

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

Profil des États

établi par le Bureau Permanent

* * *

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

Country Profile

drawn up by the Permanent Bureau

*Document d'information No 2 de mars 2011 à l'intention de la
Commission spéciale de juin 2011 sur le fonctionnement pratique de la
Convention Enlèvement d'enfants de 1980 et de la
Convention Protection des enfants de 1996*

*Information Document No 2 of March 2011 for the attention of the
Special Commission of June 2011 on the practical operation of the
1980 Hague Child Abduction Convention and the
1996 Hague Child Protection Convention*

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FOREWORD TO THE COUNTRY PROFILE

This Country Profile should be used by Contracting States¹ to assist with fulfilment of the obligations contained within Article 7 of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*.² In particular, it is anticipated that the Country Profile will help Contracting States fulfil their obligations under Article 7(2) e) and 7(2) i) of the Convention, that is:

- To provide information of a general character on the law of their State in connection with the application of the Convention; and
- To keep other Central Authorities informed regarding the operation of the Convention in their State and to eliminate any obstacles to the Convention's application.

The Country Profile is intended to assist with the practical operation of the Convention. It is hoped that it will facilitate:

- a) information exchanges between Contracting States;
- b) knowledgeable service by Central Authorities under the 1980 Hague Child Abduction Convention;
- c) cost-effective translation of the information provided by Contracting States into English, French, Spanish, and other languages as required by Contracting States; and
- d) prompt updates of the information provided.

NEWLY ACCEDING STATES:

It should be noted that the Country Profile does not replace the "Standard questionnaire for newly acceding States" (available at < www.hcch.net > under "Child Abduction Section" then "Questionnaires and responses"). The Standard Questionnaire provides a means for newly acceding States to describe promptly, and in brief, the measures taken in their State to ensure compliance with their Convention obligations and to ensure the effective practical operation of the Convention in their State. It thereby assists States already Party to the Convention with their decision as to whether to accept an accession.

Newly acceding States are encouraged to complete this full Country Profile as soon as is practicable.

INSTRUCTIONS:

- Please mark the box which best represents the arrangements in your State:
 - Where the response requires either "Yes" or "No", please mark one box only.
 - For all other questions, it may be necessary to mark more than one box.
- Where applicable, please specify the relevant provision(s) of your domestic legislation and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.
- Please complete a separate profile for each territorial unit if there are significant differences in the substance and operation of the laws in each.
- Please note: the information contained in the Country Profile **is of a general nature only**. The purpose of the Country Profile is to assist with the practical operation of the Convention and not to provide a comprehensive picture of the legal system of each Contracting State. Please consider this when completing the Country Profile and when using the Country Profile of other Contracting States. Please contact the relevant Central Authority for clarification or specific advice.
- Contracting States are exclusively responsible for updating the information contained in their Country Profile. However, reminders for updates will be provided by the Permanent Bureau of the Hague Conference on Private International Law.

¹ Any reference to a Contracting State in this Country Profile is a reference to a Contracting State of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*

² Hereinafter, "the 1980 Hague Child Abduction Convention", or simply "the Convention".

**1980 Hague Child Abduction Convention
Country Profile**

- Completed Country Profiles will be published on the website of the Hague Conference on Private International Law < www.hcch.net >.
- The Permanent Bureau of the Hague Conference has prepared a number of resources which may assist States in the effective implementation and operation of the Convention, in particular Guides to Good Practice. See < www.hcch.net > under "Child Abduction Section" for further information in this regard.

TERMINOLOGY:

- Whilst it is acknowledged that in some Contracting States the formal applicant to a return or access application under the Convention may be a State authority (see question 10.3 b) below), please note that the term "**applicant**" is used in the Country Profile as follows:
 - (a) In relation to a *return* application, the term "applicant" denotes the person, institution or other body alleging that their actually exercised rights of custody in relation to a child have been breached by the removal or retention of the child, in accordance with Article 3 of the Convention; and
 - (b) In relation to an *access* application, the term "applicant" denotes the person, institution or other body seeking to establish and / or exercise rights of access in relation to a child under Article 21 of the Convention.
- The term "**abducting party**" or "**alleged abducting party**" in the Country Profile refers to the person, institution or other body who has, or is alleged to have, wrongfully removed or retained a child in accordance with Article 3 of the Convention.

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

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

COUNTRY PROFILE

Country Name: United States of America

Territorial Unit (where applicable):

Last updated: November 2012

Part I: Central Authorities

1 Central Authority contact details

Provide the designation and contact details of the Central Authority to which communications may be addressed.
Always check < www.hcch.net > then "Child Abduction Section" and "Central Authorities" for the most current contact details.

Organisation: Office of Children's Issues, Bureau of Consular Affairs, U.S. Department of State

Address: 2100 Pennsylvania Avenue NW, SA-29 4th floor, Washington, DC 20037

Territorial and personal extent of functions, if applicable:

Telephone: 202-736-9090

Fax: 202-736-9132

E-mail: askci@state.gov

Website: <http://www.travel.state.gov>

Contact person(s) and direct contact details (please indicate language(s) of communication):
Ms Beth Payne
Director
Office of Children's Issues
United States Central Authority
tel.: +1 (202) 736 9083

Ms Stefanie EYE
Division Chief, Eastern Hemisphere (Outgoing Cases)
Office of Children's Issues
tel: +1 (202) 736 9137

Mr Marco TEDESCO
Division Chief, Incoming and Prevention (Incoming Cases)
Office of Children's Issues
tel.: +1 (202) 647 4964

Mr Scott RENNER
Division Chief, Western Hemisphere (Outgoing Cases)
Office of Children's Issues
tel.: +1 (202) 736 9134

Preferred method of communication:	<input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Fax <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (<i>please specify</i>): Note: Security-related mail processing requirements continue to cause significant delays in the delivery of mail to U.S. Government facilities. It is recommended that time-sensitive correspondence be sent to the Office of Children's Issues by e-mail or courier service.
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OTHER DESIGNATED CENTRAL AUTHORITIES (IF APPLICABLE)

Please attach additional pages if there is more than one designated Central Authority in your State.

Organisation:
 Address:
 Territorial and personal extent of functions, if applicable:
 Telephone:
 Fax:
 E-mail:
 Website:

Contact person(s) and direct contact details (please indicate language(s) of communication):

Preferred method of communication:	<input type="checkbox"/> Telephone <input type="checkbox"/> Fax <input type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (<i>please specify</i>):
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2 Language requirements

<p>a) Does the Central Authority prefer applications, communications and other documents sent to them to be accompanied by a translation into the official language(s) of the State? <i>See Article 24</i> <i>See questions 10.3 c) and 17.2 b) below regarding any translation(s) required by the court / administrative authority</i></p>	<input checked="" type="checkbox"/> Yes, for all communications, applications and other documents. Please specify the official language(s) of the State: English <input type="checkbox"/> Not for informal communications <input type="checkbox"/> No
<p>b) Has your State made a reservation in respect of the use of French or English for communications, applications and other documents sent to the Central Authority? <i>See Article 42</i></p>	<input type="checkbox"/> Yes, object to English <input checked="" type="checkbox"/> Yes, object to French <input type="checkbox"/> No

3 Central Authority operations

<p>a) What are the working days and hours of the Central Authority?</p>	<p>Days of the week open: Monday through Friday Opening time: 8:15 a.m. Eastern Time Closing time: 5:00 p.m. Eastern Time Shut down periods (e.g., public holidays, court closures): Federal Holidays: January: New Years Day, third Monday; February: third Monday; May: last Monday; July 4th; September: first Monday; October: second Monday; November: 11th and third Thursday; December 25. Note: when a holiday falls on a Saturday or Sunday, the holiday usually is observed on Monday (if the holiday falls on Sunday) or Friday (if the holiday falls on Saturday).</p>
<p>b) Can assistance be accessed outside of working hours?</p>	<p><input checked="" type="checkbox"/> Yes (<i>please specify contact details, if different from above</i>): <input checked="" type="checkbox"/> For persons in other Convention States: 202-501-4444 <input checked="" type="checkbox"/> For persons in your State: 1-888-407-4747 <input type="checkbox"/> No</p>
<p>c) Does the Central Authority have a dedicated staff who deals <i>only</i> with 1980 Hague Child Abduction Convention applications and related issues?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>d) Please indicate the professions represented in the Central Authority: <i>Please note that some individual staff members may fall under more than one category. This question should not be interpreted as an indication of the number of staff members in the Central Authority</i></p>	<p><input checked="" type="checkbox"/> Civil servants <input checked="" type="checkbox"/> Civil servants (legal advisors) <input type="checkbox"/> Lawyers <input type="checkbox"/> Social workers <input type="checkbox"/> Mediators <input type="checkbox"/> Other (<i>please specify</i>):</p>

Part II: Relevant legislation

4 International Child Abduction

4.1 1980 Hague Child Abduction Convention

a) When did the 1980 Hague Child Abduction Convention enter into force in your State?	Date: July 1, 1988
b) Was implementing legislation necessary for the 1980 Hague Child Abduction Convention to enter into force in your domestic law? <i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i>	<input checked="" type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> The date that the legislation entered into force: April 29, 1988 The legislative provision(s) or implementing legislation: Public Law 100-300; 42 U.S.C. 11601, et seq.; International Child Abduction Remedies Act (ICARA) <input type="checkbox"/> No
c) Whether implementing legislation was necessary in your State or not, have any (other) legislative provisions or procedural rules been enacted to assist with the effective operation of the 1980 Hague Child Abduction Convention? <i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i>	<input checked="" type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> The date that the legislation or procedural rules entered into force or effect: June 23, 1988 The legislative provision(s) or procedural rules: 22 C.F.R. 94. <input type="checkbox"/> No

4.2 Other agreements on international child abduction

a) Is your State party to any other international agreements which relate to international child abduction?	<input checked="" type="checkbox"/> Yes: <ul style="list-style-type: none"> <input type="checkbox"/> Brussels II a Regulation (Council Regulation (EC) No 2201/2003 of 27 November 2003) <input type="checkbox"/> Inter-American Convention of 15 July 1989 on the International Return of Children <input type="checkbox"/> Bilateral agreements (<i>please specify</i>): <input checked="" type="checkbox"/> Non-binding memoranda of understanding (<i>please specify</i>): MOU between the United States and Egypt, 2003, see: http://www.state.gov/s/l/2003/44396.htm MOU between the United States and Lebanon, 2004, see - http://www.state.gov/s/l/2005/87381.htm MOU between the United States and Jordan, 2006, see - http://www.state.gov/documents/organization/101710.pdf <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No
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5 1996 Hague Child Protection Convention

a) Is your State a Contracting State to the 1996 Hague Child Protection Convention? <i>Refer to < www.hcch.net > for the status table of the 1996 Hague Child Protection Convention</i>	<input type="checkbox"/> Yes, if so, on what date did the 1996 Hague Child Protection Convention enter into force in your State: <input checked="" type="checkbox"/> No
b) Was implementing legislation necessary for the 1996 Hague Child Protection Convention to enter	<input checked="" type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> The date that the legislation entered into force:

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p>into force in your domestic law?</p> <p><i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i></p>	<p>The United states signed the 1996 Hague Child Protection Convention on October 22, 2010. No implementing legislation has been enacted. However, implementing legislation will be necessary before the United States will ratify the Convention.</p> <ul style="list-style-type: none">• The legislative provision(s) or implementing legislation: <p><input type="checkbox"/> No</p>
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c) Whether implementing legislation was necessary in your State or not, have any (other) legislative provisions or procedural rules been enacted to assist with the effective operation of the 1996 Hague Child Protection Convention?

Please specify how legislation can be accessed (e.g., website) or attach a copy

Yes, please specify:

- The date that the legislation or procedural rules entered into force or effect:
- The legislative provision(s) or procedural rules:

No

Part III: Applications for return

6 Applications through Central Authorities	
6.1 Outgoing applications (requesting State)	
<p>a) What type of assistance is provided to applicants in your State when completing an application for return under the Convention?</p> <p><i>See Articles 7 and 8</i></p>	<p><input checked="" type="checkbox"/> Assistance from the Central Authority</p> <p><input checked="" type="checkbox"/> Assistance from another authority</p> <p><input type="checkbox"/> Referral to a legal representative</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): The USCA can provide general guidance to applicants filling out an outgoing application. Additionally, in general, if the child was removed from California, the District Attorney's Office located in the county from which the child was removed will provide assistance to the applicant in filling out the application.</p>
6.2 Incoming applications (requested State)	
<p>a) What form of application does your State require for an incoming application?</p>	<p><input type="checkbox"/> (1) Model Application Form <i>Available at < www.hcch.net > under "Child Abduction Section"</i> Go to question c)</p> <p><input type="checkbox"/> (2) Form developed by your State Please specify how this form can be accessed (<i>e.g.</i>, website) or attach a copy: Go to question c)</p> <p><input type="checkbox"/> Both (1) and (2), go to question c)</p> <p><input checked="" type="checkbox"/> The form of the requesting State is accepted, go to question c)</p> <p><input type="checkbox"/> No particular form is required, go to question b)</p> <p><input type="checkbox"/> Other, go to question b)</p>
<p>b) If your State does not require a particular form of application, what information or documents does your State request?</p> <p><i>See Article 8</i></p> <p><i>Please note that the only information actually required by the Convention (Art. 8) is indicated by a cross in the relevant box</i></p>	<p><input type="checkbox"/> Information concerning the identity of the child:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth, where available <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Physical description (height, eye and hair colour) <input type="checkbox"/> Photograph (as recent as possible) <input type="checkbox"/> Information identifying the child's parents <i>e.g.</i>, nationalities – where a parent is not the applicant or respondent to proceedings (<i>please specify</i>): <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> Information concerning the identity of the applicant:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Relationship of the applicant to the child

	<input type="checkbox"/> Name(s) of legal adviser, if any <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Information concerning the identity of the person alleged to have removed or retained the child: <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Physical description (height, eye and hair colour) <input type="checkbox"/> Photograph (as recent as possible) <input type="checkbox"/> Relationship of the person to the child <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> The grounds upon which the applicant's claim for return of the child is based <input type="checkbox"/> Evidence of the applicant's rights of custody <input type="checkbox"/> An authenticated copy of any relevant decision or agreement <input type="checkbox"/> A certificate or an affidavit emanating from the Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State <input type="checkbox"/> The alleged habitual residence of the child, with supporting information <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> All available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be <input type="checkbox"/> Any other relevant document / information <input type="checkbox"/> Concerning any child protection issues <input type="checkbox"/> Marriage certificate (if applicable) <input type="checkbox"/> Divorce decree (if applicable) <input type="checkbox"/> Civil and / or criminal proceedings in progress (if applicable) <input type="checkbox"/> Evidence of child or other relevant person's right to re-enter the State of the child's habitual residence <input type="checkbox"/> Other (<i>please specify</i>):
c) Does your Central Authority accept an application and accompanying documentation transmitted by electronic means?	<input checked="" type="checkbox"/> Yes, please specify any requirements for electronically transmitted applications / documentation: The USCA accepts applications and accompanying documentation by electronic means. However, the California Attorney General's Office requires originals in order to initiate a Hague proceeding in court. They can, however, begin investigating and locating the child based on electronically transmitted documents. <input type="checkbox"/> Yes, but any documentation sent electronically is not accepted by the court / administrative authority

