does your State intend to do so in the near future?
- No
 Yes
 Please specify:
 Observe our answer 10
12. Please comment upon any cases (where your State was the requested State) in which the judge (or decision-maker) has, before determining an application for return, communicated with a judge or other authority in the requesting State regarding the issue of the child’s safe return. What was the specific purpose of the communication? What was the outcome?
- Regarding national law on child´s custody and visiting rights.ease insert text here

⁶ For reference, see “Direct Judicial Communications - Emerging Guidance regarding the development of the International Hague Network of Judges and General Principles for Judicial Communications, including commonly accepted safeguards for Direct Judicial Communications in specific cases, within the context of the International Hague Network of Judges”.

The role and functions of Central Authorities designated under the 1980 Convention

In general

13. Have any of the duties of Central Authorities, as set out in **Article 7** of the 1980 Convention, raised any particular problems in practice either in your State, or in Contracting Parties with which your State has cooperated?

No
 Yes
 Please specify:
 Please insert text here

14. Has your Central Authority encountered any challenges with the application of **any of the 1980 Convention provisions**? If so, please specify.

No
 Yes
 Please specify:
 Please insert text here

Legal aid and representation

15. Do the measures your Central Authority takes to provide or facilitate the provision of legal aid, legal advice and representation in return proceedings under the 1980 Convention (**Art. 7(2)(g)**) result in delays in proceedings either in your own State, or, where cases originate in your State, in any of the requested States that were dealt with?

No
 Yes
 Please specify:

16. Are you aware of any other challenges in your State, or, where cases originate in your State, in any of the requested States your Central Authority has dealt with, regarding the **obtaining of legal aid, advice and / or representation for either left-behind parents or taking parents?**⁷

No
 Yes
 Please specify:
 Our Central Authority has a team of lawyers who offer their services free of charge for the legal representation of parents who request the restitution of the minor person in cases where the Dominican Republic acts as the Requested State, this guarantees that the process, in the administrative stage, be done more quickly. However, a different situation occurs with other countries when we act as a Requesting State, in places where they do not have a team of lawyers and must provide legal advice through external lawyers, this causes delays in the process.

Locating the child

⁷ See paras 1.1.4 to 1.1.6 of the C&R of the Fifth Meeting of the SC to review the operation of the 1980 Child Abduction and the practical implementation of the 1996 Child Protection Convention (30 October – 9 November 2006) (2006 SC C&R) and paras 32 to 34 of the C&R of the Sixth Meeting of the SC to review the operation of 1980 and 1996 Conventions (1-10 June 2011 and 25-31 January 2012) (2012 SC C&R), available on the HCCH website at www.hcch.net under “Child Abduction Section” then “Special Commission meetings”.

17. Has your Central Authority encountered any **challenges with locating children** in cases involving the 1980 Convention, either as a requesting or requested State?

- No
 Yes

Please specify the challenges encountered and what steps were taken or are considered to be taken to overcome these challenges:

On some occasions when the Dominican Central Authority acts as the Requested State, we have not received enough information or data that must be provided by the requesting parents or the Central Authority of the Requesting State, this makes it quite difficult to locate people in our country. who have been indicated in the received case; In these situations, we have the support of the local investigative authorities to find the minor person and their companion, and we also request the support of our immigration authorities to confirm the presence of these persons in our country. In another sense, when we act as a Requesting Central Authority, we also sometimes have difficulties locating people abroad, this is because in some countries they do not have the support of their local authorities to try to locate people in their territories, and They are only limited to investigating by making calls or sending letters to the addresses that we must provide them.

