

# Questionnaire concerning the Practical Operation of the 1996 Child Protection Convention

Wherever your replies to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1996 Child Protection 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: <sup>2</sup>	Wales
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## PART I – FOR CONTRACTING PARTIES

### 1. Recent developments in your State

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

- No  
 Yes

Please specify:

Following the UK's departure from the European Union, there have been amendments to domestic legislation to reflect the fact that the EU Regulation, Brussels IIa (EC 2201/2002) no longer applies to proceedings issued in England and Wales after 11pm on 31 December 2020.

2. Please provide the three most **significant decisions concerning the interpretation and application of the 1996 Convention** recently rendered by the relevant authorities<sup>3</sup> in your State.

Case Name	Court Name	Court Level	Brief summary of the ruling

3. Please provide a brief summary of **any other significant developments** in your State relating to international child protection, including any regional instruments or bilateral agreements that have been negotiated or which your State has signed and ratified or acceded to (e.g., Memorandum of Understanding on the placement of children abroad):

None although a memorandum would be desirable because of the issues associated with the assessment and placement of children in kinship care (addressed further below).

<sup>2</sup> The term "State" in this Questionnaire includes a territorial unit, where relevant.

<sup>3</sup> The term "relevant authorities" is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1996 Convention. Whilst in the majority of Contracting Parties such "authorities" will be courts (i.e., judicial), in some Contracting Parties administrative authorities remain responsible for decision-making in Convention cases.

## 2. Scope of application (Arts 2, 3 and 4, and C&R No 29 of 2017 SC)

4. Have competent authorities in your State experienced any challenges, or have questions arisen, in determining the scope of the 1996 Convention (e.g., which measures of protection fall within the scope of the 1996 Convention)?

- No  
 Yes

Please specify:

We have received a referral from a local authority seeking assistance with an issue of the recognition of a Welsh adoption order in an EU Member State. It appeared that the competent authorities considered that this measure fell within the scope of the Convention and fell to be recognised under this instrument.

## 3. Jurisdiction to take measures of protection

### Habitual residence (Art. 5 and C&R No 31 of 2017 SC)

5. Have competent authorities in your State experienced any challenges when determining the habitual residence of the child in cases falling within the scope of the 1996 Convention?

- No  
 Yes

Please specify:

### International child abduction (Arts 7 and 50)

6. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction in cases of wrongful removal or retention of the child?

- No  
 Yes

Please specify:

### Pending divorce or legal separation of the child's parents (Art. 10)

7. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction in cases where there is a pending divorce or legal separation of the child's parents (Art. 10)?

- No  
 Yes

Please specify:

Please insert text here

### Transfer of jurisdiction (Arts 8 and 9)

8. How often have competent authorities in your State experienced cases of transfer of jurisdiction under Articles 8 and / or 9 of the 1996 Convention?

- Do not know
- Never
- Rarely
- Sometimes
- Very often
- Always

If possible, please provide supplementary information:

Transfers of jurisdiction may arise in public law proceedings where, for example, children are moved to another Contracting State to avoid social services / court intervention.

9. Has your State developed any **good practices, procedures, guidelines or protocols** to facilitate the transfer of jurisdiction?

- Yes  
Please specify and provide the links to relevant documents whenever possible:  
The Welsh Government has updated its practical guidance on the operation of the 1996 Hague Convention for local authorities -

<https://www.gov.wales/handling-cross-border-child-protection-cases>

- No  
Please specify any reasons:  
Please insert text here

#### 4. Special types of measures of protection

##### Urgent measures of protection (Art. 11)

10. Have competent authorities in your State experienced any challenges, or have questions arisen, with respect to the application of **Article 11** (e.g., the definition of "urgency"; scope, nature and duration of measures)?

- No
- Yes, in cases of international child abduction.  
If possible, please provide more details about the experience of your State using Article 11 in cases of international child abduction:  
Please insert text here
- Yes, in other situations.  
Please describe in which other situations a competent authority in your jurisdiction has applied Article 11:  
Please insert text here

##### Provisional measures (Art. 12)

11. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 12** (e.g., definition as to what may constitute a "provisional character"; scope, nature and duration of measures)?