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

(please specify):

No

<p>d) Does the Central Authority require a written authorisation empowering it or a designated representative (e.g., <i>lawyer</i>) to act on behalf of the applicant? <i>See Article 28</i></p>	<p><input type="checkbox"/> Yes, the authorisation should be provided: <input type="checkbox"/> On the application form <input type="checkbox"/> In a signed statement or declaration <input type="checkbox"/> Other (<i>please specify</i>): <input checked="" type="checkbox"/> No</p>
<p>e) Does the Central Authority acknowledge receipt of the application?</p>	<p><input checked="" type="checkbox"/> Yes, acknowledgment generally is provided by: <input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Post <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No</p>
<p>f) Can the Central Authority proceed with an application where the information provided is incomplete?</p>	<p><input type="checkbox"/> Yes, the Central Authority will begin processing the application and will immediately inform the requesting Central Authority of what additional information is required to complete the request <input checked="" type="checkbox"/> No: <input type="checkbox"/> The Central Authority will not process an application without all of the necessary supporting documentation <input checked="" type="checkbox"/> The Central Authority is unable to process the application but will immediately inform the requesting Central Authority of what additional information is required before further action can be taken <input type="checkbox"/> It depends upon what type of information is missing (<i>please specify</i>): <input checked="" type="checkbox"/> Other (<i>please explain</i>): A notification to the court pursuant to Article 16 may be sent by the USCA prior to receiving a complete application.</p>
<p>g) Who does the Central Authority prefer to communicate with in incoming applications?</p>	<p><input checked="" type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The applicant <input type="checkbox"/> The applicant's legal representative <input type="checkbox"/> All of the above <input checked="" type="checkbox"/> Other (<i>please specify</i>): We will speak directly with the applicant and/or the applicant's attorney, as well as the responding parent, upon request.</p>
<p>h) What measures are taken by the Central Authority (directly, or through an intermediary) to attempt to secure the voluntary return of a child allegedly wrongfully removed or retained in accordance with Article 3 of the Convention (hereinafter, simply "the child")? <i>Please explain where necessary</i> <i>See Article 7 c) and Article 10</i> <i>See also Part V: Mediation and other forms of alternative dispute resolution below</i></p>	<p><input checked="" type="checkbox"/> Contact is made with the alleged abducting party to seek a voluntary return <input checked="" type="checkbox"/> Mediation and / or other forms of alternative dispute resolution are offered to the parties (see Part V: Mediation and other forms of alternative dispute resolution) Information on mediation is provided if the applicant and alleged abducting party express an interest. <input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>i) How is it ensured that no undue delay results from the measures taken, or attempted, to secure the voluntary return of the child (see question h) above)?</p>	<p>Please explain: <i>The USCA sends the responding parent a letter stating that the applicant parent has filed a Convention case with our office. The letter encourages a voluntary resolution, and briefly explains the legal framework for the Convention in the United States. The letter further informs the responding parent that if he/she does not respond to our office within two weeks of the date of the letter, legal proceedings under the Convention may be initiated by the applicant parent. If the USCA does not hear from the responding parent within two</i></p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<p><i>weeks of the date of the letter, the USCA continues to process the Convention application. If the responding parent responds and indicates that he/she is willing to consider a voluntary resolution, the USCA works with the requesting Central Authority and all other appropriate entities in the United States to facilitate a voluntary resolution.</i></p>
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<p>j) What is the role of the Central Authority in taking or causing to be taken provisional measures to prevent further harm to the child? <i>See Article 7(2) b</i> <i>Refer also to sections 10.5 and 11.2 below</i></p>	<p><input checked="" type="checkbox"/> Alert appropriate agencies where there are concerns that a child is at risk <input type="checkbox"/> Apply directly to authorities for protection orders <input checked="" type="checkbox"/> Refer parties to appropriate agencies <input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>k) Can an applicant commence proceedings in your State for the return of the child under the Convention without using the Central Authority channel? <i>See Article 3 and Article 29</i></p>	<p><input checked="" type="checkbox"/> Yes, if so, please explain:</p> <ul style="list-style-type: none"> • Where the applicant can obtain information about commencing proceedings: The applicant can obtain information on our website at www.travel.state.gov/abduction, or, in many cases, from the court in the jurisdiction in which the child is located. • What role, if any, the Central Authority has in these proceedings: Upon request, we would provide the same assistance as any other Convention case. <p><input type="checkbox"/> No</p>

7 Locating a child and preventing removal

For best practice on locating a child and preventing removal, see the Guides to Good Practice under the 1980 Hague Child Abduction Convention available at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice". In particular, in relation to preventing removal, see Part III of the Guide to Good Practice on Preventive Measures.

<p>a) Can return proceedings commence before the child is located?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, in certain circumstances (<i>please specify</i>): If the whereabouts of the alleged taking parent are known, it may be possible to commence proceedings in a court in the United States, even if the location of the child has not been confirmed. <input type="checkbox"/> No</p>
<p>b) What evidence / information does your State require regarding the child's whereabouts to begin to assist with locating the child? <i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Evidence that the child entered your State (<i>e.g.</i>, evidence that the child boarded an aeroplane bound for your State): <input type="checkbox"/> Information from the applicant as to why he / she believes the child is in your State: <input checked="" type="checkbox"/> No information or evidence is required; searches for the child can begin upon request: <input type="checkbox"/> Other (<i>please explain</i>):</p>
<p>c) What mechanisms or sources of information are available in your State to discover the whereabouts of the child? <i>Please indicate in the space provided any associated costs for an applicant or any other necessary information</i> <i>See Article 7(2) a)</i></p>	<p><input checked="" type="checkbox"/> (1) Private location services: <input type="checkbox"/> (2) Population register: <input checked="" type="checkbox"/> (3) Employment register: <input checked="" type="checkbox"/> (4) Information maintained by other government agencies (<i>e.g.</i>, <i>immigration, social welfare</i>): <input checked="" type="checkbox"/> (5) Police: <input checked="" type="checkbox"/> (6) INTERPOL: <input checked="" type="checkbox"/> (7) Court orders to compel the production of information on the whereabouts of the child: <input type="checkbox"/> (8) Other (<i>please specify</i>):</p>
<p>d) Please indicate who is responsible for arranging the measures listed above in question c) by inserting the relevant number next to the responsible person or authority <i>E.g.</i>, Central Authority: 2, 3 The applicant's representative: 7</p>	<p>Central Authority: 1, 3, 4, 5, 6, The applicant: 1, 4, 5, 7 The applicant's representative: 1, 4, 5, 7 Other (<i>please specify</i>):</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

e) Please indicate, by inserting the relevant numbers, which of the measures listed above in question c) need an order from a competent authority?	6, 7
f) What measures can be taken in your State to deter the removal or re-abduction of the child? <i>Please explain where necessary</i> <i>Refer also to the Guide To Good Practice, Part III – Preventive Measures, available at < www.hcch.net >, particularly to paragraph 3.1 on barriers to international travel</i>	<input checked="" type="checkbox"/> (1) Child’s passport(s) to be deposited with authorities <input checked="" type="checkbox"/> (2) Alleged abductor’s passport to be deposited with authorities <input checked="" type="checkbox"/> (3) Obtain orders to prevent the removal of the child <input checked="" type="checkbox"/> (4) Issuing border and / or port alerts <input type="checkbox"/> (5) Requiring the alleged abductor to report periodically to authorities <input checked="" type="checkbox"/> (6) Requiring the alleged abductor to pay a bond / deposit <input checked="" type="checkbox"/> (7) Temporary placement of child in institutional care <input checked="" type="checkbox"/> (8) Other (<i>please specify</i>): A child may be entered into the Children's Passport Issuance Alert Program (CPIAP). This program allows parents to register their U.S. citizen children under the age of 18 in the Department of State's passport databases. If a passport application is submitted for a child who is registered in CPIAP, the Department contacts and alerts the parent or parents. The passport system gives all U.S. passport agencies as well as U.S. embassies and consulates abroad an alert on a child’s name if a parent or guardian registers an objection to passport issuance for his or her child. This procedure can provide parents advance warning of possible plans for international travel with the child.
g) Please indicate who may apply for the measures listed above in question f) by inserting the relevant number next to the responsible person or authority	Central Authority: 4 The applicant: 1, 2, 3, 6, 7, 8 The applicant’s representative: 1, 2, 3, 6, 7, 8 Other (<i>please specify</i>):
h) Please indicate, by inserting the relevant numbers, which of the measures above in question f) need an order from a competent authority?	1, 2, 3, 6, 7

8 Legal representation and assistance

8.1 General

a) Has your State made a reservation to Article 26 of the Convention?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b) Does the Central Authority provide legal advice regarding return applications?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No, however: <ul style="list-style-type: none"> <input type="checkbox"/> The Central Authority will refer the applicant to the appropriate person or authority to obtain legal advice <input checked="" type="checkbox"/> The Central Authority will provide information that is of a general nature about laws and procedures <input checked="" type="checkbox"/> Other (<i>please specify</i>): The USCA maintains an Attorney Network consisting of attorneys willing

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	to assist applicants in Convention cases.
c) Is legal representation required in return proceedings? <i>See Article 25</i> <i>Please explain where necessary</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No, but recommended

<p>d) What is the role of the Central Authority in arranging legal representation? See Article 7(2) g)</p>	<p><input checked="" type="checkbox"/> The applicant is required to make his / her own arrangements for legal representation, but the Central Authority will:</p> <p><input checked="" type="checkbox"/> Provide the applicant with a list of lawyers</p> <p><input type="checkbox"/> Provide the applicant with a list of free or reduced rate lawyers</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): The USCA provides qualified applicants with a list of lawyers willing to represent applicants on a reduced fee or pro bono basis upon request. The USCA also provides any applicant with a list of full fee attorneys licensed to practice within the jurisdiction where the child is located. Before sending an applicant a list of lawyers, the USCA contacts each lawyer on the list to determine whether the lawyer is available and willing to represent an applicant in a Convention case. Once the lawyer responds in the affirmative, that lawyer's name and contact information is included on a list that is then sent to the central authority of the requesting State.</p> <p><input checked="" type="checkbox"/> Legal representation is not required. The Central Authority ensures the application is forwarded to the competent authority for action. Please provide additional information if necessary: For cases where the child who is the subject of the application is located in California, the USCA sends the application directly to the California Attorney General. The Attorney General then sends the application to the District Attorney's Office in the county where the child is believed to be located. The local District Attorney's office will investigate, locate the child, initiate and attend a Hague proceeding in court, ensure the child's appearance in court, facilitate the parents' access to court, and help arrange for the child's return. Pursuant to state law, the District Attorney's Office acts on behalf of the court in Hague Convention proceedings and does not personally represent either parent in an attorney-client relationship. If the applicant or District Attorney's Office so requests, the USCA will assist the applicant in finding legal representation, and the District Attorney's Office will coordinate its efforts with counsel. California is the only state that regularly uses public officials to locate and recover children and bring them to court for Hague proceedings.</p> <p><input type="checkbox"/> Legal representation is arranged by the Central Authority. Representation is provided by:</p> <p><input type="checkbox"/> Central Authority lawyers</p> <p><input type="checkbox"/> Private lawyers</p> <p><input type="checkbox"/> Public prosecutor</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
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8.2 Free or reduced rate legal assistance

<p>a) Is free or reduced rate legal assistance available to an applicant in return proceedings in your State?</p>	<p><input checked="" type="checkbox"/> Yes, free legal assistance. Go to question c)</p> <p><input checked="" type="checkbox"/> Yes, reduced rate legal assistance. Go to question c)</p> <p><input type="checkbox"/> No, go to question b)</p>
<p>b) If free or reduced rate legal assistance is <u>not</u> available, in what other ways can your State assist an applicant financially?</p>	<p><input type="checkbox"/> There is a system of costs ordering the respondent to pay</p> <p><input type="checkbox"/> <i>Pro bono</i> legal assistance</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<input type="checkbox"/> Not at all Go to section 9
c) Is the applicant required to complete an application form for free or reduced rate legal assistance?	<input checked="" type="checkbox"/> Yes, please specify how application forms can be obtained (e.g., website) or attach a copy: The application form may be found on our website at www.travel.state.gov . <input type="checkbox"/> No
d) Please indicate on what basis free or reduced rate legal assistance may be available <i>Please explain where necessary</i>	<input checked="" type="checkbox"/> Income of the applicant <input type="checkbox"/> Assets of the applicant <input type="checkbox"/> Country of residence of the applicant <input type="checkbox"/> Likelihood of success of the proceedings <input checked="" type="checkbox"/> Other (<i>please specify</i>): Each attorney, firm and/or legal aid organization will have its own policies and procedures for the basis upon which an applicant is eligible for reduced fee or pro bono legal assistance. The USCA will assist applicants in finding potential pro bono or reduced fee representation based upon a self-assessment of the income of the applicant. However, an individual attorney may decline to represent an individual if he/she believes that the case lacks merit. Attorneys may also do a more thorough investigation of an applicant's income and eligibility for pro bono or reduced fee services.
e) Which costs are covered by free or reduced rate legal assistance? <i>Please explain where necessary</i>	<input type="checkbox"/> (1) Mediation <input type="checkbox"/> (2) Translation <input type="checkbox"/> (3) Interpreters <input type="checkbox"/> (4) Service of documents <input type="checkbox"/> (5) Costs associated with locating the child <input type="checkbox"/> (6) Court fees <input type="checkbox"/> (7) Travel costs for the return of the child (see question 11.1 c)) <input checked="" type="checkbox"/> (8) Other (<i>please specify</i>): Each attorney, firm, and/or legal aid organization may include any of the services listed above as part of the agreement for pro bono or reduced fee legal representation. However, in the USCA's experience, court fees and travel costs must generally be borne by the applicant, unless otherwise ordered by the court. Under ICARA, a prevailing party may be awarded attorneys fees and/or travel costs (see 42 U.S.C. 11607(b)). Please see also our response to 11.1(c) of this document.

