# Report on Compliance with The Hague Convention

on the Civil Aspects of

# INTERNATIONAL CHILD ABDUCTION

April 2011

# Report to Congress on Compliance with The Hague Convention on the Civil Aspects of International Child Abduction

The U.S. Department of State ("Department"), Office of Children's Issues (CI), U.S. Central Authority (USCA) under the 1980 Convention on the Civil Aspects of International Child Abduction ("Convention"), hereby submits, pursuant to 42 U.S.C. § 11611, this report on Convention compliance, covering the period from October 1, 2009, through December 31, 2010. This represents a change from a fiscal year time period used in prior reports; future reports will follow the calendar year. The USCA is submitting this report to the House Appropriations Committee; the Senate Appropriations Committee; the House Subcommittee on State, Foreign Operations and Related Programs; the Senate Subcommittee on State, Foreign Operations and Related Programs; the House Foreign Affairs Committee; and the Senate Foreign Relations Committee.

More detailed information on international parental child abduction (IPCA) appears on CI's Convention compliance webpage, www.travel.state.gov/childabduction. The page includes CI's reporting methodology, IPCA statistics, and may include other compliance-related information.

## Not Compliant with the Convention

| COUNTRY | ASSESSMENT |
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| **St. Kitts and Nevis** | **St. Kitts and Nevis** was not compliant with the Convention. The USCA forwarded an application under the Convention ("Hague application") for the return of an abducted child to the St. Kitts Central Authority (SKCA) in November 2009 and re-sent it in February 2010 at the SKCA's request. The case was then transferred from the SKCA to the attorney general's office for a legal opinion. Crown Counsel opined that the Convention does not have the force of law in St. Kitts because it has not been incorporated into local laws. The opinion further stated that the welfare of the child outweighed any custodial rights of a parent, thereby suggesting that St. Kitts courts should examine the merits of the custody dispute even in cases arising under the Convention. Such merits determinations are prohibited by Convention Article 16. |

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| **St. Kitts and Nevis** | During a July meeting about the case with a U.S. Embassy official, an SKCA representative stated that St. Kitts remained committed to the Convention but that IPCA cases would be evaluated on a case-by-case basis to protect Kittitians' constitutional rights. The representative further stated that St. Kitts law provided no authority to order return in cases where the child is a St. Kitts citizen. Thus, in this case, the Convention could not be applied because the child is a dual national of the United States and St. Kitts. This position runs counter to the well-established principle that the Convention applies equally regardless of the child's nationality, even when the child has the nationality of the country to which he or she has been taken. The USCA has notified the Permanent Bureau of The Hague Conference on Private International Law ("Hague Permanent Bureau") about its concerns with respect to St. Kitts. |

## Patterns of Noncompliance with the Convention

| COUNTRY | ASSESSMENT |
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| **Bermuda** | **Bermuda** demonstrated patterns of noncompliance in the areas of central authority performance and judicial performance. Issues noted: (1) the application of the Convention when the taking party is not a parent; (2) challenges in bringing a Convention case to court when the Central Authority (CA) is also responsible for representing the state in court for child abuse cases, and therefore the CA must potentially advocate that the court apply "best interests of the child" criteria, which are inappropriate for Hague Convention decisions; and (3) some courts' failure to abide by Article 16 of the Convention, which prohibits consideration of the merits of custody in domestic proceedings while a Hague application is pending.<br><br>In one recent case, the Bermudan Central Authority (BCA) initially informed the USCA that since the taking person was not a parent, but an aunt, the Convention would not apply. The BCA agreed to change this policy after holding discussions with the USCA in June 2010. Meanwhile, the family court held custody hearings in the case. The USCA and U.S. Embassy reminded the BCA that per Article 16, custody hearings should not proceed until the case under the Convention ("Convention case" or "Hague case") is resolved. The court subsequently proceeded with a custody hearing and granted the taking aunt "full care, control and custody" of the child despite the pending Hague application.<br><br>In November 2010, Bermuda appointed a new attorney general who has expressed his commitment to ensuring that Bermuda is compliant with the Convention. At his urging, the court in the above case scheduled a hearing on the Hague application, but the left-behind parent (LBP) withdrew the application just days before the hearing, citing a lack of legal representation and a voluntary agreement with the taking aunt. |

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| **Brazil** | **Brazil** demonstrated patterns of noncompliance in the area of judicial performance, mainly because of continued judicial delays in case processing and in basing decisions in Hague cases on criteria not contemplated by the Convention. Six longstanding cases involving eight children encountered repeated delays in the judiciary and still remain unresolved. In the six cases, trial-level federal courts granted or denied return under the Convention, but all remained in appeal proceedings.<br><br>Overall, however, Brazil demonstrated significant improvement in fulfilling its obligations under the Convention. Federal courts ordered the return of three children in longstanding cases, although appeals of the return orders are pending in two of these. In late 2009, Brazil's highest court, the Supreme Federal Tribunal (STF), allowed the enforcement of a return order in one longstanding, highly publicized case despite pending appeals, and the child was soon thereafter returned to the United States. In addition to initiatives undertaken last year by the Brazilian Central Authority (BCA) and the Office of the Attorney General (OAG) to improve compliance with the Convention, the OAG intensified its coordination with the judiciary. The BCA reports that the STF's 2007 consolidation of Convention cases in the federal courts and its 2008 directive that Convention cases be given high priority should enable the courts to handle these cases more expeditiously.<br><br>Over the course of 2010, the United States and Brazil held productive bilateral meetings, and the BCA, OAG, and STF organized a multinational conference on IPCA in Brasilia. The conference helped facilitate judicial education and explored the potential introduction of legislation that could speed the processing of Convention cases in Brazilian federal courts. |
| **Bulgaria** | **Bulgaria** demonstrated patterns of noncompliance in the areas of law enforcement and judicial performance. The USCA and U.S. Embassy Sofia have worked closely with Bulgarian authorities to address compliance concerns noted in last year's report. The Bulgarian Ministry of Justice (BMOJ), the Bulgarian Central Authority (BCA), and the City Court of Sofia have been communicative and responsive to inquiries about Bulgaria's application of the Convention. While Bulgarian judges have issued orders for the return of children under the Convention, procedures often involve significant delays because of judicial requirements to review social reports. Delays are also caused by domestic child custody laws that appear to permit introduction of new evidence at any point during the proceedings and to allow cases to be repeatedly continued if the taking parent (TP) elects not to appear in court.<br><br>During a September 2010 judicial seminar, Bulgarian judges reported they lack authority to enforce Convention return orders and to write return orders that include any protective measures or specific instructions for the return. Enforcement of civil orders in Bulgaria is conducted by public enforcement agents, who have demonstrated reluctance to take action on return orders if either the TP or child is not fully cooperative. Private enforcement agents are available, but they may decline requests and appear not to be monitored by any government or judicial authority. Consequently, return orders may essentially be useless given the absence of legal and administrative enforcement obligations. |