Voluntary agreements and bringing about an amicable resolution of the issues

18. How does your Central Authority (either directly or through any intermediary) take, or is considering taking, appropriate steps under **Article 7(c)** to bring about an amicable resolution of the issues? Please explain:

The Dominican Central Authority always prioritizes the efforts to obtain the voluntary resolution of the minor. To achieve this, we hold a meeting with the adult who is being identified as the author of the act, with the aim of explaining the reasons for the accusation against him, and we warn him of the consequences thereof. We write a letter to record the intention of the person of legal age and their reasons, we share this letter with the Central Authority of the Requesting State so that they can deliver it to the requesting parent to find out if they agree with the friendly return proposal of the younger person. In addition, the Dominican Central Authority supports the immigration procedures for the minor to leave the country to guarantee their quick return to their place of habitual residence.

19. In the case that your Central Authority offers mediation services, or other alternative dispute resolution methods to bring about an amicable resolution of the issues, has your Central Authority reviewed these procedures in the light of the framework of international child abduction cases (e.g., by providing trained, specialised mediators, including with cross-cultural competence and necessary language skills⁸)?

Please specify:
 NO.

20. Should the services mentioned in the question above not yet be provided, does your Central Authority intend to provide them in the future?

Please provide comments:

⁸ For reference, please see the recommendation in the Guide to Good Practice on Mediation, item 3.2, paras 98-105, "Specific training for mediation in international child abduction cases", available on the HCCH website at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice".

This Dominican Central Authority would be very grateful to have the support of other Central Authorities to train people in mediation on the issue of international child abduction based on the 1980 Hague Convention.

21. Has your State considered, or is it in the process of considering, the establishment of a central service for international family mediation to facilitate access to information on available mediation services and related issues for cross-border family disputes involving children?⁹

No
Please explain:
Please insert text here

Yes
Please explain:
We have considered being able to count on this type of service for international child abduction cases, however, we need support with economic resources and training to be able to start this service.

Ensuring the safe return of children¹⁰

22. How does the competent authority in your State obtain information about the protective measures available in the requesting State when necessary to ensure the safe return of the child?

Please explain:

The Dominican Republic is a member of the 1996 Hague Convention, and with this we request its application in those countries that have also signed their request to request information on the protection measures available in the Requesting State. In those countries that are not part of this international instrument, the Dominican Central Authority makes use of the spirit of cooperation to request information on the legislation of its country from the Central Authority of the Requesting State.

23. If requested as a safe return measure (e.g., in accordance with the 1996 Convention), would your Central Authority be in a position to provide, either directly or through intermediaries, a report on the situation of the child after a certain period of time after the return?

No
 Yes
Please specify:

The Dominican Central Authority has a technical team of Social Workers and Psychologists to be able to directly carry out, and free of charge, a report on the situation of the child in the situations that are necessary. Likewise, this work team supports to carry out the investigations of the requests that are based on the application of article 32(a) of the Hague Convention of 1996.

Information exchange, training and networking of Central Authorities

24. Has your Central Authority shared experiences with other Central Authority(ies), for example by organising or participating in any networking initiatives such as regional meetings of Central Authorities, either in person or online?¹¹

⁹ As it has been encouraged in the Guide to Good Practice on Mediation, Chapter 4, on “Access to Mediation”. paras 114-117. See also 2011 / 2012 SC C&R at para. 61.

¹⁰ See Art. 7(2)(h) of the 1980 Convention.

¹¹ See, in particular, Chapter 6.5, on twinning arrangements, of the Guide to Good Practice – Part I – Central Authority Practice, available on the HCCH website at www.hcch.net (see path indicated in note 8).

- No
 Yes

Please specify:

The Dominican Central Authority has participated directly, and also online, in various activities organized by the HCCH Regional Secretariat for Latin America and in activities organized by Central Authorities from other regions, with the aim of training, case studies, etc. .

Case management and collection of statistical data on applications made under the Convention

25. Has your Central Authority developed any protocols or internal guidelines for the processing of incoming and outgoing cases?

- No
 Yes

Please specify and share the relevant instruments whenever possible:

We are working on updating our internal protocol to indicate the measures that the Dominican Central Authority takes when a child or adolescent has been illegally transferred or is being retained and is returned to their habitual residence.

