



Second Forum on Domestic Violence and the 1980 Child Abduction Convention *With a focus on the Operation of Article 13(1)(b)*

Fortaleza, Brazil, 27-30 October 2025

Centro de Eventos do Ceará

HYPOTHETICAL CASES FOR BREAKOUT GROUPS

TARGETED QUESTIONS

SESSION 5 BREAKOUT GROUP: ASSESSING DV ALLEGATIONS

1. What **steps** would you follow in order to **assess the allegations** of domestic violence made in this case? How do you distinguish between issues relevant for the return proceedings versus issues relevant to any possible subsequent custody proceedings?
2. How do you **assess** whether these allegations **amount to a grave risk** for the purposes of the exception under Article 13(1)(b)? What **factors** would you take into consideration in this assessment? Would you request / require any **additional information or evidence** to make an assessment and determination for the purpose of Art 13(1)(b)? If so, what kind of information / evidence would you require?
3. Would you consider the availability of **protective measures** at this stage?
4. What are the **challenges** in your view about the process of assessing allegations of domestic violence in your jurisdiction?

SESSIONS 6 & 7 BREAKOUT GROUP: OBTAINING EVIDENCE AND USING PROTECTIVE MEASURES

Evidence

1. How would you **approach** the issue of **evidence** in this case? (*E.g.*, taking of evidence procedure / requesting expert witnesses / requesting welfare or psychosocial report and timing)
2. How would you **balance** the gathering of **evidence** with the **time** sensitivity and **expeditious** nature of the return proceedings?
3. What role, if any, would the **International Hague Network of Judges** (IHNJ) and/or **Central Authorities** play in facilitating the collection of evidence in a case like this?
4. What role, if any, would social and **law enforcement services** in both States play in assisting with the collection of evidence in a case like this?
5. What are the **challenges** in your view in **obtaining evidence of DV** in child abduction cases?

Protective measures:

1. **What protective measures** would you consider appropriate for this case, if any? How and at which **stage(s)** of the proceedings would you approach the issue of protective measures, including assessing and ensuring their availability and effectiveness?
2. How would you go about **providing for effective protective measures for the return** (e.g., conditional order, mirror order, directly in the return decision)? Would you make use of the **GGP** in this endeavour?
3. Please elaborate on your **experiences** with the use of **1996 Child Protection Convention** when implementing protective measures in cases like this.
4. Please elaborate on your experience when the **1996 Child Protection Convention** is **not** available when implementing such protective measures.
5. What are the **challenges** of using **protective measures** in return cases?

HYPOTHETICAL CASES

CONTENT WARNING:

The following hypothetical cases contain themes of violence, emotional, psychological and sexual abuse, addiction and self-harm.

Context:

You are a judge seised of a return application under the 1980 Child Abduction Convention.

You have received the return application from the applicant, through the Central Authority, and a response from the respondent containing the Convention exceptions they wish to rely upon along with supporting evidence.

All the States in the following hypothetical cases are Parties to the 1980 Child Abduction Convention and have designated Members to the International Hague Network of Judges (IHNJ).

PERSON	ROLE	NATIONALITY	CURRENT LOCATION	KEY ACTION
A	Taking parent	State Y	In State Y	Removed child C from State X to State Y
B	Left-behind parent	State X	In State X	Filed an application for the return of C
C	Child	States X and Y	Currently in State Y	Subject of the return application

CASE 1

B (the left behind parent) has filed an application through the Central Authority of State X, asking for the return of C (the child), who was wrongfully removed from State X to State Y by A (the taking parent).

A does not dispute that State X is C's State of habitual residence or that the removal was wrongful¹ but submits that, due to B's violent behaviour, there is a grave risk that a return to State X would expose C to physical or psychological harm or otherwise place C in an intolerable situation (Art. 13(1)(b)).

The facts:

A (a national of State Y) and B (a national of State X) began dating in 2015 and started living together in State X in 2017. They have a 3-year-old child, C, born in 2022. C is a national of both State Y and State X. A and B have been sharing custody of C under the law of State X.

Both A and B are healthcare workers with demanding and high-pressure jobs that make them work very long, gruelling hours. While the relationship between A and B was a mostly loving and mutually supportive one, both A and B struggled to balance their very demanding and heavy work schedules with the responsibilities of caring for C and nurturing their own romantic relationship. They ultimately decided to end their relationship in 2024. A moved out of the family home with C. A and B agreed to have a co-parenting plan of alternating weeks, with C spending one week with A and another week with B.