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| **Bulgaria** | The BMOJ has appointed a Bulgarian judge to the International Hague Network of Judges, which will provide increased opportunities for training and dialogue about Convention best practices. Amending aspects of Bulgarian domestic law that are incompatible with or present challenges to Convention implementation is also under consideration. |
| **Burkina Faso** | **Burkina Faso** demonstrated patterns of noncompliance in the area of central authority performance. The Burkinabe Central Authority's (BCA) lack of resources, accessibility, and understanding of its treaty obligations delays the resolution of cases.<br><br>Basic communication was extremely difficult. The Burkinabe Ministry of Social Action (BMSA), which houses the BCA, does not have a centralized e-mail system or widespread internet access, and the unreliable telephone infrastructure in Burkina Faso rendered direct phone and fax communication impossible. In follow-up conversations with U.S. Embassy Ouagadougou officials, the BCA outlined procedures for submitting new Hague cases that would generate significant delays as a case moves slowly through intermediaries and other bureaucratic hurdles.<br><br>Without specific legislation to implement the Convention, local laws and customs are given precedence over Convention principles. The infrequency of IPCA cases relegates them to a relatively low priority. The BMSA is in the process of writing a manual that will describe BCA procedures in IPCA cases. The BCA has also expressed interest in bilateral training on the handling of Convention cases. |
| **Honduras** | **Honduras** demonstrated patterns of noncompliance in the areas of judicial and law enforcement performance. The USCA notes that communication with the Honduran Central Authority (HCA) improved, and the HCA is making significant progress toward meeting its obligations under the Convention. The HCA's recent responsiveness demonstrates that its new leadership takes its responsibilities seriously. The HCA appears to be monitoring case progress within the judiciary and is regularly providing the USCA with updates. In October 2010, the HCA took a significant step in strengthening its authority by filing a motion for reconsideration and appeal in a case where the court had denied the return of the child in September 2010. The court agreed to accept the motions for reconsideration and appeal after the filing deadline because it had neglected to timely inform the HCA, the LBP, or the USCA of its decision. Other notable improvements within the HCA include its filing a written request for a prompt ruling on a longstanding case, the proactive facilitation of two voluntary returns, and assistance in coordinating another.<br><br>Although the HCA made progress, the judicial system and law enforcement authorities still face inherent institutional obstacles in processing Hague applications. Judicial delays are a factor in the two longstanding cases which have been pending for two years and seven years, respectively. (These cases are discussed below under "Unresolved Return Applications.") Additionally, some courts continue to consider the merits of custody during Hague cases, notwithstanding Article 16, and request psychological and home studies as a routine part of the judicial process. Recent training by the Latin America liaison officer of The Hague Permanent Bureau and a videoconference with a U.S. Hague network judge sought to address these shortcomings. The training was well received by the 30 judges involved. At last |

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| **Honduras** | report, Honduras is in the process of appointing two of its own judges to The Hague Network of Judges.<br><br>The USCA understands that law enforcement continues to be underfunded and appears to have difficulty providing support to the HCA and the judicial system. Resources outside of the capital seem limited, and the HCA reports that it is often difficult to ascertain the exact location of children who are the subjects of cases. These problems lengthen the time between the HCA's receipt of an application and the service of court papers to TPs.<br><br>As noted in past reports, Honduras has yet to pass implementing legislation, which could help it to meet its Convention obligations. The Honduran Congress introduced legislation in 2007 and again in 2009, but it did not pass. At the end of 2010, there appeared to be no new bill on the table. |
| **Mexico** | **Mexico** demonstrated patterns of noncompliance in the areas of law enforcement and judicial performance.<br><br>The USCA has, however, noted marked improvement in Mexican Central Authority (MCA) performance. Communication with the MCA has improved significantly. The MCA increased the frequency of its meetings and information exchange with the USCA and U.S. Embassy Mexico City. It has put a great deal of effort into effective case management and in addressing the judicial and law enforcement issues noted under "Unresolved Return Applications" below, making progress in both of these areas. With respect to law enforcement performance, the MCA is working with the *Agencia Federal de Investigación* (AFI) to search more actively for missing children. As a result of this effort, several missing children in longstanding cases have been located. In regard to judicial performance, the MCA is developing online judicial training modules and has worked with individual judges on difficult cases. The MCA has also indicated it will work on legislative initiatives to limit the use of *amparos*, discussed below, in Hague cases.<br><br>Despite these improvements, Mexican courts continue to apply the Convention's legal requirements inconsistently and suffer from delays in processing return applications under the Convention. Some courts, especially in certain jurisdictions, continue to adjudicate the merits of custody in Hague cases, notwithstanding Article 16. Unreasonable delays in case processing are often related to the "*amparo*," a constitutionally based appeal. A TP can file an *amparo*, or multiple *amparos*, with a federal court alleging that Convention procedures, decisions, or administrative actions in the case violate the TP's constitutional rights. In response, the courts issue provisional orders freezing proceedings under the Convention pending a final adjudication of the *amparo*. It is encouraging that some state and district initiatives have created a cadre of trained judges to hear Convention cases. Also of note are improvements in the quality and speed of decisions following completion of judicial training related to the Convention.<br><br>Although the USCA has observed some progress, Mexican law enforcement historically has a low rate of success in locating children who have been abducted to, or wrongfully retained in, Mexico. The majority of the longstanding unresolved return applications in Mexico remain pending because of an inability on the part of law enforcement to locate |

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| **Mexico** | missing children. Two main factors appear to contribute to this problem: (1) insufficient resources dedicated to locating these children; and (2) an apparent lower priority given to IPCA cases compared to other criminal activity. |
| **The Bahamas** | **The Bahamas** demonstrated patterns of noncompliance in the area of central authority performance. Of the four cases of children abducted from the United States to The Bahamas that the USCA is handling, one case was postponed for 14 months after the initial court date, with a second hearing scheduled for January 2011. The other three cases have not yet been forwarded to the court. One of these had been pending for 16 months as of December 2010. The USCA experienced extreme difficulty in contacting the Bahamian Central Authority (BCA) during much of 2010, when communication was limited and sporadic. Recently, a new point of contact at the BCA was established, which should lead to better communication.<br><br>Judicial performance improved substantially during 2010, resulting in the return of a child to the United States in October. The attorney general's office began an effort this year to educate Bahamian judges about obligations under the Convention with respect to expeditious case processing. This effort appears effective, and the USCA is optimistic that such communication could be helpful in future cases. |

## Efforts to Encourage Other Countries to Join the Convention

Many of the IPCA cases handled by the USCA involve abductions to countries not yet parties to the Convention. As the Convention provides the most effective way to facilitate the prompt return of abducted children to their country of habitual residence and help deter abduction, encouraging countries to join it is a high priority.

In July 2010, Secretary of State Clinton created a new foreign policy position to address IPCA, as well as intercountry adoption, and appointed Ambassador Susan Jacobs the first Special Advisor for Children's Issues. In this capacity, Ambassador Jacobs has actively engaged foreign government officials to protect the welfare and interests of children. In October 2010, she hosted a meeting for Washington Chiefs of Mission from Asian countries – including Bangladesh, China, Japan, Laos, Nepal, the Philippines, Singapore, South Korea, and Timor-Leste – to discuss the Convention, to brief them on what to expect from the United States as a treaty partner, and to encourage them to become parties. Fiji and Thailand, parties whose accession the United States has yet to accept under Convention Article 38, also attended and expressed interest in working closely with U.S. officials to

improve implementation and garner U.S. acceptance under Article 38. Hans van Loon, the Secretary General of The Hague Permanent Bureau, pointed out that accession would place these countries more prominently on the world stage.