26. Does your Central Authority operate a case management system for processing and tracking incoming and outgoing cases?

- No
 Yes

Please specify:

Please insert text here

27. Does your State collect statistical data on the number of applications made per year under the 1980 Convention (e.g., number of incoming and / or outgoing cases)?¹²

- No
 Yes

In case this information is publicly made available, please share the links to the statistical reports:

Please insert text here

Transfrontier access / contact¹³

28. Since the 2017 SC, have there been any significant developments in your State regarding Central Authority practices, legislation, procedural rules or case law applicable in cases of transfrontier access / contact?

- No
 Yes

Please specify:

Please insert text here

¹² In the Country Profile for the 1980 Child Abduction Convention, question No 23(e), States are asked to inform whether statistics related to applications under the Convention are publicly available. Please note that, at its meeting of 2021, according to Conclusion & Decision (C&D) No 19, the Council on General Affairs and Policy (CGAP) mandated the discontinuance of INCASTAT.

¹³ See C&R Nos 18-20 of the 2017 SC.

29. Has your Central Authority encountered any problems as regards cooperation with other States in making arrangements for organising or securing the effective exercise of rights of access / contact?

- No
- Yes

Please specify:
See our answer to question 5.

30. Has your State had any challenges, or have questions arisen, in making arrangements for organising or securing the effective exercise of rights of access / contact under **Article 21** when the application was *not* linked to an international child abduction situation?¹⁴

- No
- Yes

Please specify:
Please insert text here

31. In the case of access / contact applications under **Article 21**, which of the following **services** are provided by your Central Authority?

Position	Services provided
A request of assistance to organise or secure effective exercise of rights of access in another Contracting Party (as requesting State)	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1. Assistance in obtaining information on the operation of the 1980 Convention <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" type="checkbox"/> 3. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide <input checked="" type="checkbox"/> 4. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input checked="" type="checkbox"/> 5. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access <input checked="" type="checkbox"/> 6. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 7. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State <input checked="" type="checkbox"/> 8. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" type="checkbox"/> 9. Provision of regular updates on the progress of the application <input type="checkbox"/> 10. Other, please specify: Please insert text here
A request of assistance to organise or secure effective exercise of rights of access in your State (as requested State)	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1. Providing information on the operation of the 1980 Convention and / or the relevant laws and procedures in your State <input checked="" type="checkbox"/> 2. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access <input checked="" type="checkbox"/> 3. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 4. Assistance in obtaining private legal counsel or mediation services available in your State <input checked="" type="checkbox"/> 5. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" type="checkbox"/> 6. Regular updates on the progress of the application

¹⁴ According to C&R No 18 of the 2017 SC, “The Special Commission agrees that an application to make arrangements for organising or securing the effective exercise of rights of access / contact under Article 21 can be presented to Central Authorities, independently of being linked or not, to an international child abduction situation.”

	<input type="checkbox"/> 7. Other, please specify: Please insert text here
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32. Should your State also be a Contracting Party to the 1996 Convention, are you aware of any use being made of **provisions of the 1996 Convention**, including those under Chapter V, **in lieu of or in connection with an application under Article 21** of the 1980 Convention?

- No
 Yes
Please specify:
Please insert text here

Special topics

Obtaining the views of a child in a child abduction case

33. When obtaining the views of a child in a child abduction proceeding in your State's jurisdiction, what are the elements normally observed and reported by the person hearing the child (e.g., expert, judge, guardian *ad litem*? (E.g., the views of the child on the procedures, the views of the child on the subject of return, the maturity of the child, any perceived parental influence on the child's statements)?

Please explain:
Usually it's the judge according child's maturity and age. If it's necessary an expert psychologist with the judge.

34. Are there any procedures, guidelines or principles available in your State to guide the person (e.g. expert, judge, guardian *ad litem*) in seeking the views of the child in a child abduction case?