f) Please indicate which costs, if any, are covered by the Central Authority by listing the numbers set out in question e) above?	
g) Is free or reduced rate legal assistance available for the appeal of decisions?	<input type="checkbox"/> No, go to question i) <input checked="" type="checkbox"/> Yes, free legal assistance; go to question h) <input checked="" type="checkbox"/> Yes, reduced rate legal assistance; go to question h) <input type="checkbox"/> It depends upon an assessment of the merits of the case and / or the means of the individual concerned (<i>please specify</i>): Go to question h)
h) Is a new application for free or reduced rate legal assistance required for appeals?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i) Is free or reduced rate legal assistance available for proceedings needed to enforce a return order?	<input type="checkbox"/> No, go to question k) <input checked="" type="checkbox"/> Yes, free legal assistance; go to question j) <input checked="" type="checkbox"/> Yes, reduced rate legal assistance; go to question j) <input checked="" type="checkbox"/> It depends upon an assessment of the merits of the case and / or the means of the individual concerned (<i>please specify</i>): Enforcement of a return order does not generally require a separate action in the United States. However, should a separate action be necessary, the USCA would use the same policies and procedures to assist with legal representation as those described above for initial proceedings. (This same answer applies to both 8.2(h) and 8.2(j)) Go to question j)
j) Is a new application for free or reduced rate legal assistance required for enforcement applications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
k) Is free or reduced rate legal assistance available to an alleged abducting party located in your State?	<input checked="" type="checkbox"/> Yes, free legal assistance <input checked="" type="checkbox"/> Yes, reduced rate legal assistance Please specify in what circumstances and on what basis legal assistance will be granted: An alleged abducting party may qualify for pro bono or reduced fee legal assistance in the United States through local legal aid organizations or non-governmental organizations. The USCA has a portion of our website dedicated to contact information for legal aid organizations in various states: http://www.travel.state.gov/abduction/incoming/legalaid/legalaid_4309.html . However, the USCA does not provide assistance beyond the information provided on our website for pro bono or reduced fee legal representation for alleged abducting parents. The USCA will give a list of attorneys willing to represent a case on a full-fee basis to either party upon request. <input type="checkbox"/> No
l) Where a child is returned to your State, is free or reduced rate legal assistance available to all parties in the custody proceedings in your State?	<input type="checkbox"/> Yes, free legal assistance is available to all parties <input type="checkbox"/> Yes, reduced rate legal assistance is available to all parties Please specify in what circumstances and on what basis legal assistance will be granted: <input checked="" type="checkbox"/> Free legal assistance is only available to certain persons (<i>please specify</i>): As described in the answer to 8.2(k) immediately above, any person may qualify for reduced fee or pro bono legal representation from a local legal aid organization, or a non-governmental organization for a custody

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<p>proceeding. Generally, these organizations determine whether to take a case on a pro bono or reduced fee basis based upon the party's income and/or the issues involved in the case.</p> <p><input checked="" type="checkbox"/> Reduced rate legal assistance is only available to certain persons (<i>please specify</i>): Please see the answer to the question immediately above.</p> <p>Please specify in what circumstances and on what basis legal assistance will be granted:</p> <p><input type="checkbox"/> No, free and / or reduced rate legal assistance is not available to any party</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
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9 Rights of custody

9.1 Acquisition and exercise of rights of custody

See Articles 3 and 5

<p>a) Do rights of custody arise by operation of law in your State?</p> <p><i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy</i></p>	<p><input checked="" type="checkbox"/> Yes, go to question b)</p> <p><input type="checkbox"/> No, go to question c)</p>
<p>b) To whom are rights of custody attributed by operation of law?</p> <p><i>See Articles 3 and 5</i></p> <p><i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy</i></p>	<p>Please explain: To whom rights of custody are attributed by operation of law is a matter of state law in the United States. In most states, there is a presumption of joint legal custody of children born to married parents. That is, parents who have children with each other during the marriage share generally joint legal and physical custody by operation of law. States are not unanimous in the manner in which they attribute rights of custody by operation of law to parents who have children out of wedlock. In some states, there is a joint custodial presumption for parents who are not married to each other but have a child together. In other states, there is a presumption that the mother has sole legal custody of a child born out of wedlock unless and until the biological father takes affirmative steps to establish himself as the legal father. These affirmative steps could include initiating court action; initiating action with an administrative body; or other affirmative steps that may include the father's holding out the child as his own. However, sometimes the affirmative steps that the father takes may establish him as the legal father and award him parental rights but not custodial rights.</p>
<p>c) By what other methods can a person or institution acquire rights of custody?</p>	<p><input checked="" type="checkbox"/> Judicial decision</p> <p><input type="checkbox"/> Administrative decision</p> <p><input type="checkbox"/> Agreement having legal effect</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): Please see our response to question 9.1(b).</p>
<p>d) How, if at all, can the attribution of rights of custody be modified?</p>	<p><input checked="" type="checkbox"/> By order of a judicial or administrative authority</p> <p><input type="checkbox"/> By written agreement</p> <p><input type="checkbox"/> It depends upon how the rights of custody were acquired (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): By judicial order only</p>
<p>e) How, if at all, can rights of custody be terminated?</p>	<p><input checked="" type="checkbox"/> By order of a judicial or administrative authority</p> <p><input type="checkbox"/> By written agreement</p> <p><input type="checkbox"/> It depends upon how the rights of custody were acquired (<i>please specify</i>):</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p>f) Prior to any order determining the issue, who <i>generally</i> has the right to determine the child's residence?</p>	<p>Please explain:</p> <p>Generally, there is a presumption that the legal parents have joint custody and therefore a joint right to determine the child's residence. If there has been court intervention, the provisions of the custody order determine the custodial rights. If there is only one parent who has custodial rights, then the parent who has custodial rights has the right to determine the child's residence.</p>
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10 Proceedings for Return

10.1 Organisation of competent authorities

<p>a) Does your State limit the number of judicial or administrative authorities who can hear return applications under the Convention? (<i>i.e.</i>, has your State "concentrated jurisdiction" in respect of applications under the Convention)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>b) If possible, please state exactly how many courts or administrative authorities and how many judges or relevant decision-makers can hear return applications under the Convention?</p>	<p>Courts / administrative authorities: The International Child Abduction Remedies Act, which implements the Hague Abduction Convention in the United States, establishes concurrent jurisdiction for state and Federal courts to hear cases arising under the Hague Abduction Convention. On that basis, there are potentially thousands of state and Federal court judges that may hear Hague cases.</p> <p>Judges / decision-makers: Please see immediately above.</p>

<p>c) Please list the judicial or administrative authorities that can make decisions in return applications under the Convention</p>	<p>State and Federal court judges are the only judicial authorities that can make decisions in return applications under the Convention.</p>
<p>d) Are the judges or administrative authorities who decide return applications in your State specialists in either family law or international child abduction?</p> <p><i>See also section 22 on Training below</i></p>	<p><input type="checkbox"/> Yes, specialists in family law <input type="checkbox"/> Yes, specialists in international child abduction <input type="checkbox"/> No <input checked="" type="checkbox"/> Other (<i>please specify</i>): Judges who decide return applications may have expertise in family law or international child abduction.</p>
<p>e) In ascertaining whether there has been a wrongful removal or retention under the Convention, do judicial or administrative authorities in your State take judicial notice of foreign law and decisions without recourse to the specific procedures for the proof of that law or for the recognition of foreign decisions which would otherwise be applicable in ascertaining whether there has been a wrongful removal or wrongful retention?</p> <p><i>See Article 14</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Other (<i>please specify</i>): Judicial authorities have the discretion to take judicial notice of foreign law and decisions. Additionally, ICARA allows for a Hague application, its supporting documents, and any other document supporting the petition to be admissible in court without any authentication procedures required. (42. U.S.C. 11605).</p>
<p>10.2 Articles 15 and 16 of the Convention</p>	
<p>a) In your State is it possible for a decision or other determination to be made, in accordance with Article 15 of the Convention, that the removal or retention of a child was wrongful within the meaning of Article 3?</p> <p><i>See Article 3 and Article 15</i></p>	<p><input checked="" type="checkbox"/> Yes, go to question b) <input type="checkbox"/> No, go to question e)</p>
<p>b) Which authorities in your State can issue Article 15 decisions / determinations?</p> <p><i>See Article 15</i></p>	<p>Please list: A state court judge can make a judicial decision or other judicial determination, in accordance with Article 15 of the Convention, that the removal or retention of a child was wrongful within the meaning of Article 3.</p> <p>An attorney licensed to practice law in a particular U.S. state may provide an affidavit of law stating the status of the left-behind parent's custodial rights at the time of the wrongful removal or retention.</p>
<p>c) Who can apply for an Article 15 decision / determination?</p>	<p><input type="checkbox"/> Central Authority <input checked="" type="checkbox"/> The applicant in the return proceedings <input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>d) Are Article 15 decisions / determinations of other States accepted by the judicial or administrative authorities in your State?</p>	<p><input checked="" type="checkbox"/> Yes, <i>please explain if necessary</i>: <input type="checkbox"/> No</p>
<p>e) Who notifies the relevant judicial or administrative bodies that a decision on the merits of rights of custody should not be made until it has been determined that the child should not be returned?</p> <p><i>See Article 16</i></p>	<p><input checked="" type="checkbox"/> Central Authority <input type="checkbox"/> The applicant's legal representative <input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>f) When does notification in accordance with Article 16 take place?</p>	<p><input type="checkbox"/> Automatically upon receipt of a return application <input checked="" type="checkbox"/> Upon request of either party <input checked="" type="checkbox"/> Other (<i>please specify</i>): As soon as the USCA becomes aware that a court is hearing a custody matter involving the same parties as the Convention proceeding, the USCA will notify the relevant judicial body that a decision on the rights of custody should</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	not be made until the Hague case has been resolved.
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10.3 Procedures	
<p>a) How does the Central Authority fulfil its obligation to initiate or facilitate the initiation of proceedings in your State? <i>See Article 7(2) f)</i> <i>See also question 8.1 d) above</i></p>	<p><input type="checkbox"/> The Central Authority itself initiates the proceedings for return</p> <p><input type="checkbox"/> The Central Authority sends the file to an appropriate lawyer</p> <p><input checked="" type="checkbox"/> The Central Authority sends the file to the Public Prosecutor</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): The USCA only sends a file to a public prosecutor when a child is located in California. In California, the District Attorney's Office acts on behalf of the court in Hague cases, and does not represent either party. As described in our responses to question 8 of this document, the USCA assists in locating counsel for the applicant parent. The USCA also has information available on our website on how to file a case in court without an attorney.</p>
<p>b) Who is the formal applicant in return proceedings before the court / administrative authority in your State?</p>	<p><input checked="" type="checkbox"/> The person, institution or other body which made the application under the Convention</p> <p><input type="checkbox"/> The Central Authority</p> <p><input checked="" type="checkbox"/> The Public Prosecutor</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): The applicant is the parent requesting return of the child. In cases where the child is located in California, the District Attorney's Office can file the petition for return of the child in court pursuant to state law authorizing it to do so, appearing pursuant to Cal. Family Code sections 3130 et seq. and 3455.</p>
<p>c) Does documentation submitted to the court / administrative authority have to be translated into the official language(s) of your State? <i>See question 2 a) for the official language(s) of the State</i></p>	<p><input checked="" type="checkbox"/> Yes, please state who is responsible for the organisation and cost of the translation: The applicant is responsible for the the organization and cost of the translation of documents into English.</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> It depends upon the type of documentation submitted (<i>please specify</i>):</p>
<p>d) Have measures been taken to ensure that the judicial and administrative authorities in your State act expeditiously in return proceedings? <i>See Article 11</i></p>	<p><input checked="" type="checkbox"/> Yes, please explain briefly what the measures are:</p> <p><input type="checkbox"/> In the implementing legislation:</p> <p><input type="checkbox"/> In procedural rules:</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): Upon request, the USCA sends the judge presiding over a Hague case a letter describing the obligations of Article 11 of the Convention. (See also 22 C.F.R. 94.6(i)).</p> <p>Please specify how the legislation or rules can be obtained (<i>e.g.</i>, website) or attach a copy:</p> <p><input type="checkbox"/> No</p>
<p>e) Generally, what is the expected time from the commencement of the proceedings for return to a final order (excluding appeals)? <i>See Article 11</i></p>	<p><input type="checkbox"/> Up to 6 weeks</p> <p><input type="checkbox"/> 6 to 12 weeks</p> <p><input checked="" type="checkbox"/> More than 12 weeks (<i>please provide further information</i>): The time it takes to reach a final order varies widely depending upon the circumstances of the case. See the regulation for the United States, 22 C.F.R. 94.6(i) which states that, upon request, the USCA shall seek a report on the status of court action when no decisions has been reached by the end of six weeks.</p>
<p>f) Is the applicant generally required to participate in the return proceedings?</p>	<p><input checked="" type="checkbox"/> Yes, please specify in what circumstances: Participation is required either pro se or through</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p><i>Please note that attendance in person is not required under the Convention (see paragraph 6.5.3 of the Guide to Good Practice, Part II - Implementing Measures)</i></p>	<p>counsel, but attendance in person is not generally required.</p> <p><input type="checkbox"/> No, but advisable</p> <p><input type="checkbox"/> No</p>
<p>g) Are facilities available to enable the applicant to participate in return proceedings from outside your State?</p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input checked="" type="checkbox"/> Video-conference</p> <p><input checked="" type="checkbox"/> Telephone</p> <p><input checked="" type="checkbox"/> Through a legal representative</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): The facilities available to enable the applicant to participate in return proceedings varies widely throughout the United States. Generally all of the resources enumerated are available at least in parts of the United States. Additionally, the USCA makes every effort to make arrangements to ensure that resources are made available to the left behind parent for the purpose of participating in court proceedings that are taking place in the United States.</p> <p><input type="checkbox"/> No</p>
<p>h) If the applicant does participate in return proceedings in your State, is simultaneous interpretation available, where necessary?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> It depends upon the circumstances of the case (<i>please specify</i>): The availability and accessibility of interpreters with appropriate training in legal interpretation varies throughout the United States. Interpreters with certain language skills (e.g., Spanish) are more available than others (e.g., Arabic). Nonetheless, with sufficient lead time, court administrators should be able to make efforts to secure interpretation services in time for a parent to participate in a judicial proceeding.</p>

i) Where the facilities set out in question 10.3 g) and h) above are required, who is responsible for the cost of providing such facilities?	<input type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The court / administrative authority <input type="checkbox"/> It depends upon the facility used (<i>please specify</i>): <input checked="" type="checkbox"/> Other (<i>please specify</i>): Generally the applicant parent is responsible for the cost of providing these facilities. However, a court may apportion the cost between the parties and/or the court may provide some of these facilities at no charge to either party.
j) Can special immigration arrangements (e.g., visas) be made to enable the applicant to attend return proceedings in person if he / she so wishes?	<input checked="" type="checkbox"/> Yes (<i>please specify</i>): On a case by case basis. <input type="checkbox"/> No
k) Is it possible for a return application to be decided solely on the basis of the papers <i>i.e.</i> , with no court (or administrative authority) hearing at all?	<input type="checkbox"/> Yes <input type="checkbox"/> Yes, but it is unlikely <input checked="" type="checkbox"/> No, there will always be a hearing
l) Can oral evidence (<i>i.e.</i> , in-person evidence) be received in return proceedings?	<input type="checkbox"/> Yes, oral evidence will always be received in return proceedings <input checked="" type="checkbox"/> Yes, oral evidence can be received in return proceedings but in limited circumstances only (<i>please specify</i>): A judge has the discretion to determine if oral evidence is necessary. <input type="checkbox"/> No, oral evidence can never be received in return proceedings

10.4 Participation of the child

a) Does the child have an opportunity to be heard in return proceedings in your State?	<input type="checkbox"/> Yes, in every case; go to question b) <input checked="" type="checkbox"/> It depends upon the particular case and is always at the discretion of the judge / authority hearing the case. <i>Please explain if necessary</i> : Go to question b) <input type="checkbox"/> Only where Article 13(2) is relied upon; go to question b) <input type="checkbox"/> Other (<i>please specify</i>): Go to question b) <input type="checkbox"/> No, never. Go to section 10.5
b) How is the child heard in return proceedings?	<input type="checkbox"/> Direct interview with judge <input type="checkbox"/> Report prepared for court by independent expert <input type="checkbox"/> Child's own legal representative <input checked="" type="checkbox"/> Other (<i>please specify</i>): All of the above are possible, and left to the discretion of the court.
c) How does your State ensure that no undue delay results from hearing the child in the course of return proceedings?	<i>Please explain: Please see our response to questions 7.5 and 4.2 of the Preliminary Document No. 1 for the 2011 Special Commission.</i>
d) Can judicial or administrative authorities appoint a legal representative (attorney or <i>guardian ad litem</i>) to represent the child's best interests in return proceedings?	<input checked="" type="checkbox"/> Yes, please specify under what circumstances: Judicial authorities always have the discretion to appoint a guardian ad litem to represent the child. However, the view of the United States is that consistent with the objects of the Convention, if the court appoints a guardian ad litem, the guardian ad litem should represent the views of the child, rather than the best interests of the child, because a Convention proceeding is not a best interests determination.