The Department regularly instructs its diplomatic missions in non-Convention countries to approach host governments and encourage them to join the Convention. Consular Affairs Assistant Secretary Janice L. Jacobs and other U.S. government officials frequently raise the Convention in discussions with senior officials from these countries. During the reporting period, USCA representatives met with officials from the following countries to discuss IPCA and joining the Convention: Armenia, India, Japan, the Philippines, Russia, Saudi Arabia, South Korea, and Zambia.

USCA officials also met with representatives from a number of Convention partners to discuss its practical application, including Argentina, Australia, Bermuda, Brazil, Bulgaria, Burkina Faso, Canada, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Greece, Guatemala, Honduras, Mexico, Norway, Panama, Paraguay, Peru, Slovakia, South Africa, Spain, Sweden, Switzerland, The Bahamas, Turkey, and Uruguay.

The USCA participates in regular meetings with its Latin American partners and works with The Hague Permanent Bureau to improve the Convention's operation in Central and South America. The USCA has also worked closely with the International Hague Network of Judges, especially the four U.S. judges, to promote direct communication among judges in international family law cases.

## Efforts to Encourage Convention Parties to Facilitate Work of Nongovernmental Organizations

The USCA makes continual efforts to encourage the parties to the Convention to facilitate the work of nongovernmental organizations (NGOs) within their countries that assist parents seeking the return of children under the Convention. The Department encourages Convention partners to utilize the services and expertise of local NGOs to implement the Convention more effectively, particularly in countries developing or expanding their capacity. U.S. diplomatic missions abroad have developed lists of NGOs in their country or region to assist families in the difficult circumstances surrounding child abductions.

The USCA also works with a number of international and U.S. NGOs to assist families affected by IPCA and facilitate contact with and return of abducted children. A description of this work appears on CI's Convention compliance webpage, www.travel.state.gov/childabduction.

## Countries with Enforcement Concerns

Below is a list of countries that are parties to the Convention in which LBPs in the United States have not been able to secure prompt enforcement of a final return or access order during the reporting period. This includes an order resulting from a Hague proceeding; a U.S. custody, access or visitation order; or an access or visitation order by authorities in the country concerned, where the lack of enforcement is because of the absence of prompt and effective enforcement mechanisms, the lack of recognition of comity, or other factors.

| COUNTRY | ENFORCEMENT CONCERN |
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| **Argentina** | Hague return order not enforced. |
| **Australia** | Hague access order not enforced. |
| **Austria** | Foreign court order for access not enforced. |
| **Costa Rica** | Hague return order not enforced. |
| **France** | Hague return order not enforced. |
| **Germany** | Hague return order not enforced. |
| **Honduras** | Hague return order not enforced. |
| **Hungary** | Foreign court order for access not enforced. |
| **Israel** | Hague return order not enforced. |
| **Mexico** | Hague return order not enforced. |
| **Romania** | Hague return order not enforced |
| **South Africa** | Foreign court order for access not enforced. |
| **Spain** | U.S. custody order not enforced. |
| **Switzerland** | Hague access order not enforced. |
| **Turkey** | Hague return order not enforced. |

## Unresolved Return Applications

As of December 31, 2010, the USCA had 114 applications for return that remained open and active 18 months after the date of filing with the relevant foreign central authority in the 18 countries listed below. The following section describes each unresolved case and the actions taken by the USCA to resolve them.

**NOTE:** Foreign central authorities are referred to below as "CA," preceded by the initial of the country, e.g., "MCA" for the Mexican Central Authority.

| COUNTRY/ CASE | ABDUCTED OR RETAINED | APP. FILED | CHILD LOCATED | SUMMARY OF CASE |
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| **ARGENTINA Case 1** | 6-2008 | 6-2009 | YES | The court held the first Convention hearing in November 2009. In April 2010, the court accepted the TP's proposal for a psychological evaluation of the children. In August 2010, the court domesticated a U.S. court order that awarded the LBP sole legal and physical custody of the children. The TP immediately filed an appeal. A decision from the appeals court is expected in 2011. |
| **ARGENTINA Case 2** | 8-2008 | 4-2009 | YES | The court held the first Convention hearing in August 2009. On December 10, 2009, the ACA informed the USCA that the judge interviewed the child, who requested to stay in Argentina. The court withheld a Hague ruling until the LBP responds to domestic violence allegations. On January 27, 2010, the USCA informed the LBP that the court had requested additional documentation from the LBP. On May 7, 2010, the ACA informed the USCA that the court requested personal testimony from the child. Subsequent updates yielded no new information on the case. |
| **ARGENTINA Case 3** | 1-2009 | 4-2009 | YES | The Argentine court ordered the return of the child under the Convention in November 2009. On May 28, 2010, the court of appeals rejected the TP's appeal and ordered the return of the child to the United States. The Argentine Supreme Court upheld the return order on December 21, 2010, but the child had not traveled by December 31. |

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| **BELGIUM Case 1** | 10-2008 | 1-2009 | YES | The BCA took more than six months to appoint an attorney to present the Convention application to the court. The LBP is currently appealing the court's March 2010 denial of return based on Article 13(b) of the Convention ("grave risk" of harm to the child). By December 2010 the court had not ruled. |
| **BRAZIL Case 1** | 9-2004 | 1-2005 | YES | In June 2007, a Brazilian federal court ordered the child returned under the Convention. The TP filed an appeal and then obtained temporary custody from a different federal court. In September 2008, the appellate court vacated the return order, finding that the child had become settled in Brazil. In August 2009, a state court in a separate custody proceeding ordered the parties to reach an agreement on a visitation schedule for the LBP before issuing a custody ruling; the parties were unable to reach an agreement. In May 2010, the state court granted custody to the TP. In May 2010, the BCA informed the USCA that a special appeal in the Hague case, which remained pending, had been filed by the OAG before the Superior Court of Justice and that the OAG planned to meet with the Court to discuss an expeditious resolution. The BCA explained that a federal court ruling ordering the return of the child in the Hague case would supersede the state court custody ruling. As of December 2010, however, no further action had been taken on the case. |
| **BRAZIL Case 2** | 7-2006 | 11-2006 | YES | In April 2008, the court ordered the return of the child under the Convention, but the TP absconded with the child. In May 2010, the BCA informed the USCA that the TP had filed an appeal, that the Superior Court of Justice had granted a suspension of the lower court's decision, and that the OAG planned to file an appeal against the suspension. In September 2010, the BCA informed the USCA that this appeal is now pending in the federal court. The USCA and BCA are assisting the LBP to petition for access rights while the appeal is pending. |
| **BRAZIL Case 3** | 2-2009 | 3-2009 | YES | The Convention case was filed in federal court in October 2009. In April 2010, the LBP attended the first hearing and was granted visitation with the child under the supervision of a court-appointed psychologist. In September 2010, the federal court ordered the return of the child, but held that the child had to first spend a 15-day adaptation period with the LBP in Brazil. Later that month, the TP appealed the lower court's decision, and the LBP's 15-day adaptation period was suspended; it was reinstated in October 2010. The OAG planned to prepare counterarguments to the federal appeals court. Meanwhile, the LBP requested that U.S. Consulate General São Paulo visit the child, which it did in October 2010. |