- No
 Yes
Please specify:
Only the art.12 guidelines of the convention on the rights of the child and the general comment No.12 (2009) UN.

Article 15

35. As requesting State (outgoing applications), how often have judicial or administrative authorities in your State received requests for Article 15 decisions or determinations?

- Do not know
 Never
 Rarely
 Sometimes
 Very often
 Always

36. As requested State (incoming applications), how often have judicial or administrative authorities in your State requested Article 15 decisions or determinations?

- Do not know
 Never
 Rarely

- Sometimes
 Very often
 Always

37. Please indicate any good practices your State has developed to provide as complete as possible information in the return applications as required under Article 8 with a view to speed up proceedings?

Please indicate:

The Dominican Central Authority provides support to the requesting parent to fill out the internal form for the application of the 1980 Hague Convention (written in English or French, in some cases, also with other languages available), this guarantees that we can share all the information available with the Central Authority of the Requested State. Likewise, we send the forms with a certification of our legislation on the proof of the rights of minors in our country; among other good practices.

38. Considering C&R No 7 of the 2017 SC,¹⁵ what information do you suggest adding to the Country Profile for the 1980 Convention, either as requested State or requesting State in relation to Article 15?

Please insert your suggestions:

Please insert text here

Relationship with other international instruments on human rights

39. Has your State faced any challenges, or have questions arisen, in processing international child abduction cases where there was a **parallel refugee claim** lodged by the taking parent?

- No
 Yes

If possible, please share any relevant case law or materials that are relevant to this type of situation in your State or, alternatively, a summary of the situation in your State:

Please insert text here

- Do not know

40. Has the concept of the **best interest of the child** generated discussions in your State in relation to child abduction proceedings? If it is the case, please comment on any relevant challenges in relation to such discussions.

- No
 Yes

Please provide comments:

Please insert text here

Use of the 1996 Convention¹⁶

41. If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention (please comment where applicable below):

¹⁵ See C&R No 7: "The Special Commission recommends amending the Country Profile for the 1980 Convention to include more detailed information on the Article 15 procedure. It is further recommended that an Information Document on the use of Article 15 be considered with, if necessary, the assistance of a small Working Group."

¹⁶ For this part of the Questionnaire, the [Practical Handbook on the Operation of the 1996 Child Protection Convention](#) can provide helpful guidance, available on the HCCH website at [under "Child Protection Section"](#).

(a) providing a jurisdictional basis for urgent protective measures associated with return orders (**Arts 7 and 11**)

Please insert text here

(b) providing for the recognition of urgent protective measures by operation of law (**Art. 23**)

Please insert text here

(c) providing for the advance recognition of urgent protective measures (**Art. 24**)

Please insert text here

(d) communicating information relevant to the protection of the child (**Art. 34**)

Please insert text here

(e) making use of other relevant cooperation provisions (e.g., **Art. 32**)

Please insert text here

42. If your State is a Party to the 1996 Convention, does your State make use of the relevant cooperation provisions (e.g., Art. 32) to provide, if requested, either directly or through intermediaries, a report on the situation of the child after a certain period of time after the return?¹⁷

- No
 Yes

Please specify:

Please insert text here

Primary carer and protective measures

43. Are you aware of any cases in your State where a primary carer taking parent, for reasons of personal security (e.g., domestic or family violence, intimidation, coercive control, harassment, etc.) or others, has refused or has not been in a position to return with the child to the requesting State? How are such cases dealt with in your State?

Please explain and provide case examples where possible:

We have known cases that present these characteristics, in these cases the person who has the minor must provide documentary evidence of the existence of situations of abuse or violation of rights that have been carried out against them. The Central Authority and the judicial authorities of the Dominican Republic will analyze these documents in order to determine if it is possible to make use of the exceptions contained in article 13 of the 1980 Hague Convention. The documents that will be analyzed must be issued by authorities authorities of the place of habitual residence of the minor, events prior to his transfer. Likewise, the minor person may be heard depending on their degree of maturity, this is a fundamental principle that is established in our Law 136-03 (national legislation for the Protection of Minors).