- No
- Yes  
Please describe:  
Please insert text here

## 5. Applicable law (Chap. III)

12. Have competent authorities in your State experienced any challenges, or have questions arisen, in relation to the applicable law rules provided by **Articles 15, 16 and 17** of the 1996 Convention?

- No  
 Yes

Please describe:  
 Please insert text here

## 6. Recognition and enforcement

13. Have competent authorities in your State experienced any challenges, or have questions arisen, in relation to the **recognition of measures of protection**, from the perspective of the requested State?

- No  
 Yes

Please describe:

### Advance recognition (Art. 24)

14. How often have competent authorities in your State experienced cases of requests for **advance recognition**?

- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always

If possible, please provide supplementary information:  
 Please insert text here

15. Have **judicial or administrative procedures, guidelines, or protocols** been adopted in your State to facilitate the application of Article 24?

- Yes, but there have been no changes since the last SC meeting  
 Yes, with changes since the last SC meeting.  
 Please specify:  
 Please insert text here  
 No

### Declaration of enforceability or registration for the purpose of enforcement (Arts 26, 27 and 28)

16. In relation to the **simple and rapid procedure** for declaring enforceable or registering for the purpose of enforcement of measures of protection taken in another Contracting Party (Art. 26), what is the practice in your State?

- a) Which authority declares enforceable or registers a measure of protection taken in another Contracting Party? Please specify:

The Family Court. The procedure is as follows

- an application is made to the Principal Registry of the Family Division (Central Family Court) on Form C69 with the relevant fee (or fee exemption). subject to eligibility.
- The application needs to be supported by a sworn statement, which exhibits the original copy of the order, or an authenticated copy of the order in respect of which recognition / enforcement is sought, officially translated.
- The Practice Direction to the Family Procedure Rules 2010 PD 31A sets out what the statement needs to contain.
- After filing these documents, usually, the application will be served on the child's parents (or anyone else who has parental responsibility) by the court
- A District Judge in the Central Family Court may then make an order confirming that the order is recognised / registered for enforcement.
- That order can be appealed, usually within 1 month of being served with the application for recognition.
- Appeals against orders for recognition are heard in the High Court.

b) What time frames are applied to ensure that the procedure is rapid? Please explain:

There are no designated time frames but the rules allow flexibility in the documentary requirements - see <https://www.familylawweek.co.uk/site.aspx?i=ed131787>

c) Is legal representation required? Please explain:

Legal representation is not required. Legal aid is not available for applications for recognition / enforcement under the 1996 Hague Convention unless obtained through exceptional funding routes.

17. Are you aware of any challenges, or have questions arisen, in applying **Articles 26, 27 and / or 28** in your State?

- No  
 Yes

Please describe:  
 Please insert text here

## 7. Cooperation (Chap. V)

### Central Authority practice

18. Are you aware of any challenges, or have questions arisen, in applying **Article 30** in your State (e.g., in relation to the timeliness of responses to requests)?

- No  
 Yes

Please describe:

It is sometimes difficult to provide competent authorities in Wales with information about when co-operation requests will be responded to by overseas authorities due to a lack of timescales for doing so. This may arise particularly in the context of public law care proceedings which are meant to operate within a statutory timeframe of 26 weeks.

At a more general level, different countries interpret their competence under the Convention in different ways - some countries for example consider that all requests for

co-operation must be routed through the Convention, others permit direct co-operation between competent authorities.

Feedback on case outcome - it would be helpful if there was a greater awareness of sharing outcomes. We can ask competent authorities to share with us the outcome of proceedings so that we can share this with overseas Central Authorities. However, it should be noted that Central Authorities are limited to an extent in discovering the outcome by the information provided by competent authorities and we cannot access this information independently.

### Services available

19. If your State answered the 2016 Questionnaire, please indicate whether since then there have been any changes in relation to the services provided by your Central Authority:

- No. Please proceed to question No 22
- Yes. Please continue answering the following questions

20. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, does your Central Authority provide assistance to **individuals habitually resident in your State** who request it in connection with the following matters? If so, please specify the nature of the assistance provided.