No

10.5 Protective measures	
<p>a) Where there are concerns about the care being given to a child in your State, which authorities provide services for the assessment and protection of the child?</p> <p><i>Please provide additional information if necessary</i></p> <p><i>On the role of the Central Authority in this respect, see also question 6.2 j) above</i></p>	<input checked="" type="checkbox"/> Government social / welfare agency: <input checked="" type="checkbox"/> Non-governmental organisations / agencies: <input type="checkbox"/> Central Authority: <input checked="" type="checkbox"/> Police: <input checked="" type="checkbox"/> Courts: <input type="checkbox"/> Other (<i>please specify</i>):
<p>b) What measures are available to ensure the protection of a child in your State (both prior to the initiation of return proceedings and whilst return proceedings are ongoing)?</p>	<input checked="" type="checkbox"/> 1. Injunctive orders can be placed on the alleged abducting party prohibiting certain forms of conduct <i>e.g.</i> , violence, drinking <i>etc.</i> <input checked="" type="checkbox"/> 2. Placement of the child in foster care <input checked="" type="checkbox"/> 3. Placement of the child in State care <input checked="" type="checkbox"/> 4. Supervision of the alleged abducting party's care of the child by a social / welfare agency <input checked="" type="checkbox"/> 5. Other (<i>please specify</i>): The court has the discretion to order any other placement or service for the child or the parents that it deems necessary to preserve the child's health, safety and welfare.
<p>c) Which of the above measures require a court order? Please list the relevant numbers from question 10.5 b) above</p>	<p>All of the measures enumerated in 10.5(b) generally require a court order.</p>
<p>d) Who is responsible for applying for any protective measure requiring a court order? Please list next to the relevant individual or body the number of the measure from question b) above, which they are required to apply for</p> <p><i>On the role of the Central Authority in this respect, see also question 6.2 j) above</i></p>	<input checked="" type="checkbox"/> The applicant: 1 <input type="checkbox"/> The requesting Central Authority: <input type="checkbox"/> The requested Central Authority: <input checked="" type="checkbox"/> The Public Prosecutor: Only applicable to cases involving the California Attorney General's Office <input checked="" type="checkbox"/> The judge (<i>ex officio</i>): 1, 2, 3, 4, 5 <input checked="" type="checkbox"/> A government social / welfare agency: 1, 2, 3, 4 <input type="checkbox"/> The police: <input checked="" type="checkbox"/> Other (<i>please specify</i>): Any person, including a parent, may inform the local child protective agency about concerns regarding a child's welfare. The agency will then act according to its own laws and policies.
10.6 Contact or access during return proceedings	
<p>a) Can judicial or administrative authorities take provisional or interim measures to enable an applicant to exercise contact or access in respect of the child while return proceedings are pending?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
10.7 Appeals	
<p>a) Can a decision in return proceedings be appealed?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Only in certain circumstances (<i>please specify</i>): <p>If either of the boxes above are ticked, please specify how many levels of appeal exist and to which court(s) / authority(ies) an appeal may be made: In state courts there are generally two levels of appeal. Similarly, in federal courts, there are two levels of appeal. Theoretically there is a second federal level of appeal but that would be an appeal to the U.S. Supreme Court which is unlikely to grant a writ of certiorari to hear a Convention return case. The Supreme Court may be more likely to hear a Convention appeal when the</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<p>federal circuits are split on an important question surrounding the Convention's interpretation or application.</p> <p><input type="checkbox"/> No, go to section 11</p>
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<p>b) Is there an expedited procedure or special process of appeal for Hague return cases?</p> <p><i>Please specify the legislation and / or rules which provide for this and how they can be obtained (e.g., website) or attach a copy</i></p>	<p><input checked="" type="checkbox"/> Yes, please specify: There is no specific procedure. However, either party may request the court to expedite the hearing of a case.</p> <p><input type="checkbox"/> No</p>
<p>c) Who can initiate the appeal process?</p>	<p><input checked="" type="checkbox"/> Either party to the proceedings</p> <p><input type="checkbox"/> Central Authority</p> <p><input type="checkbox"/> Public Prosecutor</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>d) Is leave to appeal required?</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> In certain circumstances (<i>please specify</i>): Leave to appeal is generally not required unless the time to appeal has passed.</p>
<p>e) If a return order is made, can it be suspended (<i>i.e.</i>, "stayed") pending an appeal?</p>	<p><input type="checkbox"/> Yes, a return order is <i>automatically</i> suspended pending an appeal</p> <p><input type="checkbox"/> Yes, a return order can be suspended pending an appeal at the request of either party</p> <p><input checked="" type="checkbox"/> Yes, a return order can be suspended pending an appeal at the request of either party <u>and</u> after determination by the judge / authority</p> <p><input type="checkbox"/> No</p>
<p>f) Is there a time limit by which an appeal must be filed in return proceedings?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p>The time limit: There are different rules for federal and state courts. 28 USC §2107 and 28 USC § 2101 are the federal statutes relevant to appeals from the federal district and federal circuit courts. Both of these statutes state that a notice of appeal must be filed within 30 days after the entry of an order. Some states follow the same rule. For example, Maryland Rule 8-202 provides that notice of a appeal must be filed within 30 days after the entry of a judgment, verdict or decision. However, it's important to note that some state statutes may not have a similar provision. Additionally, counsel for either party may request that a federal or state court expedite the hearing of an appeal.</p> <p>From when the time limit starts to run (<i>e.g.</i>, from the date of judgment, from the date of the order, from the date the decision was notified to the parties <i>etc.</i>):</p> <p><input type="checkbox"/> No</p>
<p>g) Generally, what is the expected time within which appeals are filed and decided?</p>	<p><input checked="" type="checkbox"/> Up to 3 months</p> <p><input checked="" type="checkbox"/> 3 to 6 months</p> <p><input checked="" type="checkbox"/> Longer than 6 months</p>
<p>h) Is the applicant generally required to participate in the appeal proceedings?</p> <p><i>Please note that attendance in person is not required under the Convention (see para. 6.5.3 of the Guide to Good Practice, Part II - Implementing Measures)</i></p>	<p><input type="checkbox"/> Yes, please specify in what circumstances:</p> <p><input type="checkbox"/> No, but advisable</p> <p><input checked="" type="checkbox"/> No</p>
<p>i) Are facilities available to enable the applicant to attend appeal proceedings from outside your State?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Video-conference</p> <p><input checked="" type="checkbox"/> Telephone</p> <p><input checked="" type="checkbox"/> Through a legal representative</p> <p><input type="checkbox"/> Other (<i>please specify</i>): The facilities available may vary from state to state.</p> <p><input type="checkbox"/> No</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

j) If the applicant does participate in appeal proceedings in your State, is simultaneous interpretation available, where necessary?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
k) Where the facilities set out in questions i) and j) above are required, who is responsible for the cost of providing such facilities?	<input checked="" type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input checked="" type="checkbox"/> The court / administrative authority <input checked="" type="checkbox"/> It depends upon the facility used (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>):
l) Can special immigration arrangements (e.g., visas) be made to enable the applicant to attend appeal proceedings in person if he / she so wishes?	<input checked="" type="checkbox"/> Yes (<i>please specify</i>): On a case by case basis. <input type="checkbox"/> No

11 Return of the child

11.1 Arrangements for return and the costs of return

a) Who is responsible for making travel arrangements for the return of the child?	<input type="checkbox"/> The abducting party <input type="checkbox"/> The applicant <input type="checkbox"/> The abducting party and the applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input checked="" type="checkbox"/> The judicial or administrative authority will direct who is to make arrangements on a case-by-case basis. Please explain if necessary: <input type="checkbox"/> Other (<i>please specify</i>):
b) Who is responsible for the travel costs relating to the return of the child?	<input type="checkbox"/> The abducting party <input type="checkbox"/> The applicant <input type="checkbox"/> The abducting party and the applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The costs are decided by the judicial or administrative authority on a case-by-case basis. Please explain if necessary: <input checked="" type="checkbox"/> Other (<i>please specify</i>): If a U.S. court orders a child returned pursuant to a Convention petition, ICARA requires the judge to order the taking parent to pay the travel costs relating to the return of the child, unless the taking parent can establish that such an order would be "clearly inappropriate."
c) Is there financial assistance available in your State to assist with travel costs associated with the return of the child? <i>See also question 8.2 e)</i>	<input checked="" type="checkbox"/> Yes, please specify: For cases where the child is being returned to the United States, there may be some government funding available. For Convention cases determined in the United States, ICARA provides that the prevailing party shall be awarded the travel costs of the return of the child, unless the respondent establishes that such an order would be "clearly inappropriate." (42 U.S.C. 11607(b)(3)). <input type="checkbox"/> No
d) Can special immigration arrangements (e.g., visas) be made, where necessary, to enable an applicant to travel to your State to collect a child (following a return order or a voluntary agreement to return the child)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain, if necessary: On a case by case basis.

<p>e) Can special immigration arrangements (e.g., visas) be made, where necessary, for abducting parties and children returning to your State?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain, if necessary: On a case by case basis.</p>
<p>11.2 Provisions for safe return</p>	
<p><i>See also: Article 7(2) b)</i> <p style="text-align: center;">Part VI: Direct judicial communications Section 6: Applications through Central Authorities</p> </p>	
<p>a) Does the law in your State provide for the protection of children from domestic violence or other forms of abuse?</p>	<p><input checked="" type="checkbox"/> Yes, please specify how legislation can be accessed (e.g., website) or attach a copy: In the United States, the methods of protection of individuals from abuse is left to the individual states. However, each state has an agency dedicated to the protection of children. If the child protective agency makes a finding of abuse, the agency has the power to remove the children from the dangerous situation. Additionally, each state has laws that enable a victim of domestic violence to petition a court for an order of protection against the alleged perpetrator of abuse. Courts generally have wide latitude with respect to the remedies that they may order to mitigate risks of domestic violence, including but not limited to removing the alleged perpetrator from the home; ordering the perpetrator to have no contact with the victim; or ordering the perpetrator to stay away from the victims' home, work place, school, or any other area. If the perpetrator violates any provisions of the order, he/she can be arrested. Further, non-governmental organizations dedicated to serving victims of domestic violence exist in each state. Victims of domestic violence can contact these organizations for assistance with custodial laws as they relate to domestic violence issues.</p> <p><input type="checkbox"/> No</p>
<p>b) Does the law in your State provide for the protection of adults from domestic violence or other forms of abuse?</p>	<p><input checked="" type="checkbox"/> Yes, please specify how legislation can be accessed (e.g., website) or attach a copy: Please see our response to 11.2(a). <input type="checkbox"/> No</p>
<p>c) Which authorities provide services for the protection, if necessary, of the child? <i>Please provide additional information if necessary</i></p>	<p><input checked="" type="checkbox"/> Government social / welfare agency: <input checked="" type="checkbox"/> Non-governmental organisations: <input type="checkbox"/> Central Authority: <input checked="" type="checkbox"/> Police: <input checked="" type="checkbox"/> Courts: <input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>d) What action can the Central Authority in your State take, where necessary, to ensure the safe return of the child? <i>See Article 7(2) h)</i></p>	<p>Please explain: Once a court orders a child returned to his/her habitual residence, the court has wide latitude and broad discretion to order how the return will come about. The court may order that a social service agency take responsibility for making the arrangements for the return. Additionally, the court can order that law enforcement participate in the transfer of the child. The court can determine who will be present when the child is transferred; where the transfer will take place; what date and time the transfer will take place; and who will pay for the child's return. The USCA is not responsible for making these arrangements but we will notify the Central Authority of the requesting State when a return is ordered. We can also assist the Central Authority of the requesting State with getting in contact with U.S. local, state, or Federal agencies as necessary or appropriate.</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

Requested State

e) Where a judge or administrative authority in your State is ordering the return of the child, what can the authority do to create conditions for a safe return?

Please explain where necessary

Please tick all boxes which apply

- Make a protective order or other order designed to prevent harm occurring to the child Please see our response to 11.2(a) and (d) immediately above.
- Accept undertakings from either party designed to prevent harm occurring to the child

As described above in our response to 11.2(d), the court has wide latitude in ordering provisions for the safe return of the child. As such, either party may ask the court for undertakings to facilitate the child's safe return, and the court will decide accordingly.

Please specify the subject-matter of, and any limitations on, the undertakings the authority can accept:

Other (*please specify*):

f) Where a judge or administrative authority in your State takes measures to create conditions for a safe return, what can the authority do to ensure compliance with those measures?

Please specify: In the United States, it is at the discretion of the judge issuing the return order to, in accordance with relevant laws, dictate how that order will be enforced. One method of enforcement may include ordering the abducting parent to accompany the child to his/her country of habitual residence, and return the child him/herself to the left behind parent, or to the appropriate local authorities.

However, both Federal and U.S. state court judges have the authority under U.S. domestic laws to enter what are commonly referred to as "pick-up orders" for a child who is the subject of a return order. In a pick-up order, a judge will generally designate a law enforcement entity to pick up the child from a certain location, perhaps the child's school or the home of the abducting parent, and order law enforcement personnel to escort the child into the care of the left-behind parent or other appropriate authority.

In cases where the provisions for safe return depend upon the private conduct of the parties, courts have the power to hold parties in contempt if the court's order is not followed. Civil contempt is a remedy that may include fines and/or a jail sentence until the terms of the order are fulfilled.