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| **BRAZIL Case 4** | 12-2004 | 2-2005 | YES | In February 2009, the LBP informed the USCA of a September 2008 federal court order denying the return of the child under the Convention. In March 2009, the BCA agreed to request temporary visitation rights for the LBP while the OAG appealed the decision to the federal appeals court. This appeal is currently before the federal appeals court pending a final ruling. In March 2010, the BCA coordinator met with the court to discuss delays in the case. In September 2010, the BCA informed the USCA that the court had granted the LBP temporary access rights. The LBP visited the child in Brazil in September 2010. |
| **BRAZIL Case 5** | 12-2007 | 2-2008 | YES | In August 2009, a federal court issued a Convention return order for the children, and the TP appealed. In February 2010, the BCA informed the USCA that the federal appeals court had requested information regarding the LBP's immigration status in the United States, which the LBP's U.S. lawyer provided in March 2010. In April 2010, the LBP participated in a court hearing via digital video conference and was advised that the appeals court had decided to return the case to the lower court for further findings of fact. In May 2010, the BCA informed the USCA that the lower court had requested a psychological evaluation of the children. The lower court returned the case to the federal appeals court, and it is now pending a final ruling. |
| **BRAZIL Case 6** | 6-2006 | 10-2006 | YES | The court held hearings in September 2007 and March 2008, ordered psychological evaluations for the children, and then heard the parties' closing arguments. In October 2009, the BCA informed the USCA that the OAG had requested the court to expedite the case. In February 2010, the court denied the return of the children to the United States on the ground that they had adapted to their new residence. On April 23, the OAG filed an appeal. The case is now pending a hearing with the federal appeals court. |
| **CANADA Case 1** | 12-2005 | 11-2008 | YES | In September 2009, the court expressed concern that it could not issue a return order under the Convention since the TP and child had already been ordered removed from Canada to Zimbabwe for Canadian immigration violations. The TP was later granted resident status in Canada and remained there. In April 2010, the court suspended the Convention proceedings while the TP and LBP engaged in settlement discussions. These discussions continue. |
| **CANADA Case 2** | 12-2006 | 10-2008 | YES | After a delay while the LBP retained legal counsel, the first hearing was held in June 2009. At this hearing, the court did not issue a ruling, as it was concerned that the Convention did not apply to this case. The court has still not issued a ruling, and the case remains unresolved. |

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| **CANADA Case 3** | 10-2008 | 4-2009 | YES | In July 2009, a family court in Canada granted custody to the TP. Despite this order, the Hague case continued, and the court ordered the LBP to pay thousands of dollars in legal costs for claims the LBP made that were deemed to be without merit. The court then ruled that it would not set a hearing on the Convention petition until these costs are paid. In November 2010, the court reaffirmed its decision and once again declined to hear the return application until the LBP paid the required costs. |
| **COLOMBIA Case 1** | 7-2007 | 3-2008 | YES | The first hearing on the Convention application took place in July 2009. In September 2009, the court submitted what it referred to as "letters rogatory" for more information from the LBP. The USCA advised the CCA that the LBP could not give responses under oath to questions that are outside the scope and purpose of the Convention, and that the letters rogatory were improperly submitted according to diplomatic procedures. The CCA stated that although the case had been delayed because the LBP did not answer the court's questions, the court is now ready to move on the case without the LBP's response. The CCA expects a final ruling from the court soon. A hearing was scheduled for late January 2011. |
| **COLOMBIA Case 2** | 8-2008 | 1-2009 | YES | The USCA was informed by the CCA in May 2009 that the TP agreed to return the child voluntarily. The case stalled when the TP refused to allow the child to return to the United States without her, but the TP would not apply to travel with the child. Mediation hearings were held in February and March 2010, but the TP refused to return the child. The CCA informed the USCA that since an agreement was not reached by the parents, the return application will now be considered by the court. The next court hearing is scheduled for February 2011. |
| **COSTA RICA Case 1** | 10-2008 | 1-2009 | NO | This case has not reached Costa Rican courts because the child and TP have not been located. Costa Rican authorities have been unable to verify whether the TP and child are in the country. |
| **ECUADOR Case 1** | 10-2007 | 3-2008 | YES | In February 2010, the court denied the child's return under the Convention. The LBP appealed, and a hearing was held in June 2010. In August 2010, the appeals court affirmed the denial of return. Both the lower and appellate courts found that the child had become "settled" in the new environment under Article 12 of the Convention and cited the incorrect wrongful retention date of December 2006 rather than the correct date of October 2007. This incorrect date was then used in the judicial decision to calculate the time between the wrongful retention and the filing of the return application. The LBP's lawyer confirmed that the correct date |

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| **ECUADOR Case 1** | | | | of wrongful retention was presented during the hearings, and he argued to the court that the LBP filed within seven months of the wrongful retention based on the correct filing date. The lawyer filed a second appeal in September 2010. |
| **FRANCE Case 1** | 8-2006 | 2-2008 | YES | The French court's Convention return order of December 2008 was overturned on appeal in July 2009. The LBP filed a further appeal to the French Court of Cassation, which is still considering the appeal. |
| **FRANCE Case 2** | 11-2007 | 3-2008 | YES | Successive General Prosecutors have made little effort to enforce the October 2008 Convention return order. The TP filed an appeal with the Court of Cassation in August 2010. The USCA and U.S. Embassy Paris continually press the French Ministry of Justice to enforce the order and in the meantime to facilitate more access for the LBP to the children. |
| **GREECE Case 1** | 10-2005 | 11-2006 | YES | The initial hearing on the Convention application took place in March 2007. In October 2007, the LBP appealed the court's decision to deny return based on Article 13(b) and the children's preference to remain in Greece. The appeal hearing was officially delayed twice before the LBP chose to open a separate case in Greek family court, where his U.S. custody order was recognized. The TP appealed the Greek family court's decision, and the case went before the Greek Supreme Court in October 2010. The Supreme Court has not yet issued a ruling. Meanwhile, the LBP's first appeal of the lower court's decision has not been heard. |
| **HONDURAS Case 1** | 8-2008 | 11-2008 | YES | In February 2009, the HCA informed the USCA that the TP had refused to resolve the case voluntarily. In July 2010, the HCA notified the USCA that it had not followed up on the case because it did not have a legal representative in the city in Honduras where the case is located. In October 2010, an associate from the HCA traveled to that city with a new legal representative and reviewed the court file, asking the court for a final ruling on the Convention application. That ruling is still pending. |
| **HONDURAS Case 2** | 7-2003 | 9-2003 | NO | In May 2006, a court ordered the children's return under the Convention. Because the LBP is a Brazilian citizen, the USCA worked with the Brazilian Embassy in Honduras to arrange escorts and the temporary transfer of custody to the children's uncle, the LBP's brother. Instead, the court temporarily transferred custody to the TP's brother. The court then ordered a social study of the children. In July 2007, the appeals court overturned the return order. The children disappeared with the TP in March 2008, and their location remains |