Matter	Service(s) provided
a) A request to organise or secure effective exercise of <b>rights of access</b> in another Contracting Party (requested State) <sup>4</sup>	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" type="checkbox"/> 4. 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"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. 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 type="checkbox"/> 7. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 8. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State <input checked="" type="checkbox"/> 9. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" type="checkbox"/> 10. Provision of regular updates on the progress of the application <input type="checkbox"/> 11. Other, please specify: <a href="#">Please insert text here</a>
b) A request to secure the return to your State of a child subject to <b>international</b>	<input type="checkbox"/> 1. None <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State

<sup>4</sup> See in this context, e.g., the [Practical Handbook](#) on the Operation of the 1996 Child Protection Convention, sections 11(E)(d) and 13(B) (2014).

<p><b>abduction</b> where the 1980 Convention is <u>not</u> applicable</p>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 4. 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</li> <li><input checked="" type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input type="checkbox"/> 6. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained</li> <li><input type="checkbox"/> 7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child</li> <li><input type="checkbox"/> 8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue</li> <li><input type="checkbox"/> 9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child</li> <li><input type="checkbox"/> 10. Assistance in providing or facilitating the provision of legal aid and advice</li> <li><input type="checkbox"/> 11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child</li> <li><input type="checkbox"/> 12. Assistance in obtaining private legal counsel or mediation services</li> <li><input checked="" type="checkbox"/> 13. Referral to other governmental and / or non-governmental organisations for assistance</li> <li><input checked="" type="checkbox"/> 14. Regular updates on the progress of the application</li> <li><input type="checkbox"/> 15. Other, please specify: <a href="#">Please insert text here</a></li> </ul>
<p>c) A request to secure the return to your State of a <b>runaway child</b> (see Art. 31(c))</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> <li><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input checked="" type="checkbox"/> 4. 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</li> <li><input checked="" type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input type="checkbox"/> 6. Assistance in discovering the whereabouts of a runaway child</li> <li><input type="checkbox"/> 7. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child</li> <li><input type="checkbox"/> 8. Assistance in providing or facilitating the provision of legal aid and advice</li> <li><input type="checkbox"/> 9. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child</li> <li><input type="checkbox"/> 10. Assistance in obtaining private legal counsel</li> <li><input checked="" type="checkbox"/> 11. Referral to other governmental and / or non-governmental organisations for assistance</li> <li><input checked="" type="checkbox"/> 12. Regular updates on the progress of the application</li> <li><input type="checkbox"/> 13. Other, please specify: <a href="#">Please insert text here</a></li> </ul>
<p>d) A request for a <b>report on the situation of a child</b> habitually resident in another Contracting Party (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> <li><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input checked="" type="checkbox"/> 4. 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</li> <li><input checked="" type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input type="checkbox"/> 6. Other, please specify: <a href="#">Please insert text here</a></li> </ul>

a relocation) (see <b>Art. 32(a)</b> )	<input type="checkbox"/> 1. None <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" type="checkbox"/> 4. 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"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. Assistance in obtaining private legal counsel <input checked="" type="checkbox"/> 7. Regular updates on the progress of the request <input type="checkbox"/> 8. Other, please specify: <a href="#">Please insert text here</a>
f) A request that the competent authorities of another State Party <b>declare enforceable or register for the purpose of enforcement</b> measures taken in your State (see <b>Art. 26</b> )	<input type="checkbox"/> 1. None <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" type="checkbox"/> 4. 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"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. Assistance in obtaining private legal counsel <input checked="" type="checkbox"/> 7. Regular updates on the progress of the request <input type="checkbox"/> 8. Other, please specify: <a href="#">Please insert text here</a>

21. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, if your Central Authority were to receive a request of assistance from **another Central Authority** on behalf of an individual residing abroad, in connection with the following matters, please specify the nature of the assistance that your Central Authority provides or would provide if the situation were to arise.

Matter	Service(s) provided
a) A request to organise or secure effective exercise <b>of rights of access</b> in another Contracting Party (requested State) <sup>5</sup>	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" type="checkbox"/> 4. 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"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. 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 type="checkbox"/> 7. Assistance in providing or facilitating the provision of legal aid and advice

<sup>5</sup> See in this context, e.g., the [Practical Handbook](#) on the Operation of the 1996 Child Protection Convention, sections 11(E)(d) and 13(B) (2014).