Requesting State	
<p>g) Can judicial or administrative authorities in your State:</p> <p>i. Recognise and enforce protective orders or other orders made in the requested State designed to prevent harm occurring to the child?</p> <p>ii. Insist upon undertakings given in the requested State being carried out?</p> <p>iii. Make any "mirror orders" necessary as a result of protective measures taken in the requested State?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please explain where necessary: In general, the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) provides a mechanism for the recognition and enforcement of foreign custody orders by U.S. state courts, if the foreign proceeding was done in substantial conformity with the provisions of the UCCJEA governing due process. Additionally, within the United States, each U.S. state must give full faith and credit to a civil protection order granted by another U.S. state. Thus, we believe the current trend in the United States is for courts to recognize foreign orders of protection or, where the order cannot be recognized directly, create a mirror order.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> It depends upon the subject-matter of the undertakings given</p> <p>Please explain where necessary: A U.S. court would have to issue its own order consistent with the undertakings as outlined by the requested state. However, either party may petition the court to do so, and it is likely that the U.S. court would rely heavily on the findings made by the foreign court in regards to undertakings that serve the best interests of the child.</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please explain where necessary:</p>
<p>11.3 Criminal law and the return of the child</p>	
<p>a) Is the wrongful <i>removal</i> of a child by a parent from your State a criminal offence?</p> <p><i>See Article 3</i></p> <p><i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> It depends upon the circumstances of the case, please specify: <input type="checkbox"/> No</p>
<p>b) Is the wrongful <i>retention</i> of a child by a parent outside your State a criminal offence?</p> <p><i>See Article 3</i></p> <p><i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> It depends upon the circumstances of the case, please specify: <input type="checkbox"/> No</p> <p>If the answer to both question 11.3 a) and b) is "no", go to section 12</p>
<p>c) What penalties are available for the wrongful removal or wrongful retention of a child by a parent?</p>	<p><input checked="" type="checkbox"/> (1) Pecuniary measures <input checked="" type="checkbox"/> (2) Imprisonment <input type="checkbox"/> (3) Other (<i>please specify</i>):</p>

<p>d) Please indicate which of the penalties listed above are mandatory</p>	<p>Pursuant to 18 U.S.C. 1204, a person who removes a child from the United States, or attempts to do so, or who retains a child (who had been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined or imprisoned not more than three years, or both.</p> <p>Additionally, the following circumstances are affirmative defenses to the crime (text taken directly from 18. U.S. C. 1204):</p> <p>c) It shall be an affirmative defense under this section that—</p> <p>(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights and that order was obtained pursuant to the Uniform Child Custody Jurisdiction Act or the Uniform Child Custody Jurisdiction and Enforcement Act and was in effect at the time of the offense;</p> <p>(2) the defendant was fleeing an incidence or pattern of domestic violence; or</p> <p>(3) the defendant had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant’s control, and the defendant notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible.</p> <p>Finally, in the individual U.S. states, the interference with custodial rights may constitute a crime with its own specified penalties.</p>
<p>e) Can criminal proceedings in your State proceed without a complaint being presented (e.g., by the applicant to the return proceedings or any other concerned person / body)?</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No, please specify: Criminal proceedings can only commence upon a finding by a judicial authority that there is probable cause to believe that a crime has occurred, and the person accused perpetrated the crime. Often, in the international parental child abduction context, this finding occurs when a U.S. Federal law enforcement official applies to a judicial magistrate for a warrant for the alleged abducting parent's arrest. If the magistrate finds, based upon the officer's application, that there is probable cause to believe that the alleged abducting parent committed a crime (e.g., International Parental Kidnapping as defined by 18 U.S.C. 1204), then that magistrate will sign a warrant for the alleged abducting parent's arrest. If the abducting parent is arrested, then the U.S. Government may choose to prosecute the subject of the warrant.</p>
<p>f) Once initiated, can criminal proceedings in your State be withdrawn or suspended to facilitate the return of a child?</p>	<p><input checked="" type="checkbox"/> Yes, please specify: Only the prosecuting authority, such as the U.S. Department of Justice, or a local District Attorney’s Office, has the authority to withdraw or suspend a criminal charge. However, in our experience, prosecuting authorities in the United States are willing to work with the parties and the USCA to facilitate the return of a child.</p> <p><input type="checkbox"/> No, go to section 12</p>

g) Who is able to initiate the withdrawal or suspension of criminal proceedings relating to the wrongful removal or wrongful retention of a child?	<input checked="" type="checkbox"/> Prosecuting authority <input type="checkbox"/> Police <input type="checkbox"/> The person / body / institution alleging a wrongful removal or retention <input type="checkbox"/> Judicial or administrative authority <input type="checkbox"/> Other (<i>please specify</i>):
h) Who will determine whether the criminal proceedings are to be withdrawn or suspended?	<input checked="" type="checkbox"/> Prosecuting authority <input type="checkbox"/> Police <input type="checkbox"/> The person / body / institution alleging a wrongful removal or retention <input checked="" type="checkbox"/> Judicial or administrative authority <input type="checkbox"/> Other (<i>please specify</i>):
i) What assistance can the Central Authority provide regarding the suspension or withdrawal of criminal proceedings?	<input type="checkbox"/> None <input checked="" type="checkbox"/> Refer the matter to prosecuting authority <input checked="" type="checkbox"/> Other (<i>please specify</i>): The USCA works closely with relevant law enforcement authorities to educate them on the civil remedies available through the Convention.

12 Enforcement of return orders

For best practice in relation to the enforcement of return orders, see the Guide to Good Practice, Part IV – Enforcement available at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

a) What procedure may be used to enforce a return order?	<input checked="" type="checkbox"/> Directions by a judicial or administrative authority to make arrangements for return <input checked="" type="checkbox"/> Measures for the immediate execution of final orders <input checked="" type="checkbox"/> Issue of a warrant for the apprehension or detention of the child <input checked="" type="checkbox"/> Authority for coercive detention or use of force <input checked="" type="checkbox"/> Other (<i>please specify</i>): Courts in the United States generally have wide latitude in ordering procedures necessary for the enforcement of orders.
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<p>b) Who is generally responsible for exercising supervision over the process of enforcement?</p>	<p><input type="checkbox"/> The applicant <input type="checkbox"/> Central Authority <input type="checkbox"/> Public Prosecutor <input checked="" type="checkbox"/> The court / administrative authority <input type="checkbox"/> Police <input type="checkbox"/> No one body has general responsibility <input checked="" type="checkbox"/> Other (<i>please specify</i>): The court may direct relevant law enforcement agencies, social service agencies and/or the parties themselves to assist with or supervise the return of the child.</p>
<p>c) Where parties do not voluntarily comply with a return order, is it necessary to commence additional proceedings to enforce the order?</p>	<p><input type="checkbox"/> Yes, go to question d) <input checked="" type="checkbox"/> It depends on the circumstances (<i>please specify</i>): Return orders typically include enforcement provisions. (See the response to question 11.2(f) in this document for a description of such provisions.) However, if the original order does not have specific enforcement provisions, the parties may generally go back to the judge who issued the return order and receive specific enforcement provisions in an expedited manner.</p> <p>Go to question d)</p> <p><input type="checkbox"/> No, go to Part IV: Applications relating to access</p>
<p>d) What is the procedure to commence enforcement proceedings?</p>	<p><input type="checkbox"/> The Central Authority will apply for enforcement <input checked="" type="checkbox"/> The applicant must apply for enforcement <input checked="" type="checkbox"/> Other (<i>please specify</i>): The attorney for the applicant can request enforcement proceedings.</p>
<p>e) Can the merits of the proceedings for return be reviewed in enforcement proceedings?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>f) What coercive measures, if any, are available to enforce a return order?</p>	<p><input checked="" type="checkbox"/> Intervention by government agency (e.g., <i>police, social welfare</i>) <input checked="" type="checkbox"/> Removal of the child from the abducting party <input checked="" type="checkbox"/> Removal of the child from the State <input checked="" type="checkbox"/> Criminal charges <input checked="" type="checkbox"/> Imprisonment <input checked="" type="checkbox"/> Pecuniary measures <input checked="" type="checkbox"/> An order placing the child under supervision <input type="checkbox"/> Other (<i>please specify</i>):</p>

Part IV: Applications relating to access

13 Applications through Central Authorities	
13.1 Outgoing applications (requesting State)	
<p>a) What assistance is available to applicants in your State in the preparation of outgoing access applications? <i>See Articles 7 and 21</i></p>	<p><input checked="" type="checkbox"/> Assistance from the Central Authority to apply under Article 21</p> <p><input type="checkbox"/> Assistance from another authority or body to apply under Article 21</p> <p><input type="checkbox"/> Referral to a legal representative for assistance to apply under Article 21</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
13.2 Incoming applications (requested State)	
<p>a) Has your State developed a specific form for access applications under the Convention?</p>	<p><input type="checkbox"/> Yes Please specify how this form can be accessed (<i>e.g.</i>, website) or attach a copy: Go to question c)</p> <p><input checked="" type="checkbox"/> No, go to question b)</p>
<p>b) If your State does not require a particular form for access applications, what information or documents are requested?</p>	<p><input checked="" type="checkbox"/> Information concerning the identity of the child:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Name and previous name/s <input checked="" type="checkbox"/> Date of birth, where available <input checked="" type="checkbox"/> Address <input checked="" type="checkbox"/> Telephone number <input checked="" type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Physical description (height, eye and hair colour) <input checked="" type="checkbox"/> Photograph (as recent as possible) <input type="checkbox"/> Information identifying the child's parents <i>e.g.</i>, nationalities – where a parent is not the applicant or respondent to proceedings (<i>please specify</i>): <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> Information concerning the identity of the applicant:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Name and previous name/s <input checked="" type="checkbox"/> Date of birth <input checked="" type="checkbox"/> Address <input checked="" type="checkbox"/> Telephone number <input checked="" type="checkbox"/> Nationality / Nationalities <input type="checkbox"/> Passport number(s) <input checked="" type="checkbox"/> Relationship of the applicant to the child <input checked="" type="checkbox"/> Name(s) of legal adviser, if any <input type="checkbox"/> Other (<i>please specify</i>): <p><input checked="" type="checkbox"/> Information concerning the identity of the person with whom the child is presumed to be (the proposed respondent to the application):</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Name and previous name/s <input checked="" type="checkbox"/> Date of birth <input checked="" type="checkbox"/> Address <input checked="" type="checkbox"/> Telephone number <input checked="" type="checkbox"/> Nationality / nationalities

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<input type="checkbox"/> Passport number(s) <input type="checkbox"/> Physical description (height, eye and hair colour) <input checked="" type="checkbox"/> Photograph (as recent as possible) <input checked="" type="checkbox"/> Relationship of the person to the child <input type="checkbox"/> Other (<i>please specify</i>): <input checked="" type="checkbox"/> The grounds upon which the applicant's claim for access to the child is based <input checked="" type="checkbox"/> Evidence of the applicant's rights of access (whether obtained by operation of law, or otherwise) <input checked="" type="checkbox"/> An authenticated copy of any relevant decision or agreement <input type="checkbox"/> A certificate or an affidavit emanating from the Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State <input type="checkbox"/> Other (<i>please specify</i>): <input checked="" type="checkbox"/> All available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be <input checked="" type="checkbox"/> Any other relevant document / information <input checked="" type="checkbox"/> Concerning any child protection issues <input checked="" type="checkbox"/> Marriage certificate (if applicable) <input checked="" type="checkbox"/> Divorce decree (if applicable) <input checked="" type="checkbox"/> Civil and / or criminal proceedings in progress (if applicable) <input type="checkbox"/> Other (<i>please specify</i>):
c) Does your Central Authority accept an application and accompanying documentation transmitted by electronic means?	<input checked="" type="checkbox"/> Yes, please specify any requirements for electronically transmitted applications / documentation: <input type="checkbox"/> Yes, but any documentation sent electronically is not accepted by the court / administrative authority (<i>please specify</i>): <input type="checkbox"/> No
d) Does the Central Authority require a written authorisation empowering it or a designated representative (e.g., <i>lawyer</i>) to act on behalf of the applicant? <i>See Article 28</i>	<input type="checkbox"/> Yes, the authorisation should be provided: <input type="checkbox"/> On the application form <input type="checkbox"/> In a signed statement or declaration <input type="checkbox"/> Other (<i>please specify</i>): <input checked="" type="checkbox"/> No
e) Does the Central Authority acknowledge receipt of the application?	<input checked="" type="checkbox"/> Yes, acknowledgment generally is provided by: <input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Post <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No

<p>f) Can the Central Authority proceed with an application where the information provided is incomplete?</p>	<p><input type="checkbox"/> Yes, the Central Authority will begin processing the application and will immediately inform the requesting Central Authority of what additional information is required to complete the request</p> <p><input checked="" type="checkbox"/> No:</p> <p><input type="checkbox"/> The Central Authority will not process an application without all of the necessary supporting documentation</p> <p><input checked="" type="checkbox"/> The Central Authority is unable to process the application but will immediately inform the requesting Central Authority of what additional information is required before further action can be taken</p> <p><input type="checkbox"/> It depends upon what type of information is missing (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> Other (<i>please explain</i>): A notification to the court pursuant to Article 16 may be sent prior to receipt of a complete application.</p>
<p>g) Who does the Central Authority prefer to communicate with in incoming applications?</p>	<p><input checked="" type="checkbox"/> The requesting Central Authority</p> <p><input type="checkbox"/> The applicant</p> <p><input type="checkbox"/> The applicant's legal representative</p> <p><input type="checkbox"/> All of the above</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>h) What measures are taken by the Central Authority (directly, or through an intermediary) to attempt to secure agreement between parties in international access cases?</p> <p><i>See Article 21</i></p> <p><i>See Part V: Mediation and other forms of alternative dispute resolution</i></p>	<p><input checked="" type="checkbox"/> Contact is made with the respondent to the application</p> <p><input checked="" type="checkbox"/> Mediation and / or other forms of alternative dispute resolution are offered to the parties (see Part V: Mediation and other forms of alternative dispute resolution)</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): Information on mediation is provided if the applicant and other parent express an interest in mediation.</p>
<p>i) How is it ensured that no undue delay results from the measures taken, or attempted, to secure an agreement between parties in international access cases (see question h) above)?</p>	<p><i>Please explain: Access cases are processed in the same manner as return applications. Please see our response to question 6.2(i) of this document.</i></p>
<p>j) What general assistance can be provided by the Central Authority in respect of arrangements for rights of access?</p> <p><i>See Article 21</i></p>	<p><input type="checkbox"/> The Central Authority can facilitate contact with the parties:</p> <p><input type="checkbox"/> Directly through the Central Authority</p> <p><input type="checkbox"/> Through intermediaries</p> <p><input checked="" type="checkbox"/> The Central Authority can provide information to the applicant on services available, e.g., mediation, legal services, social welfare services (<i>please specify</i>):</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>k) Will the Central Authority's assistance depend on:</p> <p><i>See paragraph 4.6 of the General Principles and Guide to Good Practice on Transfrontier Contact Concerning Children (available at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice") recommending that Central Authorities should make their services available in all cases where cross-frontier contact rights of parents and children are in issue</i></p>	<p><input type="checkbox"/> Existence of a judicial or administrative order establishing or confirming rights of access</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>

<p>l) Can an applicant commence proceedings in your State with respect to access without using the Central Authority channel?</p>	<p><input checked="" type="checkbox"/> Yes; if so, please explain:</p> <ul style="list-style-type: none"> • Where an applicant can obtain information about commencing proceedings: The applicant can obtain information on our website at www.travel.state.gov/abduction, or, in many cases, from the court in the jurisdiction in which the child is located. • What role, if any, the Central Authority has in these proceedings: Upon request, we would provide the same assistance as any other Convention case. <p><input type="checkbox"/> No</p>
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14 Locating a child and preventing removal