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| **HONDURAS Case 1** | | | | unknown. In March 2010, the HCA informed the USCA that the court would try to locate the children to perform the court-ordered social study. |
| **ISRAEL Case 1** | 4-1997 | 10-1997 | NO | In November 1998, a court ordered the children returned under the Convention. Because Israeli police have been unable to locate the TP and children, the return order remains unenforced. The parents, without disclosing the TP's whereabouts, attempted a voluntary agreement for visitation in 2007. However, the TP ceased all communication before it could be finalized. |
| **ISRAEL Case 2** | 3-2009 | 7-2009 | YES | An intermediate-level court upheld a lower court's order to return the children under the Convention but only if the LBP, who had been residing temporarily in the United States, was given permission to re-enter the United States. The LBP gained legal entry into the United States in November 2010 and attended a custody hearing in New York family court. The children remained in Israel because the Israeli court had not scheduled a date for their return. The New York court adjourned the custody proceedings until February 2011, but the Israeli court has yet to set a date for the children's return. |
| **MEXICO Case 1** | 8-2008 | 6-2009 | YES | In August 2010, the MCA confirmed that the child was in Mexican Social Services (Desarrollo Integral de la Familia, DIF) custody. The TP then filed an *amparo* claiming her constitutional rights had been violated, and the court returned the child to the TP. In September 2010, the court held a new hearing and denied the petition for return under the Convention. The LBP was not given notice of this hearing until the day of the hearing. In September 2010, the LBP appealed the decision, and appeals proceedings are pending. |
| **MEXICO Case 2** | 6-2008 | 8-2008 | YES | In April 2009, the court denied the Convention return application. The LBP appealed. In July 2009, the Supreme Court of Guanajuato overturned the decision and ordered the return of the child. However, the TP appealed that decision before the return order could be enforced. Since that time, the TP has filed several appeals and *amparos*. In September 2010, the state appeals court's ruling on the TP's *amparo* determined that there was a mistrial in the original proceeding. It ordered the case returned to the court of first instance, which has yet to set a date for the new proceedings. |
| **MEXICO Case 3** | 4-2007 | 11-2007 | YES | The MCA forwarded the Convention application to the court in January 2008. The court has not issued any ruling, and the case remains unresolved pending a final decision on the return application. |

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| **MEXICO Case 4** | 10-2007 | 7-2008 | YES | In August 2008, the court held a hearing on the Convention return application, but the TP did not appear. Shortly thereafter, the TP filed an *amparo*, which had the effect of halting proceedings on the Convention application pending the outcome of the *amparo* claim. The MCA reports that the court reviewing the *amparo* has not yet reached a decision. |
| **MEXICO Case 5** | 1-2009 | 5-2009 | YES | In August 2010, the court held a hearing with the LBP, the TP, and the child all present. The court granted temporary custody of the child to the LBP pending a final decision on the Convention return application. In September 2010, the TP filed an *amparo*, which had the effect of halting proceedings on the Convention application. In October 2010, the court rejected the *amparo*, and the TP appealed that decision. The LBP posted a bond and was allowed to return with the child to the United States pending resolution of the *amparo* proceedings. |
| **MEXICO Case 6** | 11-2008 | 3-2009 | NO | In May 2009, the MCA forwarded the case to a court. However, that same month, the TP filed an *amparo*, which had the effect of halting proceedings on the Convention application. The court seised of *amparo* proceedings has not issued a decision. |
| **MEXICO Case 7** | 7-2006 | 2-2009 | NO | In June 2009, the LBP traveled to Mexico for a court hearing, but the TP failed to appear. The court forwarded the case to the AFI for assistance in locating the child. In February 2010, the TP filed an *amparo*, which had the effect of halting proceedings on the Convention application. The court seised of *amparo* proceedings has not issued a decision. |
| **MEXICO Case 8** | 12-2007 | 7-2008 | NO | In September 2008, the court ordered the child's return under the Convention. The TP then filed an *amparo*. The court seised of *amparo* proceedings has not yet ruled, and the Convention return application remains suspended pending that decision. |
| **MEXICO Case 9** | 6-2008 | 4-2009 | NO | A court hearing has not been held in this case as Mexican officials have not located the TP and the children, but the LBP does have telephone contact with the TP. Although the TP has not appeared in court, she filed an *amparo* in October 2009, which remains unresolved. |
| **MEXICO Case 10** | 5-2007 | 7-2007 | NO | In August 2008, a court scheduled a Convention hearing, but the TP did not appear. The TP then filed an *amparo* seeking to block Convention return proceedings. *Amparo* proceedings remain unresolved. |

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| **MEXICO Case 11** | 9-2005 | 2-2006 | YES | The first Convention hearing was held in April 2006, but the TP did not appear. In December 2006, the court ordered psychological evaluations of the TP, LBP, and child over the objections of the LBP, who argued that such evaluations were not relevant to a return application. The LBP also requested that the judge recuse himself from the case, but the judge declined to do so. According to the MCA, the case is pending with the court, and the judge is still reviewing the documentation submitted by the parties. |
| **MEXICO Case 12** | 2-2006 | 5-2006 | YES | In October 2006, both the TP and LBP appeared at a Convention hearing. Following the hearing, the court gave the TP 30 days to return the child voluntarily. The TP did not comply, and in December 2006, the court ordered the return of the child to the United States. The TP and child then went into hiding. In January 2007, the TP filed an appeal of the return order. In June 2007, the appeals court ruled against the TP and affirmed the return order. The TP then filed an *amparo* asking that the denial of her appeal be reviewed. A decision on the *amparo* remains pending. |
| **MEXICO Case 13** | 12-2005 | 3-2008 | YES | In November 2008, the court denied return under the Convention because the child had resided with the taking grandparents for more than two years prior to the filing of the return petition and was now "settled" in Mexico. The LBP appealed the ruling, which is still pending. |
| **MEXICO Case 14** | 3-2005 | 5-2009 | NO | In August 2010, the court held a Convention hearing, but the TP failed to appear and refuses to accept service of process. The court has not been able to secure the child by taking him into custody, and a new hearing date has not been set. The MCA has urged the court to set a hearing date and to proceed with the case. |
| **MEXICO Case 15** | 9-2007 | 6-2008 | NO | A court hearing on the Convention return application was scheduled in September 2009, but the TP filed an *amparo* claiming he had not been properly served; the *amparo* court cancelled the Convention hearing. The case is now pending once again before the original court, but a hearing has not been scheduled. The court representative has been unable to serve the TP with notice because of safety concerns in the high crime area where the TP resides. |
| **MEXICO Case 16** | 11-2007 | 2-2009 | YES | In July 2010, the court ordered the return of the child under the Convention, and the TP filed multiple *amparos* seeking to prevent enforcement. The *amparo* court dismissed them all. The LBP is currently waiting for the time limit for a last TP right of appeal to expire before attempting to return with the child. |