	<ul style="list-style-type: none"> <li><input type="checkbox"/> 8. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State</li> <li><input checked="" type="checkbox"/> 9. Referral to other governmental and / or non-governmental organisations for assistance</li> <li><input checked="" type="checkbox"/> 10. Provision of regular updates on the progress of the application</li> <li><input type="checkbox"/> 11. Other, please specify: Please insert text here</li> </ul>
<p>b) A request to secure the return to your State of a child subject to <b>international abduction</b> where the 1980 Convention is <u>not</u> applicable</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> <li><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input checked="" type="checkbox"/> 4. 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</li> <li><input checked="" type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input checked="" type="checkbox"/> 6. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained</li> <li><input type="checkbox"/> 7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child</li> <li><input type="checkbox"/> 8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue</li> <li><input type="checkbox"/> 9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child</li> <li><input checked="" type="checkbox"/> 10. Assistance in providing or facilitating the provision of legal aid and advice</li> <li><input checked="" type="checkbox"/> 11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child</li> <li><input checked="" type="checkbox"/> 12. Assistance in obtaining private legal counsel or mediation services</li> <li><input checked="" type="checkbox"/> 13. Referral to other governmental and / or non-governmental organisations for assistance</li> <li><input checked="" type="checkbox"/> 14. Regular updates on the progress of the application</li> <li><input type="checkbox"/> 15. Other, please specify: Please insert text here</li> </ul>
<p>c) A request to secure the return to your State of a <b>runaway child</b> (see <b>Art. 31(c)</b>)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> <li><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input checked="" type="checkbox"/> 4. 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</li> <li><input checked="" type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input checked="" type="checkbox"/> 6. Assistance in discovering the whereabouts of a runaway child</li> <li><input type="checkbox"/> 7. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child</li> <li><input type="checkbox"/> 8. Assistance in providing or facilitating the provision of legal aid and advice</li> <li><input checked="" type="checkbox"/> 9. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child</li> <li><input checked="" type="checkbox"/> 10. Assistance in obtaining private legal counsel</li> <li><input checked="" type="checkbox"/> 11. Referral to other governmental and / or non-governmental organisations for assistance</li> <li><input checked="" type="checkbox"/> 12. Regular updates on the progress of the application</li> <li><input type="checkbox"/> 13. Other, please specify:</li> </ul>

	Please insert text here
<p>d) A request for a <b>report on the situation of a child</b> habitually resident in another Contracting Party (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see <b>Art. 32(a)</b>)</p>	<p><input type="checkbox"/> 1. None  <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention  <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State  <input checked="" type="checkbox"/> 4. 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"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State  <input type="checkbox"/> 6. Other, please specify:  Please insert text here</p>
<p>e) A request that the competent authorities of another Contracting Party decide on the <b>recognition or non-recognition</b> of a measure taken in your State (see <b>Art. 24</b>)</p>	<p><input type="checkbox"/> 1. None  <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention  <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State  <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State  <input checked="" type="checkbox"/> 6. Assistance in obtaining private legal counsel  <input type="checkbox"/> 7. Regular updates on the progress of the request  <input type="checkbox"/> 8. Other, please specify:  Under domestic procedural rules, applications for recognition / enforcement need to be initiated by an individual who is seeking recognition / enforcement, and cannot be initiated by, for example, the central authority. Procedural rules require the individual to prepare a statement and the court determines the application (see above)</p>
<p>f) A request that the competent authorities of another Contracting Party <b>declare enforceable or register for the purpose of enforcement</b> measures taken in your State (see <b>Art. 26</b>)</p>	<p><input type="checkbox"/> 1. None  <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention  <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State  <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State  <input checked="" type="checkbox"/> 6. Assistance in obtaining private legal counsel  <input type="checkbox"/> 7. Regular updates on the progress of the request  <input type="checkbox"/> 8. Other, please specify:  Please insert text here</p>

**Mediation, conciliation or similar methods (Art. 31(b))**

22. How does your Central Authority (either directly or through public authorities or other bodies) take appropriate steps under **Article 31(b)** to facilitate, by mediation, conciliation or similar means, agreed solutions for the protection of the person or property of the child in situations to which the 1996 Convention applies?