<p>a) Are the responses to the questions in this section the same as for applications for return (see section 7)?</p>	<p><input checked="" type="checkbox"/> Yes, go to section 15</p> <p><input type="checkbox"/> No, continue to question b)</p>
<p>b) What evidence / information does your State require regarding the child's whereabouts to begin to assist with locating the child?</p> <p><i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Evidence that the child entered your State (e.g., evidence that the child boarded an aeroplane bound for your State):</p> <p><input type="checkbox"/> Information from the applicant as to why he / she believes the child is in your State:</p> <p><input type="checkbox"/> No information or evidence is required; searches for the child can begin upon request:</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p>
<p>c) What mechanisms or sources of information are available in your State to discover the whereabouts of a child who is the subject of an access application?</p> <p><i>Please indicate in the space provided any associated costs for the applicant or any other necessary information</i></p>	<p><input type="checkbox"/> (1) Private location services:</p> <p><input type="checkbox"/> (2) Population register:</p> <p><input type="checkbox"/> (3) Employment register:</p> <p><input type="checkbox"/> (4) Information maintained by other government agencies (e.g., <i>immigration, social welfare</i>):</p> <p><input type="checkbox"/> (5) Police:</p> <p><input type="checkbox"/> (6) INTERPOL:</p> <p><input type="checkbox"/> (7) Court orders to compel the production of information on the whereabouts of the child:</p> <p><input type="checkbox"/> (8) Other (<i>please specify</i>):</p>
<p>d) Please indicate who is responsible for arranging the measures indicated above in question c) by listing the relevant number next to the responsible person or authority</p> <p><i>E.g., Central Authority: 2, 3</i> <i>The applicant's representative: 6</i></p>	<p>Central Authority:</p> <p>The applicant:</p> <p>The applicant's representative:</p> <p>Other (<i>please specify</i>):</p>
<p>e) Please indicate by listing numbers which of the measures above in question c) need an order from a competent authority?</p>	

15 Legal representation and assistance

15.1 General

<p>a) Are the responses to the questions in this section the same as for applications for return (see section 8)?</p>	<p><input checked="" type="checkbox"/> Yes, go to section 15.2</p> <p><input type="checkbox"/> No, continue to question b)</p>
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<p>b) Does the Central Authority provide legal advice regarding access applications?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No, however: <input type="checkbox"/> The Central Authority will refer the applicant to the appropriate person or authority to obtain legal advice <input type="checkbox"/> The Central Authority will provide information that is of a general nature about laws and procedures <input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>c) Is legal representation needed in access proceedings? <i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No, but advisable <input type="checkbox"/> No</p>
<p>d) What is the role of the Central Authority in making arrangements to progress the application? <i>See Article 7(2) g)</i></p>	<p><input type="checkbox"/> The applicant is required to make his / her own arrangements for legal representation, but the Central Authority will: <input type="checkbox"/> Provide the applicant with a list of lawyers <input type="checkbox"/> Provide the applicant with a list of free or reduced rate lawyers <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Legal representation is not required. The Central Authority ensures the application is forwarded to the competent authority for action. Please provide additional information if necessary: <input type="checkbox"/> Legal representation is arranged by the Central Authority. Representation is provided by: <input type="checkbox"/> Central Authority lawyers <input type="checkbox"/> Private lawyers <input type="checkbox"/> Public prosecutor <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>15.2 Free or reduced rate legal assistance</p>	
<p>a) Are the responses to the questions in this section the same as for applications for return (see section 8.2)?</p>	<p><input type="checkbox"/> Yes, go to section 16 <input checked="" type="checkbox"/> No, go to question b)</p>
<p>b) Is free or reduced rate legal assistance for access applications available for applicants located in another Contracting State?</p>	<p><input checked="" type="checkbox"/> Yes, free legal assistance; go to question d) <input checked="" type="checkbox"/> Yes, reduced rate legal assistance; go to question d) <input type="checkbox"/> No; go to question c)</p>
<p>c) If free or reduced rate legal assistance is <u>not</u> available, in what other ways can your State assist an applicant financially?</p>	<p><input type="checkbox"/> There is a system of costs ordering the respondent to pay <input type="checkbox"/> <i>Pro bono</i> legal assistance <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Not at all Go to section 16</p>
<p>d) Is the applicant required to complete an application form for free or reduced rate legal assistance?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify how application forms can be obtained (<i>e.g.</i>, website) or attach a copy: The applicant can request the application from the USCA or obtain it from our website: www.travel.state.gov <input type="checkbox"/> No</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

e) Please indicate on what basis free or reduced rate legal assistance may be available <i>Please explain where necessary</i>	<input checked="" type="checkbox"/> Income of the applicant <input type="checkbox"/> Assets of the applicant <input type="checkbox"/> Country of residence of the applicant <input type="checkbox"/> Likelihood of success of the proceedings <input type="checkbox"/> Other (<i>please specify</i>):
f) Which costs are covered by free or reduced rate legal assistance? <i>Please explain where necessary</i>	<input type="checkbox"/> (1) Mediation <input type="checkbox"/> (2) Translation <input type="checkbox"/> (3) Interpreters <input type="checkbox"/> (4) Service of documents <input type="checkbox"/> (5) Costs associated with locating the child <input type="checkbox"/> (6) Court fees <input type="checkbox"/> (7) Travel costs for the return of the child (see question 11.1 c)) <input checked="" type="checkbox"/> (8) Other (<i>please specify</i>): Each attorney, firm and/or legal aid organization will have its own policies and procedures for the basis upon which an applicant is eligible for reduced fee or pro bono legal assistance. The USCA will assist applicants in finding potential pro bono or reduced fee representation based upon a self-assessment of the income of the applicant. However, an individual attorney may decline to represent an individual if he/she believes that the case lacks merit. Attorneys may also do a more thorough investigation of an applicant's income and eligibility for pro bono or reduced fee services.
g) Please list the corresponding numbers of the costs, if any, listed in question f) which are covered by the Central Authority?	
h) Is free or reduced rate legal assistance available for the appeal of decisions?	<input type="checkbox"/> No, go to question j) <input checked="" type="checkbox"/> Yes, free legal assistance <input checked="" type="checkbox"/> Yes, reduced rate legal assistance
i) Is a new application for free or reduced rate legal assistance needed for appeals?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
j) Is free or reduced rate legal assistance available for proceedings needed to enforce an access order?	<input type="checkbox"/> No, go to section 16 <input checked="" type="checkbox"/> Yes, free legal assistance <input checked="" type="checkbox"/> Yes, reduced rate legal assistance
k) Is a new application for free or reduced rate legal assistance needed for enforcement applications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

16 Rights of access

16.1 Determining rights of access

a) Which legislation in your State governs the establishment and exercise of rights of access? <i>See Article 5</i>	<p>Please specify how legislation can be accessed (e.g., website) or attach a copy:</p> <p>The legal authority that governs rights of access can vary from state to state. Generally, a parent whose parental rights have not been terminated has rights of access. However, the court has the discretion to grant rights of access in accordance with the best interests of the child.</p>
b) Which judicial and / or administrative authorities can make decisions with respect to rights of	Decisions with respect to rights of access are generally left to U.S. state courts.

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

access?	
c) In your State, who may seek rights of access in respect of a child?	<input type="checkbox"/> Parent <input type="checkbox"/> Step-parent <input type="checkbox"/> Grandparent <input type="checkbox"/> Other family member (<i>please specify</i>): <input checked="" type="checkbox"/> Other (<i>please specify</i>): Legal authority regarding who might seek rights of access to a child varies from state to state. Generally, parents have the right to seek access. The right for all parties to seek access is determined by the relevant state's legal authority.

<p>d) Are the best interests of the child a primary consideration in access proceedings?</p> <p><i>See Articles 3 and 9 of the United Nations Convention on the Rights of the Child</i></p> <p><i>Please explain, if necessary</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, please specify what are the primary considerations:</p>
<p>16.2 Exercising rights of access</p>	
<p>a) Where necessary, what guarantees and safeguards do your courts or administrative authorities have to enable them to secure rights of access for children and applicants?</p>	<p><input checked="" type="checkbox"/> Surrender of passport or travel documents</p> <p><input checked="" type="checkbox"/> Applicant to regularly report to police or other authority</p> <p><input checked="" type="checkbox"/> Deposit of a monetary bond or surety</p> <p><input checked="" type="checkbox"/> Supervised contact</p> <p><input checked="" type="checkbox"/> Placing restrictions on how contact is exercised</p> <p><input checked="" type="checkbox"/> Signing an affidavit or religious oath</p> <p><input checked="" type="checkbox"/> Provision of a detailed itinerary with contact details</p> <p><input checked="" type="checkbox"/> Requesting foreign consulates / embassies should not issue new passports / travel documents for the child</p> <p><input checked="" type="checkbox"/> Other: As discussed above, courts in the United States have wide latitude for prescribing enforcement procedures for rights of custody and access.</p>
<p>16.3 Supervised access</p>	
<p>a) Do facilities exist in your State for the exercise of rights of access in a supervised environment?</p>	<p><input checked="" type="checkbox"/> Yes, please explain if necessary: Some U.S. states have several facilities that, among other things, facilitate the exercise of rights of access in a supervised environment. Some facilities may be funded by the state government and are generally staffed with local law enforcement and social service professionals, whereas others are funded by non-government organizations, and their staffing may vary.</p> <p><input type="checkbox"/> No, go to section 17</p>
<p>b) Under what circumstances is access supervised?</p>	<p><input type="checkbox"/> Where it is agreed between the parties</p> <p><input type="checkbox"/> Where it is requested by one party</p> <p><input type="checkbox"/> As a result of a decision by a social welfare agency</p> <p><input checked="" type="checkbox"/> By order of a judicial or administrative authority</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>c) Which authorities provide supervised access?</p>	<p><input checked="" type="checkbox"/> Government social / welfare agency:</p> <p><input checked="" type="checkbox"/> Non-government organisations:</p> <p><input type="checkbox"/> Central Authority:</p> <p><input type="checkbox"/> Police:</p> <p><input type="checkbox"/> Courts:</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): Sometimes a court will order that a neutral party, such as a grandparent, provide supervision.</p>
<p>d) Who will pay the costs associated with exercising supervised access?</p>	<p><input type="checkbox"/> The applicant</p> <p><input type="checkbox"/> The person(s) with day to day care of the child</p> <p><input type="checkbox"/> The Central Authority</p> <p><input type="checkbox"/> It depends upon the order of the judicial or administrative authority</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): The court has the discretion to apportion a nominal payment between the parents, or assign costs to one parent only, or, for indigent parents, to waive all costs.</p>

17 Proceedings for access / contact	
17.1 Organisation of competent authorities	
a) Does your State limit the judicial or administrative authorities who can hear access applications under the Convention? <i>(i.e., has your State "concentrated jurisdiction" in respect of access applications under the Convention?)</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b) If possible, please state exactly how many courts or administrative authorities and how many judges or relevant decision-makers can hear access applications under the Convention?	Courts / administrative authorities: Please see 10.1(b) Judges / decision-makers: Please see 10.1(b)
c) Which courts or administrative authorities can make decisions in applications relating to access under the Convention?	State courts may make decisions in applications for access. U.S. case law has held that access cases arising under the Convention may not be heard by U.S. federal courts.
d) Are the judges or administrative authorities who decide access applications in your State specialists in family law? <i>See also section 22 on Training below</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Other (<i>please specify</i>): State court judges who decide access applications tend to handle more family law cases, and thus, may be more likely to have expertise in family law.
17.2 Procedures	
a) Is a special procedure applied by judicial or administrative authorities to access applications made under Article 21 of the Convention? <i>Please explain where necessary</i>	<input type="checkbox"/> Yes: <input checked="" type="checkbox"/> No:
b) Does documentation submitted to the court / administrative authority have to be translated into the official language(s) of your State? <i>See question 2 a) for the official language(s) of the State</i>	<input checked="" type="checkbox"/> Yes, please state who is responsible for the organisation and cost of the translation: Petitioner <input type="checkbox"/> No <input type="checkbox"/> It depends upon the type of documentation submitted (<i>please specify</i>):
c) Generally, how long are proceedings relating to access from commencement to final order (excluding appeals)?	<input checked="" type="checkbox"/> Up to 6 weeks <input checked="" type="checkbox"/> 6 to 12 weeks <input checked="" type="checkbox"/> 3 to 6 months <input checked="" type="checkbox"/> Longer than 6 months
d) Is the applicant generally required to participate in proceedings relating to access? <i>Please note that attendance in person is not required under the Convention (see para. 6.5.3 of the Guide to Good Practice, Part II - Implementing Measures)</i>	<input checked="" type="checkbox"/> Yes, please specify in what circumstances: Access cases are based on a best interest analysis and therefore the court has an interest in the participation of the applicant even if participation is not in person. <input type="checkbox"/> No, but advisable <input type="checkbox"/> No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

e) Are facilities available to enable an applicant to participate in access proceedings from outside your State?	<input checked="" type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Video-conference <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Through a legal representative <input checked="" type="checkbox"/> Other (<i>please specify</i>): Availability of the above resources can vary widely from jurisdiction to jurisdiction. <input type="checkbox"/> No
f) If the applicant does participate in access proceedings in your State, is simultaneous interpretation available, where necessary?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g) Where the facilities set out in questions e) and f) above are required, who is responsible for the cost of providing such facilities?	<input checked="" type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input checked="" type="checkbox"/> The court / administrative authority <input type="checkbox"/> It depends upon the facility used (<i>please specify</i>): <input checked="" type="checkbox"/> Other (<i>please specify</i>): If the court declares the applicant to be indigent, then the court will waive some or all of the fees.
h) Can special immigration arrangements (e.g., visas) be made to enable the applicant to attend access proceedings in person if he / she so wishes?	<input checked="" type="checkbox"/> Yes (<i>please specify</i>): On a case by case basis. <input type="checkbox"/> No
17.3 Participation of the child	
a) Are the responses to the questions in this section the same as for applications for return (see section 10.4)?	<input checked="" type="checkbox"/> Yes, go to section 17.4 <input type="checkbox"/> No, continue to question b)
b) Does the child have an opportunity to be heard in access proceedings under the Convention in your State?	<input type="checkbox"/> Yes, always; go to question c) <input type="checkbox"/> It depends upon the particular case and is always at the discretion of the judge / authority hearing the case. <i>Please explain if necessary:</i> Go to question c) <input type="checkbox"/> Other (<i>please specify</i>): Go to question c) <input type="checkbox"/> No, never; go to section 17.4
c) How can the child be heard in access proceedings?	<input type="checkbox"/> Direct interview with judge <input type="checkbox"/> Report prepared for court by independent expert <input type="checkbox"/> Child's own legal representative <input type="checkbox"/> Other (<i>please specify</i>):
d) How does your State ensure that no undue delay results from hearing the child in the course of access proceedings?	Please explain:
e) Can judicial or administrative authorities appoint a legal representative (attorney or <i>guardian ad litem</i>) to represent the child's best interests?	<input type="checkbox"/> Yes, please specify under what circumstances: <input type="checkbox"/> No