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| **MEXICO Case 17** | 8-2007 | 10-2007 | YES | In September 2008, the court ordered the return of the child under the Convention, and the TP appealed. In December 2008, the appellate court overturned the decision to return the child. In January 2009, the LBP filed an *amparo* against this decision. In May 2009, the *amparo* court returned the case to the original court and ordered that it reconsider its decision after reviewing psychological examinations of the TP and child, but did not order a psychological examination of the LBP. In May 2010, the court denied the return, finding that the child had become "settled" in Mexico; the LBP appealed. In October 2010, the appellate court ruled for the LBP and returned the case to the lower court, ordering it to have a psychological evaluation of the LBP prepared and considered in its decision. In December 2010, the LBP traveled to Mexico for psychological testing, and the Convention case remains pending before the lower court. |
| **MEXICO Case 18** | 2-2007 | 6-2007 | NO | In October 2007, the MCA forwarded the Convention application to the court. The court has scheduled several hearings, but the TP and the aunt, with whom the child is believed to be living, have not appeared. The court has stated that it will not rule on the application in the absence of the TP and child. |
| **MEXICO Case 19** | 5-2008 | 1-2009 | YES | In May 2010, the children were located in a city in central Mexico, and the Convention case was transferred to a court in that jurisdiction. The court set the first hearing for January 2011. |
| **MEXICO Case 20** | 6-2007 | 2-2009 | YES | In January 2010, the MCA sent the case to the AFI for assistance in locating the child. The AFI located the child in June 2010, but a court date has not yet been set on the Convention application. |
| **MEXICO Case 21** | 2-2007 | 12-2008 | NO | The child was abducted from California in 2007, and the California Attorney General's office filed the Convention application with the MCA on behalf of the LBP in December 2008. The USCA has not received any further update on this case. The USCA has requested updates from the MCA, but the court has not responded to MCA requests for information. In September 2010, the MCA informed the USCA that it had complained to the supervisory Superior Court regarding the lack of responsiveness of the judge handling the case and, as a result, a new judge was assigned to the case. |
| **MEXICO Case 22** | 10-2005 | 9-2006 | NO | In October 2006, the MCA forwarded the Convention application to the court. In May 2007, the MCA informed the USCA that the case file had been lost and that it had resubmitted the relevant documents to the court. A hearing was scheduled for November 2007, but the TP and child could not be located. The AFI and |

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| **MEXICO Case 22** | | | | Interpol have been unable to locate the child since that time, further stalling Convention proceedings in the court. |
| **MEXICO Case 23** | 1-2005 | 2-2008 | YES | In May 2008, the first scheduled court hearing on the Convention application was postponed as the TP and child could not be located. In August 2008, the TP and child were located, and a hearing was held. In September 2009, the court requested information from the USCA and the National Center for Missing and Exploited Children regarding reunification counseling, which was provided. The court has not made a decision regarding the child's return or provided further updates to the MCA or LBP. |
| **MEXICO Case 24** | 3-2007 | 1-2008 | NO | The child was in the custody of California Social Services when he was taken by his maternal grandparents to Mexico to join his biological mother. In March 2009, the TP mother and child failed to appear at a court hearing on the Convention application. The MCA and the court asked for the assistance of the AFI in locating the child. The child has not been located and is believed to be living with his biological mother in Mexico. Meanwhile, court proceedings remain stalled. |
| **MEXICO Case 25** | 3-2007 | 10-2007 | NO | In April 2009, the court ordered the return of the child, even though the child had not yet been located. The AFI is currently searching for the child, who remains missing. |
| **MEXICO Case 26** | 3-2006 | 8-2006 | NO | In March 2008, the MCA forwarded the case to Interpol but was unsuccessful in locating the child. In August 2010, the MCA informed the USCA that the AFI is now searching for the child. |
| **MEXICO Case 27** | 9-2005 | 10-2007 | NO | In February 2008, the MCA forwarded the Convention application to the court, but authorities have been unable to locate the TP and child. In August 2008, the MCA requested the assistance of the AFI, but the child has still not been located, so court proceedings have not yet begun. |
| **MEXICO Case 28** | 3-2006 | 12-2007 | NO | In February 2008, the MCA reported that the child had been taken into protective custody by DIF. The court scheduled a hearing on the Convention application for the following day. However, DIF returned the child to the TP, who did not appear for the hearing, absconding with the child. The MCA forwarded the case to Interpol in May 2008 to assist in finding the child. The child still has not been located, and court proceedings remain stalled. |

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| **MEXICO Case 29** | 3-2006 | 5-2006 | NO | In April 2008, the court denied the Convention return application, and the LBP appealed. The appellate court affirmed the lower court's decision in October 2008, and the LBP filed an *amparo*. In November 2009, the court granted the *amparo* and ordered the return of the child. The AFI is searching for the TP and child, but they have not been located. |
| **MEXICO Case 30** | 4-2003 | 6-2008 | NO | In October 2009, the court ordered the return of the child under the Convention, but the child was not present at the hearing. The AFI has been unable to locate the child. The TP filed an *amparo* in February 2010, but no decision on the *amparo* has been reached. |
| **MEXICO Case 31** | 8-2001 | 9-2001 | NO | The MCA requested the assistance of Interpol in locating the child, but to date the whereabouts of the child remain unknown. In June 2010, the MCA reported they have closed this case because of lack of interest from the LBP. In December 2010, the LBP informed the USCA that he remains interested. The USCA has asked the MCA to reopen the case. |
| **MEXICO Case 32** | 11-2004 | 5-2005 | NO | In April 2008, the court seised of the Convention application requested the assistance of Interpol in locating the children, but their whereabouts are still unknown. Despite repeated inquires from the USCA, the MCA has not provided recent updates regarding the search. |
| **MEXICO Case 33** | 2-2003 | 11-2003 | NO | In September 2006, the court held a hearing on the Convention return application. The TP's attorney attended the hearing, but the TP and the child did not appear. They remain in hiding. The MCA has been working with Interpol since that time to locate the child. In May 2010, the MCA indicated it may close the case because of the length of time it has been pending. The USCA requested that the case remain open because the child has not been located. |
| **MEXICO Case 34** | 3-2009 | 5-2009 | NO | The TP and children have not been located, and the MCA is working with Interpol to locate them. The LBP has provided information regarding their possible whereabouts. The case was not forwarded to a court as jurisdiction cannot be determined. |
| **MEXICO Case 35** | 8-2008 | 1-2009 | NO | In March 2009, the MCA sent the case to Interpol because the TP and children could not be located. They still have not been found. The LBP continues to provide information as to their possible whereabouts. The case was not forwarded to a court as jurisdiction cannot be determined. |