Please explain:

If mediation / conciliation is sought, we would signpost to appropriate organisations. no requests

### Placement and provision of care abroad (Art. 33)

23. Have authorities in your State experienced any challenges, or have questions arisen, in relation to:

- a)  the **scope of application of Article 33** (e.g., in case of placement with relatives, migrant children)

Please provide further details, if possible:

Competent authorities in Wales do not always know whether the type of placement contemplated will require Article 33 consent. A common outcome at the end of public law care proceedings is a placement with a relative under a private law order (e.g. a Special Guardianship Order or Child Arrangements Order). It is understood that a number of contracting states require that their consent be sought to placements of this nature - it would be helpful to know which states require Article 33 consent for private law kinship placement, and what their procedures are for this so as to provide fuller information to competent authorities.

- b)  **time frames** of consultations under Article 33

Please provide further details, if possible:

We are unable to provide competent authorities with information about timeframes for the Article 33 procedure which can have a consequential impact on the proceedings, particularly in a public law context due to the statutory timeframes for proceedings.

- c)  the availability of **equivalent measures** of protection in the other Contracting Party or differences in the applicable domestic legislation

Please provide further details, if possible:

Please insert text here

- d)  **financial costs** involved in the placement / provision of care abroad

Please provide further details, if possible:

Please insert text here

- e)  other **practical issues** arising from the placement / provision of care abroad (e.g., documentation, immigration matters)

Please provide further details, if possible:

Please insert text here

- f)  other issues relating to Article 33.

Please specify:

We are not always able to tell domestic competent authorities whether the overseas central / competent authorities will accept their 'report on the situation of the child' as part of the Article 33 request or whether the overseas authority will want to undertake their own assessment of whether the placement is in the child's best interests under Article 33. This has a consequential impact on timescales, and the prospective carers experiences of being assessed (and may lead to them undergoing multiple assessments by different bodies).

24. Have **judicial or administrative procedures, guidelines, or protocols** been adopted in your State to deal with the placement procedure under Article 33?

- No  
 Yes

Please describe and also provide a link or attach any relevant documents, preferably translated into English or French:

There are two sources of guidance / procedure :

The Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010 Reg 13 require that if a local authority in England and Wales or a Northern Ireland authority is contemplating placing a child in another Contracting State, within the meaning given by Article 33 of the Convention, they must provide a report to the Central Authority, or other competent authority, of the other Contracting State in accordance with Article 33(1) of the Convention.

There is also the following non-statutory guidance  
Handling cross-border child protection cases A “Key Steps” guide for local authorities, health boards and NHS trusts in Wales October 2021  
<https://www.gov.wales/sites/default/files/publications/2022-01/handling-cross-border-child-protection-cases.pdf>

25. After the placement of the child abroad to another Contracting Party, does your State seek **follow up information on the situation** of that child?

- No  
 Yes

Please describe:

Only if follow up information is requested by the competent authority which arranged the placement.

#### Reports (Arts 32, 33 and 34)

26. Have authorities in your State experienced any challenges, or have questions arisen, in providing or obtaining reports or information under **Article 32, 33 or 34**?

- No  
 Yes

Please describe:

Article 34 of the 1996 Hague Convention is often used by competent authorities in Wales to request assessments of potential kinship carers in other Contracting States. In this context we have experienced the following challenges:

- The requested Contracting State may charge for an assessment under Article 34 where this cannot be undertaken in-house
- The requested Contracting State may not consider that parenting / kinship assessments fall within the scope of Article 34.
- We are aware that some Contracting States will not provide assessments under this provision and ask that these requests be redirected and assessments conducted by independent social workers instead .
- Equally some Contracting States require that all requests for the assessment of a parent / relative as an alternative carer for a child be directed through the Central Authority, but are not required to cover the matters requested by the competent authority - this may give rise to tensions over the content and timescales for assessment as national law requires that parental / kinship assessments cover certain matters and there are designated timeframes for proceedings.
- Inconsistency in the provision of record checks under Article 34 which may be limited by national laws around privacy / data protection and mean that it is not always possible for competent authorities to access the information they require from overseas.
- We are aware of situations where assessments are sought in relation to a named family member, and overseas authorities will then seek to assess other family

members without the knowledge and consent of the requesting competent authority. Sharing information in sensitive cases in this manner may impact on the proceedings.