At first, the co-parenting plan was going rather smoothly. However, the past few months have seen A and B argue much more frequently about finances, coordinating their co-parenting plan with their respective work schedules and about the involvement of B's new partner in C's life.

While A was dropping C off at B's, they had a disagreement which quickly escalated into an argument. Emotions ran particularly high, and B ended up pushing A to the ground causing C to start crying. Shocked and angry, A takes C and leaves B's house. B thought that A would return with C the next day, once everyone had a chance to calm down. When they did not return, B started texting and calling A but received no answer. After a week, A notified B that they had gone to their parents in State Y with C and had initiated formal custody proceedings there. B begged A to return with C to State X but A refused.

B has admitted to pushing A during their fight but insists that they did not mean to cause A to fall or to upset C. B claims that this is the very first time something like this has happened, which A does not dispute, and is very regretful of their actions.

¹ Namely that the removal was in breach of B's custody rights that B was actually exercising at the time of the removal (Art 3) and that B did not consent or subsequently acquiesce to the removal (Art. 13(1)(a)).

CASE 2

B (the left behind parent) has filed an application through the Central Authority of State X, asking for the return of C (the child), who was wrongfully removed from State X to State Y by A (the taking parent).

A does not dispute that State X is C's State of habitual residence or that the removal was wrongful² but submits that there is a grave risk that C's return would expose them both to physical or psychological harm or otherwise place C in an intolerable situation (Art. 13(1)(b)), due to B's aggressive behaviour and issues with addiction. A also argues that C objects to being returned and has attained an age and degree of maturity at which it is appropriate to take their views into account (Art. 13(2)).

Further to the allegations raised by the two parents, C has been interviewed by specialised child social welfare professionals at the court in State Y and C has told them they would like to spend time with both parents.

The facts:

A (a national of State Y) and B (a national of State X) began dating in 2009 and registered their civil partnership in 2012. They have since been living in State X together. Their only child, C, was born in 2013 and is now aged 12. C is a national of both State Y and State X. A and B have been sharing custody of C under the law of State X.

Over a year ago, B was fired from their job and is currently unemployed. This stressful event seems to have triggered a former drinking and substance abuse problem to return.

One morning, A and C secretly flee the family home and travel to State Y. B calls A as soon as they realise what had happened and A tells B that they do not plan on returning until B seeks treatment for their addiction.

The allegations:

A (taking parent)	B (left behind parent)
A has been the primary earner for the household and the primary caregiver to C for over a year now.	
B would become quite belligerent when under the influence, and the slightest criticism would set B off into an aggressive rant.	A put a lot of pressure on B following the loss of their job, shaming B for struggling to find employment, which made B drink and use more.
C would often hear or see the fights between A and B and would find B passed out on the couch after a night of drinking and using. At times, C would confront B about their behaviour, which sometimes resulted in B yelling and throwing objects around. Usually, once sober, B would be in a very emotional state, apologising profusely to A and C for their behaviour.	B insists that there was never any physical aggression against A or C.

² Namely that the removal was in breach of B's custody rights that B was actually exercising at the time of the removal (Art. 3) and that B did not consent or subsequently acquiesce to the removal (Art. 13(1)(a)).

One day, after receiving yet another rejection from a job application, B began drinking and using excessively. C came home from school to find B in the midst of another episode of drinking and using and confronts B again. A, who was trying to get some sleep before starting their shift, rushed downstairs to find B and C arguing very loudly and tries to diffuse the situation. B was being more aggressive than usual and, fearful of what B might do to C, A considers that it might be time to leave.	B remembers this occasion and regrets that C saw B under the influence of drugs. However, there was no loud argument or aggression.
C also wanted to leave, and they decided together that the safest place for them to go would be to A's relatives in State Y, as A does not have family connections in State X and C said they would feel safer with their cousins.	B claims that C has expressed a preference for staying in State X with B.
A has submitted photographs taken of the household over the past year, displaying the various empty liquor bottles and drug paraphernalia that B would leave around the common living spaces. A has also submitted several photos of broken household items and furniture, which were the result of B's violent outbursts.	B has submitted a copy of the intake form to a drug and alcohol rehabilitation clinic they intend to seek treatment from. B also proposes to leave the family home pending their recovery.
A notes that neighbours have expressed concern about the shouting and loud noises they have been hearing, and they are willing to testify.	B argues that those particular neighbours are unreliable witnesses, as they are known in the neighbourhood for starting rumours and lying.

CASE 3

B (the left behind parent) has filed an application through the Central Authority of State X, asking for the return of C (the child), who was wrongfully removed from State X to State Y by A (the taking parent).