44. Would the authorities of your State consider putting in place measures to protect the primary carer upon return in the requesting State if they were requested as a means to secure the safe return of the child?

¹⁷ See C&R No 40 of the 2017 SC: “The Special Commission notes that many Central Authorities may provide certain degrees of assistance (both when the 1980 Convention and / or the 1996 Convention apply), both to individuals within their own State and to foreign Central Authorities on behalf of an individual residing abroad. Requests for assistance may encompass such matters as: securing rights of access; the return of children (both when the 1980 Convention and / or the 1996 Convention apply); the protection of runaway children; reporting on the situation of a child residing abroad; *post-return reports for children returned to their habitual residence*; the recognition or non-recognition of a measure taken abroad (advanced recognition); and, the enforceability of a foreign measure of protection.” (Emphasis added.)

Please explain and provide case examples where possible:

In the conciliation stage to achieve the voluntary return of the minor, the Dominican Central Authority makes a communication with the parent who retains the minor in our country. This communication is a proposal that the abducting parent can make. to consider taking some necessary steps. measures to guarantee their friendly return, these measures may be implemented if they fall within the scope of this Dominican Central Authority.

45. In cases where the return order was issued together with a protective measure to be implemented upon return, are you aware of any issues encountered by your State in relation to the enforcement of such protective measures?

- No
 Yes

Please explain and distinguish between such measures being recognised and enforced under the 1996 Convention:
Please insert text here

46. In cases where the return order was issued together with an undertaking given by either party to the competent authority of the requested State, are you aware of any issues encountered by your State in relation to the enforcement of such undertakings?

- No
 Yes

Please specify:
Please insert text here

47. If your State is a Contracting Party to the 1996 Convention, is Article 23 of that Convention being used or considered for the recognition and enforcement of undertakings given by either party while returning a child under the 1980 Convention?

- No
 Yes

Please specify:
Please insert text here

- N/A

48. In cases where measures are ordered in your State to ensure the safety of a child upon return, does your State (through the Central Authority, competent Court or otherwise) attempt to monitor the effectiveness of those measures upon the child's return?

- No
 Yes

Please specify:
The Dominican Central Authority provides continuous monitoring of the case to verify with the Central Authority of the other country, that the minor has had a safe and successful return in accordance with the provisions that ordered the measure.

International family relocation¹⁸

49. Has your State adopted specific procedures for international family relocation?

Yes

Please describe such procedures, if possible:

We have cases very often where the national Courts request evaluations of Social Work or Home Studies, to verify the conditions that the minor will have after the family transfer. In these cases we use the provisions contained in the 1996 Hague Convention, or requests for collaboration from the Central Authorities to make the requested reports.

No

Please describe how the authorities deal with international family relocation cases, if possible:

Please insert text here

Publicity and debate concerning the 1980 Convention

50. Considering any potential impact on its practical operation, has your State had any recent publicity (positive or negative) or has there been any debate or discussion in your national parliament or its equivalent about the 1980 Convention?

No

Yes

Please indicate the outcome of this debate or discussion, if any:

Please insert text here

51. By what methods does your State disseminate information to the public and raise awareness about the 1980 Convention?

Please explain:

We use online resources to promote our international child abduction services.

¹⁸ See the C&R of the 2006 SC at paras 1.7.4-1.7.5, C&R No 84 of the 2012 SC, and C&R No 21 of the 2017 SC, the latter of which says: “The Special Commission recalls the importance of securing effective access to procedures to the parties in international family relocation cases. In this regard, the Special Commission notes that: i) mediation services may assist the parties to solve these cases or prepare for outcomes; ii) the Washington Declaration of 25 March 2010 on Cross-border Family Relocation may be of interest to competent authorities, in particular in the absence of domestic rules on this matter. The Special Commission recommends joining the 1996 Convention.”