27. Do authorities in your State use a standard template when providing a report on the (situation of the) child under Article 32 or 33?

- No  
 Yes

Please attach the template to your response (preferably translated into English or French):  
Please insert text here

### Assistance from the authorities of another Contracting Party

28. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 35**?

- No  
 Yes

Please describe:  
Please insert text here

29. Have judges in your State used direct judicial communications in cases falling under the 1996 Convention?

- No  
 Yes

Please specify in relation to which specific matters (e.g., transfer of jurisdiction, placement of a child):  
The Office of International Family Justice is used for judicial liaison in relation to cases in Wales.

## 8. General provisions

### Article 40 Certificates

30. How often have competent authorities in your State issued **Article 40 certificates** indicating the capacity in which a person having parental responsibility or entrusted with the protection of the child's person or property is entitled to act and the powers conferred upon him or her?

- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always

31. Has your State experienced any challenges, or have questions arisen, in relation to **requests under Article 40**?

- No  
 Yes

Please describe:

Please insert text here

### Issues in relation to the property of the child (Arts 55 and 60)

32. How often have competent authorities in your State dealt with **measures for the protection of the property of the child by using the framework of the Convention?**

- Do not know
- Never
- Rarely
- Sometimes
- Very often
- Always

If possible, please provide supplementary information:  
Please insert text here

## 9. Special topics

### International family relocation

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

- Yes  
Please describe such procedures, if possible:  
Please insert text here
- No  
Please describe how the authorities deal with international family relocation cases, if possible:  
Please insert text here

34. Are you aware of any use being made of Article 24, which provides for advance recognition, in lieu of or in connection with international family relocation?

- No
- Yes  
Please explain:  
Please insert text here

35. Are you aware of any use being made of other provisions of the 1996 Convention in cases where a parent wishes to relocate with his or her child to another State?

- No
- Yes  
Please explain:  
Please insert text here

### Children subject to international abduction

36. Have authorities in your State experienced any challenges, or have questions arisen, in relation to the application of the 1996 Convention (e.g., Art. 50) in cases of child abduction where the 1980 Convention was not applicable (see Questions 20(b) and 21(b) above)?

- No

- Yes  
Please describe:  
Please insert text here

37. In cases of child abduction where both the 1980 Convention and the 1996 Convention were applicable, have authorities in your State made use of provisions under the 1996 Convention (e.g., Art. 50) in addition to or instead of provisions of the 1980 Convention?

- No  
 Yes  
Please specify the provisions and explain:  
Please insert text here

38. In cases of child abduction, whether or not the 1980 Convention is applicable, have authorities in your State used the cooperation provisions in Chapter V of the 1996 Convention to determine whether adequate measures of protection are available in the State of the habitual residence of the child (e.g., to facilitate the safe return of the child)?

- No  
 Yes  
Please explain:  
The Welsh Government has not specifically dealt with such requests but we are aware of their use in England and Wales.

39. In cases of child abduction, have competent authorities in your State taken measures of protection under Article 11, as an alternative to measures of protection in the form of mirror orders or undertakings, to facilitate the safe return of the child?

- No  
 Yes  
Please explain:

#### Unaccompanied and separated children<sup>6</sup> and emergency situations (Art. 6)

40. How often have competent authorities in your State dealt with **cases involving refugee children, internationally displaced children, or children whose habitual residence cannot be established** by using the framework of the 1996 Convention?

- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always

If possible, please provide supplementary information:  
Please insert text here

41. Where the **habitual residence of a child present in your State could not be established**, have authorities in your State used any of the cooperation provisions of the 1996 Convention in determining the child's place of habitual residence?