A does not dispute that State X is C's State of habitual residence or that the removal was wrongful,³ but argues that returning C to State X would expose both of them to physical or psychological harm, or otherwise place them both in an intolerable situation (Art. 13(1)(b)), due to B's abusive behaviour.

The facts:

A (a national of State Y) and B (a national of State X) are a married couple living in State X with their 6-year-old, C. B is a successful entrepreneur, while A gave up their career to become a full-time caregiver for C.

Following an argument between A and B, A took C to extended family members in State Y and applied to the courts in State Y for emergency custody and protection, citing domestic abuse.

The allegations:

A (taking parent)	B (left behind parent)
Over the years, B has displayed increasingly controlling behaviour towards A — isolating them from friends and family, controlling all finances, monitoring their communications and making all family decisions unilaterally. A was not allowed to get a driving license and had to ask B to drive them where they wanted to go. A did not have direct access to any of the bank accounts in B's name and received a monthly allowance from B. B required that A hand over their electronic devices for monitoring on a weekly basis and on several occasions, communications that B deemed "unauthorised" resulted in A getting yelled at, berated and accused of being unfaithful. During social gatherings, B very openly talked over and diminished everything A had to say, and when alone, would constantly remind A that the only thing they were good at is staying home and taking care of C.	B vehemently denies all of A's allegations of coercive control, insisting that A was the one that chose to remain at home to care for C. B claims that it was A who asked B to take care of all family finances. B admits that, having a more traditional outlook on family life, B very much welcomed this decision of A to take on the household labour and relinquish control over the family financial decisions, but denies exercising this much control over A. B denies ever wanting to control A's social life and communications. B insists that they were generous and accommodating with every request A made — giving A money when they asked for it and driving A everywhere when they wanted to see friends or do an activity.
B's behaviour escalated after A expressed a desire to return to work. B began threatening to take C away if A didn't comply with B's wishes.	B was supportive of A finding a job. B alleges that it was A that was threatening to take C away to win arguments and make B feel like the role they played in C's life was purely economic.

³ Namely that the removal was in breach of B's custody rights that B was actually exercising at the time of the removal (Art 3) and that B did not consent or subsequently acquiesce to the removal (Art. 13(1)(a)).

B accused A of being an unfit parent and used C as leverage to manipulate A's actions, reminding B that they had no money or connections in State X so they could not leave with C. A became increasingly fearful, emotionally distressed, and felt trapped.	
One night, B became particularly aggressive during an argument, making threats of violence. A, terrified for C's safety as well as their own, decided to flee. A contacted a relative in neighbouring State Y and made plans to secretly leave the country with C with their support.	B does not deny that a volatile fight took place between A and B, during which unkind words and even threats were exchanged. However, B claims they were under the impression that this fight was subsequently resolved, as both A and B apologised to each other. B did not suspect that A was planning to leave with C.
A provided the court with a dossier containing screenshots of WhatsApp messages revealing the controlling and coercive dynamic between A and B. A also furnished the court with a psychological evaluation of C, undertaken upon their arrival in State Z, revealing the extent of C's distress from witnessing the demeaning treatment of B towards A. A also underwent a psychological evaluation in State Y, which concluded that A fulfilled the criteria for the diagnoses of post-traumatic stress disorder (PTSD), anxiety and depression per the DSM-5 (Diagnostic and Statistical Manual of Mental Disorders). A has also furnished the court with this evaluation report. Finally, A has also managed to contact two of B's colleagues who are willing to testify about the mistreatment they have witnessed at social gatherings.	B alleges that the screenshots of the WhatsApp messages were edited or taken out of context and that the psychological evaluation of C should be disregarded because it was done after they were wrongfully removed, which is clearly what caused C to be in distress. B also claims that the testimonies of their colleagues are unreliable and should not be considered, as those particular individuals were resentful of a promotion B had received at work and were jealous and vindictive. B has furnished the court with their own screenshots of communications with A, showcasing their support and generosity towards A.

CASE 4

B (the left behind parent) has filed an application through the Central Authority of State X, asking for the return of C (the child), who is being wrongfully retained in State Y by A (the taking parent).

A acknowledges that the State of habitual residence of C is in State X and that the retention of C in State Y is considered wrongful.⁴ However, A opposes the return of C to State X, as there is a grave risk that C's return would expose them both to physical or psychological harm or otherwise place them both in an intolerable situation (Article 13(1)(b)), due to the domestic violence A has suffered at the hands of B, which was often in the presence of C.