17.4 Appeals	
a) Can a decision in applications relating to access be appealed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Only in certain circumstances (<i>please specify</i>): If either of the boxes above are ticked, please specify how many levels of appeal exist and to which courts / authorities an appeal may be made: There are generally two levels of appeal in state courts hearing access cases. <input type="checkbox"/> No, go to section 18
b) Is there an expedited procedure or special process of appeal for Hague access cases? <i>Please specify the legislation and / or rules which provide for this and how they can be obtained (e.g., website) or attach a copy</i>	<input type="checkbox"/> Yes, please specify: Please see response for 10.7(g). <input checked="" type="checkbox"/> No
c) Who can initiate the appeal process?	<input checked="" type="checkbox"/> Either party to the proceedings <input type="checkbox"/> Central Authority <input type="checkbox"/> Public Prosecutor <input type="checkbox"/> Other (<i>please specify</i>):
d) Is leave to appeal required?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> In certain circumstances (<i>please specify</i>): Generally, you do not need leave to appeal unless the time to appeal has lapsed.
e) If an access order is made, can it be suspended (<i>i.e.</i> , "stayed") pending an appeal?	<input type="checkbox"/> Yes, an access order is <i>automatically</i> suspended pending an appeal <input type="checkbox"/> Yes, an access order can be suspended pending an appeal at the request of either party <input checked="" type="checkbox"/> Yes, an access order can be suspended pending an appeal at the request of either party and after determination by the relevant judge / authority <input type="checkbox"/> No
f) Is there a time limit by which an appeal must be filed in access proceedings?	<input checked="" type="checkbox"/> Yes, please specify: The time limit: Generally appeal must be filed within 30 days of the entry of a judgment. However, statutory requirements vary from state to state. From when the time limit starts to run (<i>e.g.</i> , from the date of judgment, from the date of the order, from the date the decision is notified to the parties <i>etc.</i>): <input type="checkbox"/> No
g) Generally, what is the expected time within which appeals are filed and decided?	<input checked="" type="checkbox"/> Up to 3 months <input checked="" type="checkbox"/> 3 to 6 months <input checked="" type="checkbox"/> Longer than 6 months
h) Is the applicant generally required to participate in appeal proceedings? <i>Please note that attendance in person is not required under the Convention (see paragraph 6.5.3 of the Guide to Good Practice, Part II - Implementing Measures)</i>	<input checked="" type="checkbox"/> Yes, please specify in what circumstances: Participation is required either pro se or through counsel, but attendance in person is not generally required. <input type="checkbox"/> No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

i) Is the applicant able to participate in proceedings without being physically present?	<input checked="" type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Video-conference <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Through a legal representative <input checked="" type="checkbox"/> Other (please specify): Please see our response to question 17.2(e) of this document. <input type="checkbox"/> No
j) If the applicant does participate in appeal proceedings in your State, is simultaneous interpretation available, where necessary?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
k) Where the facilities set out in questions i) and j) above are required, who is responsible for the cost of providing such facilities?	<input checked="" type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input checked="" type="checkbox"/> The court / administrative authority <input checked="" type="checkbox"/> It depends upon the facility used (<i>please specify</i>): Please see our response to question 17.2(g) of this document. <input type="checkbox"/> Other (<i>please specify</i>):
l) Can special immigration arrangements (<i>e.g.</i> , visas) be made to enable the applicant to attend appeal proceedings in person if he / she so wishes?	<input checked="" type="checkbox"/> Yes, please specify: On a case by case basis. <input type="checkbox"/> No

18 Enforcement of rights of access

a) Can an order relating to rights of access made in another State be registered for enforcement or be declared enforceable in your State?	<input type="checkbox"/> Yes, all orders made in another State are recognised and are enforceable. Please explain or specify how relevant legislation can be accessed (<i>e.g.</i> , website) or attach a copy: <input type="checkbox"/> Yes, if there is an international agreement in place with the foreign State. Please specify: <input type="checkbox"/> Brussels II a (Council Regulation (EC) 2201/2003 of 27 November 2003) <input type="checkbox"/> 1996 Hague Child Protection Convention <input type="checkbox"/> Other (<i>please specify</i>): <input checked="" type="checkbox"/> Yes, subject to conditions. Please explain or specify how relevant legislation can be accessed (<i>e.g.</i> , website) or attach a copy: The Uniform Child Custody Jurisdiction and Enforcement Act, which has been adopted in most U.S. states, requires U.S. states to directly enforce custody and visitation (access) orders from foreign states that conform substantially with this Act. Under this same Act, foreign custody orders may be registered. www.nccusl.org <input type="checkbox"/> No, however the party can seek to have "mirror orders" made by the judicial or administrative authorities <input type="checkbox"/> No
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<p>b) Can an agreement relating to rights of access made in another State be registered for enforcement or be declared enforceable in your State?</p>	<p><input type="checkbox"/> Yes, if there is an international agreement in place with the foreign State. Please specify:</p> <p><input type="checkbox"/> Brussels II a (Council Regulation (EC) 2201/2003 of 27 November 2003)</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> Yes, subject to conditions. Please explain:</p> <p><input checked="" type="checkbox"/> No, however the party can seek to have "mirror orders" made by the judicial or administrative authorities</p> <p><input type="checkbox"/> No</p>
<p>c) Can a party seek to have orders made in your State in respect of a decision from another State on rights of access?</p>	<p><input checked="" type="checkbox"/> Yes, the party must apply to the judicial or administrative authorities</p> <p><input type="checkbox"/> Yes, the Central Authority will apply to the judicial or administrative authorities on behalf of the party</p> <p><input type="checkbox"/> No</p>
<p>d) What is the procedure for the applicant to commence enforcement proceedings?</p>	<p><input type="checkbox"/> The Central Authority can apply for enforcement on behalf of the applicant</p> <p><input checked="" type="checkbox"/> The applicant must seek enforcement</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>e) What coercive measures, if any, are available to enforce an order relating to access and contact?</p>	<p><input checked="" type="checkbox"/> Intervention by government agency (e.g., <i>police, social welfare, etc.</i>)</p> <p><input checked="" type="checkbox"/> Removal of the child from the custodial person(s)</p> <p><input checked="" type="checkbox"/> Criminal charges</p> <p><input checked="" type="checkbox"/> Imprisonment</p> <p><input checked="" type="checkbox"/> Pecuniary measures</p> <p><input checked="" type="checkbox"/> An order placing the child under supervision</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): The court has wide latitude in fashioning an order to enforce access.</p>
<p>f) Does the application of coercive measures require a separate order from judicial or administrative authorities?</p>	<p><input checked="" type="checkbox"/> Yes. If so, who must apply for the order:</p> <p><input checked="" type="checkbox"/> The applicant</p> <p><input checked="" type="checkbox"/> Public Prosecutor</p> <p><input type="checkbox"/> Police</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): The application of coercive measures requires a separate order from a judicial authority. Civil contempt seeks to force a party to comply with an order. Criminal contempt is used to punish a person for non-compliance. Therefore, if the applicant is seeking to compel compliance then the applicant may apply for an order of civil contempt. On the other hand, if the applicant is seeking to penalize non-compliance with an order than the applicant may apply for an order of criminal contempt. However, in some jurisdictions, only law enforcement may apply for the order of criminal contempt.</p> <p><input type="checkbox"/> No</p>

Part V: Mediation and other forms of alternative dispute resolution

19 Mediation	
<p><i>For best practice in relation to mediation in the context of the 1980 Hague Child Abduction Convention see the forthcoming Guide to Good Practice on Mediation under the 1980 Hague Child Abduction Convention. When published, the Guide will be available to download at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".</i></p>	
19.1 Mediation services	
<p>a) What family matters can be dealt with by mediation in your State?</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Return / non-return of a child following an alleged wrongful removal / retention <input checked="" type="checkbox"/> Custody <input checked="" type="checkbox"/> Access / contact <input checked="" type="checkbox"/> Relocation <input checked="" type="checkbox"/> Child support <input checked="" type="checkbox"/> Property disputes on relationship breakdown <input checked="" type="checkbox"/> Other (<i>please specify</i>): Various matters may be addressed in mediation, but a mediated agreement must be approved by the competent court to become an enforceable order and a judge may not approve agreements that are contrary to law.
<p>b) What mediation services / structures exist in your State where an incoming application has been received for the return of a child? <i>See Articles 7(2) c) and 10</i></p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Private mediation services / structures (<i>please specify</i>): Each state in the United States has different professional requirements for mediators. There are private mediators who practice in every state in the United States that are available to assist in family matters. They will have varying degrees of expertise in international family matters. <input checked="" type="checkbox"/> Mediation services / structures within the judicial or administrative system (<i>please explain</i>): Many state courts have court-affiliated mediation services, but most do not have specialized experience in international cases. <input checked="" type="checkbox"/> Mediation services / structures provided by NGOs (<i>please specify the NGO and give brief details of the service they provide</i>): There are NGOs and associations of private mediators and dispute resolution specialists throughout the United States that provide a wide variety of services for family cases. <input checked="" type="checkbox"/> Other (<i>please explain</i>): Some law schools and universities provide mediation services through their school's clinical programs. <input type="checkbox"/> There are no mediation services / structures available
<p>c) What mediation services / structures exist in your State where an incoming application has been received for access / contact with a child? <i>See Article 21</i></p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Private mediation services / structures (<i>please specify</i>): Please see our response to question 19.1(b), immediately above. <input checked="" type="checkbox"/> Mediation services / structures within the judicial or administrative system (<i>please explain</i>): Please see our response to question 19.1(b), immediately above. <input checked="" type="checkbox"/> Mediation services / structures provided by NGOs (<i>please specify the NGO and give brief details of the service they provide</i>): Please see our response to question 19.1(b), immediately above. <input checked="" type="checkbox"/> Other (<i>please explain</i>): Please see our response to

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<p>question 19.1(b), immediately above.</p> <p><input type="checkbox"/> There are no mediation services / structures available</p> <p>If you answered that there are no mediation services / structures available in your State in response to both questions b) and c) above, go to section 20</p>
<p>d) Is co-mediation (<i>i.e.</i> mediation involving two mediators – one from each State) available in your State for the mediation of international family disputes which are within the scope of the Convention?</p>	<p><input checked="" type="checkbox"/> Yes (<i>please provide brief details of any available scheme e.g., bi-national mediation programmes</i>): Family mediators use many different models throughout the United States. Co-mediation is available, but is less common than some other models.</p> <p><input type="checkbox"/> No</p>

19.2 Legislation and / or rules on mediation

<p>a) Is mediation in family matters regulated in your State?</p> <p><i>Please tick all boxes which apply</i></p> <p><i>EU Member States, excluding Denmark, should note that Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters will apply from May 2011. EU Member States, excluding Denmark, should reference the laws, regulations and administrative provisions brought into force to comply with this Directive if known at the time of completion of this Country Profile</i></p>	<p><input checked="" type="checkbox"/> Yes, there is general legislation relating to mediation which also applies to mediation in family matters. Please specify how the legislation can be accessed (e.g., website) or attach a copy: Regulation of mediation or alternative dispute resolution varies by state. The National Conference of Commissioners on Uniform State Laws (NCCUSL) has adopted a Uniform Mediation Act which deals with mediation confidentiality that has been enacted in several states. It can be found at www.nccusl.org (type in mediation).</p> <p><input checked="" type="checkbox"/> Yes, there is specific legislation relating to mediation in family matters. Please specify how the legislation can be accessed (e.g., website) or attach a copy: Some states have rules relating specifically to family mediation. They vary by state.</p> <p><input type="checkbox"/> Yes, there is specific legislation relating to mediation in international family matters within the scope of the Convention. Please specify how the legislation can be accessed (e.g., website) or attach a copy:</p> <p><input checked="" type="checkbox"/> Yes, mediation in family matters is regulated in another way (<i>please specify</i>): In addition to specific state legislation or court rules, the ABA has published Model Standards of Conduct for Mediators that are not mandatory, but are influential. These can be found at http://www.americanbar.org/groups/dispute_resolution/policy_standards.html. Additionally, the Association of Family and Conciliation Courts has published guidelines for family mediators that are also influential. They are at http://www.afccnet.org/resources/resources_model_mediation.asp.</p> <p><input type="checkbox"/> No, go to section 19.3</p>
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<p>b) Please indicate which matters are regulated by the legislation / rules in relation to mediation in your State</p> <p><i>Please explain where necessary</i></p>	<p><input checked="" type="checkbox"/> Formal accreditation of mediators</p> <p><input checked="" type="checkbox"/> Necessary qualifications / experience of mediators</p> <p><input checked="" type="checkbox"/> Process of mediation</p> <p><input checked="" type="checkbox"/> Confidentiality of mediation</p> <p><input type="checkbox"/> Status and enforceability of mediated agreements</p> <p><input checked="" type="checkbox"/> Taking into consideration the child's views in the mediation of disputes relating to him / her</p> <p><input checked="" type="checkbox"/> Availability of mediation in disputes involving allegations of domestic violence or other forms of abuse</p> <p><input checked="" type="checkbox"/> Other (<i>please explain</i>): State rules and regulations on mediation vary and include various different aspects of mediation process and mediator competence. Voluntary standards, such as those described in 19.2(a) also address many of these topics.</p>
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19.3 Access to mediation

<p>a) How can individuals obtain information identifying suitable mediators in your State?</p>	<p><input checked="" type="checkbox"/> Lists of mediators are available:</p> <p><input checked="" type="checkbox"/> Through the Central Authority (<i>see also question 19.3 b) below</i>)</p> <p><input checked="" type="checkbox"/> Via accrediting bodies (<i>please provide details</i>): Some states have accrediting bodies that maintain practice and training standards for mediators and maintain lists of mediators that meet their accreditation standards.</p> <p><input checked="" type="checkbox"/> Through other sources (<i>please specify</i>): Some courts maintain lists of specialized qualified family mediators. There are also NGOs and associations of mediators that could provide lists of mediators.</p> <p><input type="checkbox"/> Other methods of accessing information are available (<i>please specify</i>):</p> <p><input type="checkbox"/> No general information is available. Individuals must carry out research themselves</p>
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<p>b) What role, if any, does the Central Authority play in facilitating mediation where an incoming application has been received for the return of a child?</p> <p><i>See Articles 7(2) c) and 10</i></p> <p><i>Please explain where necessary</i></p>	<p><input checked="" type="checkbox"/> Provides information about mediation to the parties Our website provides information on mediation and mediation providers in the United States. In Hague return cases, once the applicant has an attorney, and there is an interest in mediation, the USCA provides information about mediation providers in the relevant U.S. jurisdiction so that the attorney and applicant can determine if mediation is appropriate for the case.</p> <p><input checked="" type="checkbox"/> Refers parties to accredited professionals to undertake mediation Please see above.</p> <p><input type="checkbox"/> Seeks orders from judicial or administrative authorities for mediation between the parties</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>
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<p>c) What role, if any, does the Central Authority play in facilitating mediation where an incoming application has been received for access / contact with a child?</p> <p><i>See Article 21</i></p> <p><i>Please explain where necessary</i></p>	<p><input checked="" type="checkbox"/> Provides information about mediation to the parties</p> <p><input checked="" type="checkbox"/> Refers parties to accredited professionals to undertake mediation if both parties are interested.</p> <p><input type="checkbox"/> Seeks orders from judicial or administrative authorities for mediation between the parties</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>
<p>d) How are the costs of mediation met in disputes where an incoming application has been received for the return of a child?</p> <p><i>Please explain if necessary</i></p>	<p><input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this will <i>always</i> include the cost of mediation (see question 8.2 e) above)</p> <p><input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this <i>may</i> cover the cost of mediation (see question 8.2 e) above) (<i>please specify</i>)</p> <p><input type="checkbox"/> The Central Authority will meet the costs associated with mediation</p> <p><input type="checkbox"/> Other sources of funding are available (<i>please specify</i>)</p> <p><input checked="" type="checkbox"/> The costs of mediation must be borne by the parties</p> <p><input checked="" type="checkbox"/> Other (<i>please explain</i>) the USCA provides referrals to pro bono mediation providers for qualified applicants.</p>
<p>e) How are the costs of mediation met where an incoming application has been received for access / contact with a child?</p> <p><i>Please explain if necessary</i></p>	<p><input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this will <i>always</i> include the cost of mediation (see question 15.2 f) above)</p> <p><input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this <i>may</i> cover the cost of mediation (see question 15.2 f) above) (<i>please specify</i>)</p> <p><input type="checkbox"/> The Central Authority will meet the costs associated with mediation</p> <p><input type="checkbox"/> Other sources of funding are available (<i>please specify</i>)</p> <p><input checked="" type="checkbox"/> The costs of mediation must be borne by the parties</p> <p><input checked="" type="checkbox"/> Other (<i>please explain</i>) Please see our response to question 19.3(d)</p>
<p>19.4 The mediation process</p>	
<p>a) At what stage of a return application is mediation available?</p>	<p><input checked="" type="checkbox"/> At all stages, including prior to any application and as a preventive measure where necessary (<i>provide an explanation if necessary</i>)</p> <p><input type="checkbox"/> Only before an application has been made to the relevant Central Authority</p> <p><input type="checkbox"/> Only after an application has been made to the relevant Central Authority</p> <p><input type="checkbox"/> Only before an application has been filed in the relevant court or administrative authority</p> <p><input type="checkbox"/> Only after an application has been filed in the relevant court or administrative authority</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>