PART II – TRAINING, EDUCATION AND POST-CONVENTION SERVICES

Training and education

52. Please provide below details of any training sessions / conferences organised in your State to support the effective functioning of the 1980 Convention, and the influence that such sessions / conferences have had:

Please provide details:

In order to deepen the knowledge for the correct handling of international child abduction cases, we have held various Seminars in which our institution acted as the Central Authority for the application of said Convention.

These seminars have helped to strengthen collaboration between the competent judicial actors to channel cases of illegal transfers or withholdings that occur in our country. The seminars have been aimed at Judges specializing in childhood and adolescence, who are part of guaranteeing the immediate restitution of the rights of minors subject to said Convention.

We have had the participation of Ignacio Goicoechea, Legal Liaison Officer for Latin America assigned by the Hague Conference on Private International Law, and Judge Antonia Josefina Grullón Blandino, Presiding Judge of the Civil Chamber of the District Court for Children and Adolescents National, she is also assigned as a Liaison Judge and Member of the International Network of Judges of The Hague for the Protection of Children in our country, among other great exhibitors.

Developed in an interactive environment where each exhibitor has the availability of the technical use of audiovisual equipment, who talk about various topics of great interest, such as: "Keys to the Operation of the 1980 Hague Convention on Civil Aspects of the International Subtraction of Minors, and the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Matters of Parental Responsibility and Child Protection Measures", "Role of the Central Authority: incoming and outgoing cases", "Role of the Judge Required", among other topics

The tools, services and support provided by the PB

53. Please comment or state your reflections on the specific tools, services and support provided by the PB to assist with the practical operation of the 1980 (and 1996) Conventions, including:

- a. The Country Profile available under the Child Abduction Section, including the addition and / or revision of its questions.

It is very important to keep the contact details of those responsible for the Central Authorities updated for the referral of cases online, and a more fluid communication between everyone.

- b. INCADAT (the international child abduction database, available at www.incadat.com).

This database represents a good input to support the evaluation of the behavior of international child abduction cases in our region and throughout the world.

- c. *The Judges' Newsletter* on International Child Protection - the HCCH publication which is available online for free;²⁰

It is a good tool or resource to share information about the work and good practices carried out by judges, it serves as a reference for Central Authorities for case studies.

- d. The specialised "Child Abduction Section" of the HCCH website (www.hcch.net);
It contributes to more effectively promote this issue of kidnappings for all people who have access to the digital platform.

- e. Providing technical assistance and training to Contracting Parties regarding the practical operation of the 1980 (and 1996) Conventions. Such technical assistance and training may involve persons visiting the PB or, alternatively, may involve the PB (including through its Regional Offices) organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences;

This is very important, we believe that there should be a permanent training agenda for people who work day-to-day with international abduction issues in the Central Authorities and for other people who represent the judicial sphere in the process.

- f. Encouraging wider ratification of, or accession to, the 1980 (and 1996) Conventions, including educating those unfamiliar with the Convention(s);²¹

It is a necessity that we all can expand the opportunities to work on abduction cases with new countries, and share experiences of good practices with the countries that are already part of these Convention.

- g. Supporting communications between Central Authorities, including maintaining updated contact details on the HCCH website or intervening to facilitate contact in cases where obstacles arise.

That this portal on the Web is always updated.

- h. Supporting communications among Hague Network Judges and between Hague Network Judges and Central Authorities, including maintaining a confidential database of up-to-date contact details of Hague Network Judges or intervening to facilitate contact in cases where obstacles arise.

The judges of the Network represent a great support to be able to expedite the processes in the Courts, as well as to facilitate communication with the central authorities when necessary.