The facts:

A (a national of State Y) and B (a national of State X) have been married since 2012 and have been living together in State X. Their only child, C, was born in 2016.

In December 2024, the family of three visited A's sister and her family in State Y for the Christmas holidays. Return flights were booked for A, B and C to return to State X on 10 January 2025. However, two days prior to their scheduled return date, A informed B that they did not plan on returning to State X and would be staying in State Y with C. After several discussions, pleas and arguments, B returned to State X alone. A month later, with A still refusing to return to State X with C, B files the return application.

The allegations:

A (taking parent)	B (left behind parent)
Since the birth of C, the relationship between A and B significantly changed. While B displayed minor signs of controlling behaviour from the beginning, which A initially considered protective and sweet, the pregnancy with and birth of C seemed to exasperate B's controlling behaviours. B would frequently criticise and verbally attack A for gaining weight / not being able to "lose the baby weight" and would complain about not receiving sexual attention from A. During that time, A discovered that B was secretly using a dating app.	B acknowledges that after the birth of C, A and B's relationship deteriorated and says that A was dealing with some post-partum complications and emotional issues. B admits to secretly using dating apps during this difficult time in the couple's relationship.
B never seemed to show any interest, love or affection towards C and mostly played an economic role in C's life.	B disagrees with A's allegations that they only play an economic role in C's life, highlighting that they are a very active and involved parent.
B would be very controlling over the financial decisions regarding C, including decisions related to healthcare. On one occasion, C was battling the flu and B refused to take C to the doctor, which resulted in C developing bronchitis.	B disagrees with A's assertions that they refused to take C to the doctor, which led to C developing bronchitis. B claims that they took C to the doctor twice to seek treatment for the flu and that the bronchitis developed despite their care and efforts.

⁴ Namely that the retention was in breach of B's custody rights that B was actually exercising at the time of the removal (Art. 3) and that B did not consent or subsequently acquiesce to the retention (Art. 13(1)(a)).

Generally, most of the fights between A and B regarding C have either been about money or the fact that A pays too much attention to C and neglects B.	
B's abuse became physical in 2023, when B started violently grabbing A by the hair during arguments, which eventually escalated into slaps across the face. B also began threatening to inflict serious physical harm on C if A was ever unfaithful. On three occasions, B made A watch video footage of a person assaulting their significant other after discovering they were unfaithful to them. Since then, A has been living in fear. During a particularly volatile argument, B dragged A by the hair and shoved A against a piece of furniture, leaving a significant bruise on A's back and arms. During another incident, B grabbed a knife from the kitchen and threatened to harm themselves and C if B ever discovered A was unfaithful.	B acknowledges that the relationship between A and B became troubled but claims that A's allegations of domestic violence and sexual abuse are fundamentally untrue and heartbreaking. B categorically denies ever slapping A, grabbing or dragging A by the hair, showing A disturbing footage and making threats of any kind. B denies shoving A against furniture during their volatile fight and claims that there was no bruising on A's back or arms after their fight.
B forced A to have sex on several occasions despite clear refusals and has threatened A that reporting the abuse is futile, as B has family members in the police force and the legal profession. B also told A that "there is no such thing as rape in a marriage".	B categorically denies forcing A to have sex at any time.
A characterises C as "the silent victim" of B's relentless abuse, as C was often in the same room when B verbally and physically attacked A, which would make C cry. On some occasions, when C would cry, B would yell at C to be quiet and raise their hand as if to strike C.	B agrees with A's characterisation of C as "the silent victim" but claims that this is due to A's neglect of B, A's post-partum complications and emotional issues, which C has perceived and internalised.
A has provided written testimony of all the above allegations, including a log journal of the alleged sexual assaults, and has provided photographs of the large bruise allegedly sustained during the volatile argument with B. A has also furnished the court with reports from C's teachers in State X, which raise concerns about C's troubling and sudden change in behaviour, as well as two social welfare reports	B argues that the photograph of the bruise provided by A is fake. B has supplied photographs of the family at various moments over the years – a photograph of C on their 2nd birthday, a photograph of the family visiting A's relatives, a photograph of the family in their home and a photograph of the family on vacation.

resulting from concerned phone calls from neighbours.	B says A raised the abuse allegations after B refused to sign a document permitting A to remain in State Y with C.
A has never called the police or seen a lawyer, for fear of B's threats of violence coming true and given B's constant reminders that they have family in law enforcement and the legal profession. A has never told family members about the abuse for fear of shame and stigmatisation, as A's family never approved of the marriage with B.	