<p>b) At what stage of an access / contact application is mediation available?</p>	<p><input checked="" type="checkbox"/> At all stages, including prior to any application and as a preventive measure where necessary (<i>provide an explanation if necessary</i>)</p> <p><input type="checkbox"/> Only before an application has been made to the relevant Central Authority</p> <p><input type="checkbox"/> Only after an application has been made to the relevant Central Authority</p> <p><input type="checkbox"/> Only before an application has been filed in the relevant court or administrative authority</p> <p><input type="checkbox"/> Only after an application has been filed in the relevant court or administrative authority</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>
<p>c) Are cases assessed to determine their suitability for mediation?</p>	<p><input checked="" type="checkbox"/> Yes, always; go to question d)</p> <p><input type="checkbox"/> No, never; go to question e)</p> <p><input type="checkbox"/> Other (<i>please explain</i>) ; go to question d) or e) as appropriate</p>
<p>d) Who carries out the assessment of cases to determine whether they are suitable for mediation?</p>	<p><input checked="" type="checkbox"/> Mediator(s)</p> <p><input checked="" type="checkbox"/> Other (<i>please explain</i>) Assessments may be made by mediators or by trained personnel who work with a particular mediation program.</p>
<p>e) Where legal proceedings have commenced, can such proceedings be suspended while mediation is undertaken?</p>	<p><input checked="" type="checkbox"/> Yes, provide additional information if necessary: A judge has the authority to schedule hearings to take place after a mediation session.</p> <p><input type="checkbox"/> No</p>
<p>f) How, if at all, are the views of the subject child(ren) taken into account in mediation in your State? <i>See also question 19.2 b) above</i></p>	<p><input type="checkbox"/> Rules / legislation require that, if the child is of a sufficient age / maturity, the child must be seen by the mediator (<i>see also question 19.2 b) above</i>)</p> <p><input type="checkbox"/> Rules / legislation require that, if the child is of a sufficient age / maturity, the views of the child must be communicated to the mediator but this need not be directly (<i>see also question 19.2 b) above</i>). Please explain the method(s) used</p> <p><input checked="" type="checkbox"/> It is within the discretion of the particular mediator</p> <p><input type="checkbox"/> The child's views play no part in the mediation</p> <p><input checked="" type="checkbox"/> Other (<i>please explain</i>) Some mediators may require the consent of the parents or the child's representative before including a child in the mediation.</p>
<p>g) What safeguards are available in your State where allegations of domestic violence and / or other forms of abuse are made in a dispute which goes to mediation?</p>	<p><input type="checkbox"/> (1) Address and other contact details of the alleged victim are kept confidential</p> <p><input checked="" type="checkbox"/> (2) Other safeguards (<i>please specify</i>) Civil protection orders are available in all states in the United States. Services for victims ranging from counseling to shelter are available, but vary according to location. Some mediation programs will not do mediation in cases that involve serious domestic violence. Others have the expertise to handle these types of cases as well as the physical and technological capacity to perform mediations without the parties being in the same room.</p>
<p>h) Please specify which, if any, of the safeguards set out in question 19.4 g) above are required by rules / legislation in your State and which safeguards are left to the discretion of the mediator? <i>See also question 19.2 b) above</i></p>	<p>Required by legislation / rules of State: Each state in the United States has different rules governing mediation, which may include rules about handling cases involving allegations of domestic violence.</p> <p>Left to the discretion of the mediator: In states that do not directly address the mediation of</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<p>cases involving domestic violence through their legislative codes, the issue may have been addressed through a mediator's adherence to model standards, voluntary accreditation, or his or her own training.</p>
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i) Can judicial or administrative authorities take provisional or interim measures to enable an applicant to exercise contact or access in respect of a child while mediation is ongoing?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
19.5 The enforceability of mediated agreements	
a) Are there legal restrictions on the content of mediated agreements regarding family law matters in your State?	<input checked="" type="checkbox"/> Yes, please specify: All mediated agreements must be approved by a judge to be turned into an enforceable order. If there are parts of the agreement that are contrary to law, the judge will remove those parts. For example, a party is not permitted to waive the right to all future child support - as that right belongs to the child, not the parent. <input type="checkbox"/> No
b) Which additional formalities, if any, are required in your State to make mediated agreements in a family dispute involving children enforceable?	<input type="checkbox"/> (1) Notarisation of the mediated agreement <input checked="" type="checkbox"/> (2) Court approval of the mediated agreement Please specify competent court: The competent court is generally the state court that would have jurisdiction over the underlying custody/access case or the federal court with jurisdiction over a Convention return proceeding. <input type="checkbox"/> (3) Registration of the mediated agreement with the court. Please specify competent court: <input type="checkbox"/> (4) Other (<i>please specify</i>) <input type="checkbox"/> (5) No additional formalities are required. Mediated agreements in family disputes involving children are immediately enforceable <i>without</i> any additional formalities being required If you ticked one or both of options (2) or (3) above, please go to question 19.5 c). If not, please proceed to question 19.5 d)
c) Is the mediated agreement, once approved by or registered with a court, treated as an order of that court? <i>Please explain where necessary</i>	<input checked="" type="checkbox"/> Yes, Go to question 19.5 e) <input type="checkbox"/> No, Go to question 19.5 d)
d) Is it possible to turn a mediated agreement into a court order?	<input type="checkbox"/> Yes, please briefly explain what steps are required and which court would be competent: <input type="checkbox"/> No
e) Who bears the cost of rendering the mediated agreement enforceable? Please list the number from question 19.5 b) next to the relevant answer	The parties must pay: 2 The cost is covered by any free or reduced rate legal assistance provided to one / both parties: 2 - Qualified parties may receive some form of pro bono or reduced fee legal assistance. Central Authority: There are no costs:
19.6 Agreements mediated in another State	
a) Can an agreement mediated in another State in a family dispute involving children be approved by a court or otherwise formalised in your State in the same manner as an agreement mediated in your State (see question 19.5 b) above)?	<input type="checkbox"/> Yes <input type="checkbox"/> No, a different method for formalising the agreement must be used. Please specify: <input type="checkbox"/> No, it is not possible to formalise an agreement mediated in another State <input checked="" type="checkbox"/> Other (<i>please specify</i>): A mediated agreement that has been turned into a court order in another state could be registered with the competent court in the United States and become an enforceable order here under the

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<p>UCCJEA. Registering a foreign court order is a relatively simple process. However, a private agreement between two parties that had not been turned into a court order would not be able to be registered as a foreign judgment. The parties could, however, bring their agreement to a U.S. court with competent jurisdiction and have it approved by a judge directly.</p>
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20 Other forms of alternative dispute resolution (“ADR”)

<p>a) What other forms of ADR are available in your State for the resolution of international family disputes falling within the scope of the Convention? <i>See Articles 7(2) c) and 10</i></p>	<p><input checked="" type="checkbox"/> (1) In-court conciliation <input checked="" type="checkbox"/> (2) Out-of-court conciliation <input checked="" type="checkbox"/> (3) Collaborative law <input checked="" type="checkbox"/> (4) Early Neutral Evaluation <input checked="" type="checkbox"/> (5) Other (<i>please specify</i>): There are a wide variety of types of ADR available through courts, NGOs, and private practitioners throughout the United States. They use various different types of methods and models. <input type="checkbox"/> (6) No other forms of ADR are available, go to Part VI: Direct judicial communications</p>
<p>b) What services / structures exist in respect of the other forms of ADR available in your State? Please list the relevant number(s) from question 20 a) above next to the service / structure which is available in respect of that method of ADR</p>	<p>Private ADR services / structures (<i>please specify</i>): 1, 2, 3, 4, 5 ADR services / structures within the judicial or administrative system (<i>please explain</i>): 1, 2, 3, 4, 5 ADR services / structures provided by NGOs (<i>please specify the NGO and give brief details of the service they provide</i>): 1, 2, 3, 4, 5 Other (<i>please explain</i>):</p>
<p>c) In relation to:</p> <ul style="list-style-type: none"> • legislation on ADR • access to ADR • the ADR process • the enforceability of agreements reached as a result of ADR; and • the enforceability of agreements reached as a result of ADR in another State <p>are the responses the same as for the section on mediation above – see sections 19.2 to 19.6?</p>	<p><input checked="" type="checkbox"/> Yes, go to Part VI: Direct judicial communications <input type="checkbox"/> Some of the responses are the same, go to question d) <input type="checkbox"/> No, go to question d)</p>
<p>d) Please briefly specify in what way the answers to the questions in sections 19.2 to 19.6 above are different in relation to other forms of ADR in your State</p>	

Part VI: Direct judicial communications

21 Direct judicial communications	
<p>a) Has a member of the International Hague Network of Judges been designated for your State?</p> <p>For more information, go to < www.hcch.net > under "Child Abduction Section" then "Judicial Communications"</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>Name/s: The Honorable James Garbolino, Hague Network Judge and Assigned Judge, Superior Court of California;</p> <p>The Honorable Judith L. Kreeger, Hague Network Judge and Senior Judge, Circuit Court, Florida;</p> <p>The Honorable Peter J. Messite, Senior Judge, U.S. District Court for the District of Maryland ; and</p> <p>The Honorable Mary W. Sheffield, Hague Network Judge and Circuit Judge, 25th Judicial Circuit, Missouri</p> <p><i>Please do not list the contact details of the judge(s) here. Instead, please ensure that the name, position, court and contact details have been provided to the Permanent Bureau</i></p> <p><input type="checkbox"/> No</p>
<p>b) Is there a legislative basis upon which judges in your State can engage in direct judicial communications?</p>	<p><input checked="" type="checkbox"/> Yes, please specify how the legislation can be accessed (e.g., website) or attach a copy: While there is no specific statute authorizing direct judicial communication in Convention cases, "...direct judicial communications in family law matters is very familiar to U.S. state court judges. The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), adopted in some form by 49 U.S. states and territories, as well as the District of Columbia, includes a provision allowing direct judicial communication within any proceeding arising under the UCCJEA. UCCJEA §110, Communication Between Courts. Further, the UCCJEA requires direct judicial communication in instances where the court hearing the custody case discovers that another court, whether a U.S. court or a foreign court, has commenced a child custody proceeding where such court has jurisdiction in substantial conformity with the UCCJEA. UCCJEA § 206(b), Simultaneous Proceedings."</p> <p>Go to Part VII: Other information</p> <p><input type="checkbox"/> No, go to question c)</p>
<p>c) In the absence of legislation, can judges in your State engage in direct judicial communications?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

Part VII: Other information

22 Training	
<p>a) What measures are being taken to ensure that persons responsible for implementing the Convention (e.g., <i>judges, lawyers and Central Authority personnel</i>) have received appropriate information and training?</p> <p><i>Please contact the Permanent Bureau for information in relation to forms of assistance which may be available for this purpose</i></p>	<p><input checked="" type="checkbox"/> Training as required for Central Authority staff</p> <p><input type="checkbox"/> Training as required for responsible authorities</p> <p><input type="checkbox"/> Updates as required on legal developments related to the Convention provided to staff responsible for its implementation</p> <p><input checked="" type="checkbox"/> Training as required for lawyers</p> <p><input checked="" type="checkbox"/> Training as required for law enforcement</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p>Specifically in respect of judges:</p> <p><input checked="" type="checkbox"/> Sending a basic package of information on the 1980 Convention to judges</p> <p><input type="checkbox"/> Training through a dedicated judicial studies board</p> <p><input checked="" type="checkbox"/> Participation in judicial training seminars</p> <p><input checked="" type="checkbox"/> Participation in the International Hague Network of Judges</p> <p><input checked="" type="checkbox"/> Accessing <i>The Judges' Newsletter on International Child Protection</i> (available at < www.hcch.net > under "Child Abduction Section" then "Judges' Newsletter on International Child Protection")</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>b) Is your Central Authority willing to participate in a "twinning arrangement" with another Central Authority?</p> <p><i>A "twinning arrangement" is where two Central Authorities engage in discussions and / or visits to exchange information with the view to improving operations in both Central Authorities</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
23 Other implementing measures	
<p>a) Does your State use iChild?</p> <p>For more information, go to < www.hcch.net > under "Child Abduction Section" then "iChild"</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>b) Does your State use another electronic case management system other than iChild?</p>	<p><input checked="" type="checkbox"/> Yes, please specify: System developed within Department of State with necessary security controls.</p> <p><input type="checkbox"/> No</p>
<p>c) Does your State use INCASTAT?</p> <p>For more information, go to < www.hcch.net > under "Child Abduction Section" then "INCASTAT"</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>d) Does your State use INCADAT?</p> <p>For more information, go to < www.incadat.com ></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

<p>e) Are statistics related to applications under the Convention in your State publicly available?</p>	<p><input checked="" type="checkbox"/> Yes, please specify how the statistics can be accessed (e.g., <i>website, annual report</i>): website - limited statistics on numbers of cases and children per country.</p> <p><input type="checkbox"/> No</p>
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24 Other services

<p>a) What general services / resources are available in your State to assist those involved in international child abduction cases?</p> <p><i>Please indicate, where available, contact details, websites and costs for such services</i></p>	<p><input checked="" type="checkbox"/> International Social Service (ISS) (<i>please provide contact information</i>): http://www.iss-usa.org/</p> <p><input checked="" type="checkbox"/> Specific NGOs dealing with child abduction: National Center for Missing and Exploited Children (NCMEC), www.missingkids.com.</p> <p><input checked="" type="checkbox"/> Financial assistance: Department of Justice funding for travel through Victims' Assistance program in U.S.</p> <p><input checked="" type="checkbox"/> Social / welfare assistance: Referral to NCMEC Family Advocacy Division for social services.</p> <p><input checked="" type="checkbox"/> Immigration services: The USCA can assist with entry into the U.S. under certain circumstances but cannot guarantee provision of visas or entry into the United States.</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
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