- i. Responding to specific questions raised by Central Authorities, Hague Network Judges or other operators regarding the practical operation or interpretation of the 1980 (and 1996) Conventions.

Very necessary

²⁰ Available on the HCCH website at under "Child Abduction Section" and "Judges' Newsletter on International Child Protection". For some volumes of *The Judges' Newsletter*, it is possible to download individual articles as required.

²¹ Which again may involve State delegates and others visiting the PB or, alternatively, may involve the PB organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the 1980 (and 1996) Conventions and participating in such conferences.

Guides to Good Practice under the 1980 Convention

54. For any of the Guides to Good Practice²² which you may have used to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State please provide comments below:

a. Part I on Central Authority Practice.

Please insert text here

b. Part II on Implementing Measures.

Please insert text here

c. Part III on Preventive Measures.

Please insert text here

d. Part IV on Enforcement.

Please insert text here

e. Part V on Mediation

Please insert text here

f. Part VI on Article 13(1)(b)

Please insert text here

g. Transfrontier Contact Concerning Children – General Principles and Guide to Good Practice

Please insert text here

55. How has your Central Authority ensured that the relevant authorities in your State have been made aware of, and have had access to the Guides to Good Practice?

Please insert text here

56. Do you have any other comments about any Part of the Guide to Good Practice?

Please insert text here

57. In what ways have you used the *Practitioner's Tool: Cross-Border Recognition and Enforcement of Agreements Reached in the Course of Family Matters Involving Children*²³ to assist in improving the practical operation of the 1980 Convention in your State?

Please insert text here

Other

58. What other measures or mechanisms would you recommend:

a. to improve the monitoring of the operation of the 1980 Convention;

²² All Parts of the Guide to Good Practice under the 1980 Convention are available on the HCCH website at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice".

²³ The *Practitioner's Tool* is available at the HCCH website at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice".

Please insert text here

b. to assist States in meeting their Convention obligations; and
Please insert text here

c. to evaluate whether serious violations of Convention obligations have occurred?
Please insert text here

PART III – NON-CONVENTION STATES

59. Are there any States that you would particularly like to see become a Contracting Party to the 1980 Convention? If so, what steps would you suggest could be taken to promote the Convention and encourage ratification of, or accession to, the Convention in those States?

Please explain:

[Please insert text here](#)

60. Are there any States which are not Party to the 1980 Convention or not Members of the HCCH that you would like to see invited to the SC meeting in 2023?

Please indicate:

[Please insert text here](#)

The “Malta Process”²⁴

61. Do you have any suggestions of activities and projects that could be discussed in the context of the “Malta Process” and, in particular, in the event of a possible Fifth Malta Conference?

Please explain:

[Please insert text here](#)

²⁴ The “Malta Process” is a dialogue between certain Contracting Parties to the 1980 and 1996 Conventions and certain States which are not Parties to either Convention, with a view to securing better protection for cross-border rights of contact of parents and their children and addressing the problems posed by international abduction between the States concerned. For further information see the HCCH website at www.hcch.net under “Child Abduction Section” then “Judicial Seminars on the International Protection of Children”.

PART IV – PRIORITIES AND RECOMMENDATIONS FOR THE 2023 SC AND ANY OTHER MATTERS

Views on priorities and recommendations for the SC

62. Are there any particular issues that your State would like the SC meeting to discuss in relation to the 1980 Convention?

Please specify and list in order of priority if possible:
Please insert text here

63. Are there any proposals your State would like to make concerning any particular recommendation to be made by the SC?

Please specify:
Please insert text here

Bilateral meetings

64. Should your State be interested in having bilateral meetings during the SC meeting, please indicate, for the PB's planning purposes, an estimate of how many States with which it intends to meet:

Please insert number:
Please insert text here

Any other matters

65. States are invited to comment on any other matters which they may wish to raise at the 2023 SC meeting concerning the practical operation of the 1980 Convention.

Please provide comments:
Please insert text here