<sup>6</sup> In relation to this section of the Questionnaire, see [Prel. Doc. No 7 of February 2020](#), "The application of the 1996 Child Protection Convention to unaccompanied and separated children".

- No  
 Yes  
 Please specify:  
[Please insert text here](#)

42. Have competent authorities in your State had experience with providing assistance to **discover the whereabouts of children** that went missing due to disturbances occurring in their State of habitual residence by using the framework provided by the 1996 Convention?

- No  
 Yes  
 Please specify:  
[Please insert text here](#)

43. Have **procedures, guidelines, or protocols** been adopted in your State to deal with the protection of unaccompanied or separated children in the context of the 1996 Convention?

- No  
 Yes  
 Please describe and also provide a link or attach any relevant documents, preferably translated into English or French:  
[Please insert text here](#)

44. In emergency situations, such as a humanitarian crisis, have authorities in your State experienced any challenges, or have questions arisen, in regard to the **exchange of information** among authorities of the Contracting Parties, in particular taking into account Articles 36 and 37 of the 1996 Convention?

[No but the co-operation provisions have been used in the context of children who have sought refuge from the war in Ukraine.](#)

45. Are you aware of whether **Preliminary Document No 7 of February 2020, “The application of the 1996 Child Protection Convention to unaccompanied and separated children”**, has been brought to the attention of the competent authorities in your State?

- No  
 Yes  
 Please specify:  
[Please insert text here](#)

### International access / contact cases involving children

46. Should your State also be a Contracting Party to the 1980 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 explain:  
[We have highlighted the use of these provisions in one case where a parent sought access with a child in a Contracting State to both instruments.](#)

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<sup>7</sup> The [Explanatory Report](#) (Lagarde) on the 1996 Convention notes that cooperation under Art. 35(1) between authorities of States Parties with respect to rights of access “serves in a certain way to complete and reinforce the co-operation, which is not always effective, provided for the same purpose between Central Authorities” under Art. 21 of the 1980 Convention. Explanatory Report, para. 146 (1997).



## Practical Handbook

47. Do you have any observations or comments to share concerning the **Practical Handbook** on the Operation of the 1996 Child Protection Convention?

- No  
 Yes

Please specify:

Most requests for co-operation made to the Welsh Government come from local authorities who are seeking assistance in the context of public law child protection proceedings. However, these situations are not widely discussed in the Practical Handbook. It would be helpful if there was further consideration of the operation of the Convention to facilitate the placement of children in other Contracting States in kinship care.

## Agenda Items for the next SC meeting

48. Are there any **particular issues** that your State would like the SC meeting to discuss in relation to the 1996 Convention? Please specify and list in order of priority:

1. The Article 33 procedure. A means of sharing information as to the national procedures and requirements under this provision so that we can provide fuller information to competent authorities contemplating a placement in another Contracting State. This could include (a) which types of placement do and do not require Article 33 consent (e.g. private law placements with relatives) (b) what the national procedures are upon receiving an Article 33 request (c) timescales for the determination of the request.

2. Assessments of potential alternative carers for a child - do these fall within the scope of the 1996 Hague Convention co-operation provisions? Is this exclusively a matter which falls to be considered under the co-operation provisions or can competent authorities co-operate directly? It would be helpful if there was some consideration of this issue.

## PART II – FOR NON-CONTRACTING PARTIES

49. Is your State currently considering **signing and ratifying or acceding to the 1996 Child Protection Convention**?

- Yes  
If possible, please provide further information:  
[Please insert text here](#)
- No  
If possible, please provide further information:  
[Please insert text here](#)

50. In considering how your State would **implement the 1996 Child Protection Convention**, have you encountered any **issues of concern**?

- No
- Yes  
Please explain:  
[Please insert text here](#)

51. Are there any **particular issues** that your State would like the SC meeting to discuss in relation to the 1996 Child Protection Convention?

- No
- Yes  
Please specify and list in order of priority:  
[Please insert text here](#)

52. Do you have any observations or comments to share concerning the **Practical Handbook** on the Operation of the 1996 Child Protection Convention?

- No
- Yes  
Please specify:  
[Please insert text here](#)