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| **MEXICO Case 36** | 6-2007 | 10-2007 | NO | The court scheduled a hearing on the Convention application in November 2008, but when the court notified the TP, he disappeared with the child. In November 2009, the MCA requested the assistance of the AFI in finding the TP and the child. Court proceedings meanwhile remain stalled. |
| **MEXICO Case 37** | 3-2008 | 5-2008 | NO | The whereabouts of the child are unknown. In June 2009, the MCA referred the case to the AFI for assistance. The LBP and AFI are working to locate the child. The case was not forwarded to a court as jurisdiction cannot be determined. |
| **MEXICO Case 38** | 9-2007 | 2-2009 | NO | The children could not be found. The case was referred to the AFI, but it terminated its search for the children in February 2010. In March 2010, the court scheduled a hearing on the Convention return application, but the TP failed to appear. In December 2010, the MCA informed the USCA that AFI was again searching for the children, but they had not been located. Court proceedings meanwhile remain stalled. |
| **MEXICO Case 39** | 12-2003 | 7-2006 | NO | In May 2007, the court ordered the return of the child under the Convention but did not secure the child before the TP absconded with the child. In November 2009, the MCA requested AFI's assistance in locating the child; AFI is still searching for the child. |
| **MEXICO Case 40** | 4-2008 | 9-2008 | NO | In January 2010, the MCA referred the case to the AFI to locate the children, but the whereabouts of the children are still unknown. The case was not forwarded to a court as jurisdiction cannot be determined. |
| **MEXICO Case 41** | 10-2007 | 9-2008 | NO | The MCA forwarded the application for return under the Convention to the court, but the children have not been located. In April 2010, the MCA referred the case to the AFI for assistance in finding the children. The LBP has provided possible locations of the children to the MCA. Court proceedings meanwhile remain stalled. |
| **MEXICO Case 42** | 11-2008 | 4-2009 | NO | In March 2010, the MCA confirmed that the AFI is attempting to locate the children. The MCA forwarded the Convention application to the court, but proceedings are stalled because the TP and children cannot be found. Although the children have not been located and the TP's whereabouts remain unknown, the TP has filed an *amparo* seeking to halt the return application proceedings. |
| **MEXICO Case 43** | 2-2002 | 6-2002 | NO | In 2004, the MCA requested Interpol's assistance in locating the child. Since that time, efforts to locate the child have been unsuccessful. The case was not forwarded to a court as jurisdiction cannot be determined. |

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| **MEXICO Case 44** | 1-2009 | 5-2009 | NO | In May 2010, the MCA confirmed that the AFI was searching for the child. The whereabouts of the TP and child remain unknown. The case was not forwarded to a court as jurisdiction cannot be determined. |
| **MEXICO Case 45** | 6-2008 | 3-2009 | NO | An August 2010 hearing on the Convention application was postponed because the TP did not appear. In November 2010, the MCA requested the assistance of AFI to locate the children, but their whereabouts remain unknown. Court proceedings meanwhile remain stalled. |
| **MEXICO Case 46** | 9-2007 | 1-2008 | NO | In May 2010, the MCA confirmed that the AFI is searching for the child. The USCA has forwarded information regarding the possible location of the child to the MCA. The case was not forwarded to a court as jurisdiction cannot be determined. |
| **MEXICO Case 47** | 7-2008 | 8-2008 | NO | In February 2009, the MCA requested Interpol's assistance in locating the children. In September 2010, the TP was arrested on felony criminal charges unrelated to the child abduction. The USCA forwarded this information to the MCA and urged the MCA to intensify the search for the children. In December 2010, the court located the children and scheduled a hearing on the Convention application for January 2011. |
| **MEXICO Case 48** | 12-2005 | 10-2008 | NO | In May 2010, the MCA confirmed that the AFI is searching for the child but the child's whereabouts remain unknown. The case was not forwarded to a court as jurisdiction cannot be determined. |
| **MEXICO Case 49** | 10-2000 | 11-2003 | NO | In April 2004, the MCA forwarded the case to the court, but was unable to locate the TP and child. The MCA then referred the case to law enforcement to search for the child, but the child has not yet been located. In May 2010, the MCA asked if the LBP if would be interested in seeking access rather than return under the Convention because of to the many years the child has resided in Mexico. The LBP was not interested in access alone and requested that the return application remain active with the MCA and the court. The AFI continues to search for the child. |
| **MEXICO Case 50** | 5-1999 | 8-2001 | NO | This child was in the custody of Nevada Social Services (NSS) at the time of the abduction. In August 2002, the MCA referred the case to Interpol to search for the child, but the child has not yet been located. In April 2010, the MCA asked NSS if it would be interested in seeking access rather than return because of the many years that the child has resided in Mexico. NSS requested that the return application remain active and that MCA continue to search for the child. |

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| **MEXICO Case 51** | 12-2008 | 5-2009 | NO | In March 2010, the MCA confirmed that the case has been referred to Interpol for assistance in locating the child. The child has not yet been located. The case was not forwarded to a court as jurisdiction cannot be determined. |
| **MEXICO Case 52** | 1-2009 | 4-2009 | NO | Two of the three siblings were voluntarily returned to California in June 2009. The third child remains in Mexico. The MCA requested the assistance of Interpol in locating the missing child. |
| **MEXICO Case 53** | 12-2006 | 4-2007 | NO | A court hearing on the Convention return application scheduled for April 2010 was postponed because the authorities were unable to locate the TP and child. The MCA requested the assistance of the AFI to locate the child. |
| **MEXICO Case 54** | 10-2007 | 2-2008 | NO | In April 2008, a court clerk tried to deliver a court summons but neighbors reported that the TP no longer lived at the address. The MCA referred the case to the AFI for assistance in locating the child. Court proceedings meanwhile remain stalled. |
| **MEXICO Case 55** | 1-2008 | 6- 2008 | NO | In November 2008, the MCA sent the case to the AFI for assistance in locating the children. The whereabouts of the children remain unknown. The case was not forwarded to a court as jurisdiction cannot be determined. |
| **MEXICO Case 56** | 10-2008 | 1- 2009 | NO | In June 2009, a court hearing on the Convention return application was held, but the TP did not appear. The MCA asked Interpol to help locate the child. In June 2010, the MCA forwarded the case to the court and asked for the assistance of the AFI to locate the child. The child has not yet been located and court proceedings remain stalled. |
| **MEXICO Case 57** | 8-2007 | 8-2008 | YES | Initially, the mother came to California with the children without the father's consent. The father filed a return application. In August 2007, a California court ordered the children's return to Mexico. In August 2008, after the children returned to Mexico pursuant to the original U.S. court order, the mother filed a new return application seeking to bring the children back from Mexico. In September 2009, a court in Mexico City denied the application for the children's return to the United States. In May 2010, the mother filed an appeal, and appeals proceedings are pending. |
| **MEXICO Case 58** | 8-2008 | 12-2008 | NO | In March 2009, the MCA forwarded the Convention return application to the court. The whereabouts of the child were unknown, and in May 2009, the court requested the assistance of the AFI in finding the child. Although the TP has had telephone contact with the LBP, the AFI has been unable to locate the child. Court proceedings meanwhile remain stalled. |

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| **MEXICO Case 59** | 8-2008 | 12-2008 | NO | In December 2009, the MCA closed this case based on lack of interest on the part of the LBP. The Convention return application was originally filed with the MCA by the California Attorney General on behalf of the LBP. The Attorney General has asked that the case remain open while it tries to locate the LBP to inquire whether there is still interest in proceeding with the return application. |
| **MEXICO Case 60** | 8-2007 | 8-2008 | NO | In September 2010, the MCA requested the assistance of Mexican law enforcement in locating the child. The case was forwarded to a court in September 2010, but the child has not been located. Court proceedings remain stalled. |
| **MEXICO Case 61** | 9-2007 | 12-2007 | NO | In December 2007, the MCA forwarded the Convention return application to the court, but a hearing has not been held because the TP and child have never been located. In November 2007, prior to the filing of the return application, U.S. Embassy Mexico City conducted a welfare and whereabouts visit and reported that the child was living with the maternal grandparents. This information was provided to the MCA, but law enforcement has not been successful in locating the child. Court proceedings meanwhile remain stalled. |
| **MEXICO Case 62** | 8-2007 | 2-2008 | NO | The MCA told the USCA that it forwarded the case to a court when the Convention application was filed, but that the court returned it to the MCA as it was unable to locate the children. In June 2010, at the request of U.S. Embassy Mexico City, the DIF visited the children at the home of the TP's parents and provided a report on the visit. This report, along with the children's location, was provided to the MCA. The MCA sent the report and the Convention application back to the court for its action. |
| **MEXICO Case 63** | 12-2007 | 10-2008 | NO | The California Attorney General filed the Convention return application with the MCA on behalf of the LBP. The whereabouts of the child and the TP are unknown; therefore, jurisdiction cannot be determined. The case was referred to the AFI to locate the child. |
| **MEXICO Case 64** | 9-2006 | 9-2008 | NO | In June 2009, the TP failed to appear for a court hearing on the Convention return application, and the TP and child are missing. The LBP has provided information regarding possible locations of the child. At this time, however, law enforcement is not involved in locating the child. The child's whereabouts remain unknown, and court proceedings remain stalled. |
| **MEXICO Case 65** | 9-2008 | 12-2008 | NO | The California Attorney General filed the Convention return application with the MCA on behalf of the LBP. The court handling the case did not provide updates for more than a year. In December 2009, after further inquiries from the MCA, |

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| **MEXICO Case 65** | | | | the court reported that the TP had appeared at an earlier court hearing but refused to return the child voluntarily. The court took no further action and has not held any hearings since the TP refused to voluntarily return the child. The TP has since disappeared with the child, and they have not been located. |
| **MEXICO Case 66** | 10-2005 | 5-2006 | NO | In April 2008, the court ordered the return of the child under the Convention but did not secure the child under protective custody. The TP and child absconded and have not been located. In December 2010, the MCA reported that it was requesting the assistance of the AFI to locate the child. |
| **MEXICO Case 67** | 8-2007 | 4-2009 | NO | In April 2010, a hearing was scheduled on the Convention return application, but the TP and the children did not appear. The court returned the file to the MCA. The MCA sent the case to a new court in a different location where TP was believed to reside. The AFI is searching for TP and the children. The children have not been located, but the attorneys for the parties have discussed a possible voluntary agreement. (*Update after the reporting period*: The children were located and returned to the LBP in January 2011.) |
| **MEXICO Case 68** | 2-2006 | 4-2008 | NO | The Convention return application was assigned to a court in May 2008, but the child has not been located. The AFI is searching for the child. Court proceedings meanwhile remain stalled. |
| **MEXICO Case 69** | 9-2006 | 6-2008 | NO | The children were in the legal custody of the State of California when they were abducted to Mexico by their biological parents. The California Attorney General filed a return application with the MCA. The MCA is working with the AFI to locate the children. |
| **MEXICO Case 70** | 10-1999 | 12-1999 | NO | Since the filing of the return application in 1999, the MCA has been working with Interpol to locate this child, but efforts have been unsuccessful. In August 2010, the MCA stated it was closing the case because of lack of interest on the part of the LBP. After speaking to the LBP, the USCA responded that the LBP remains very interested in recovering his child and asked that the case remain open. |
| **MEXICO Case 71** | 12-2007 | 10-2008 | NO | The California Attorney General's office filed the Convention return application with the MCA. The child and the TP have never been located but are presumed to be in Mexico. In August 2010, the MCA stated it was closing the case because of lack of interest on the part of the LBP. The USCA has asked that the case remain open while the State of California attempts to locate the LBP. The case was not forwarded to a court as jurisdiction cannot be determined. |

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| **MEXICO Case 72** | 1-2005 | 3-2006 | NO | The California Attorney General's office filed the Convention return application with the MCA. The children and the TP have not been located but are presumed to be in Mexico. In August 2010, the MCA stated it was closing the case because of lack of interest on the part of the LBP. The USCA has asked that the case remain open while the State of California attempts to locate the LBP. The case was not forwarded to a court as jurisdiction cannot be determined. |
| **MEXICO Case 73** | 8-2007 | 1-2009 | NO | In July 2009, the MCA reported that it had requested Interpol's help in locating the children. The LBP provided the MCA with additional information regarding the possible location of the TP and children. Although the children had not been located, the MCA forwarded the case to a court with jurisdiction over their presumed location. The court proceeded with hearings on the Convention return application. It denied the return in December 2010, and the LBP appealed. |
| **MEXICO Case 74** | 3-2006 | 3-2009 | NO | The LBP provided the USCA information about the child's possible whereabouts, and the USCA passed it to the MCA. The case was not forwarded to a court as jurisdiction cannot be determined. |
| **MEXICO Case 75** | 12-2003 | 10-2005 | NO | In May 2010, the MCA asked the LBP to provide additional information regarding the location of the children. The MCA also asked if the LBP would like to file for access under the Convention instead of return based on the length of time since the abduction. The LBP remains interested in return and provided new information regarding the possible location of the children. The case was not forwarded to a court as jurisdiction cannot be determined. |
| **MEXICO Case 76** | 5-2000 | 6-2000 | NO | The child has not been located since the removal to Mexico. In 2010, the MCA forwarded the case to a court. In July 2010, the court held a hearing on the Convention return application and requested the assistance of the AFI in locating the child. Proceedings remain stalled while AFI searches for the child. |
| **MEXICO Case 77** | 1-2009 | 5-2009 | NO | In September 2009, the court indicated it would order the child to be turned over to the LBP's parents in Mexico at an October 2009 hearing. However, in October 2009, the LBP's representatives (the LBP's parents) failed to attend the hearing to receive the child, and the TP absconded with the child. In October 2010, the TP and child were located. Court hearings on the return application were set for November and December 2010. The LBP was notified but failed to appear for these hearings or send a representative. |
| **MEXICO Case 78** | 6-2005 | 1-2006 | NO | In December 2009, the MCA requested the assistance of the AFI in locating the child. In August 2010, the LBP forwarded additional information on the child's possible whereabouts. There has been no further court action on the application. |

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| **MEXICO Case 79** | 11-2006 | 5-2007 | NO | In August 2009, the court held a hearing on the Convention return application, but the TP and child did not appear. In June 2010, the MCA requested the assistance of AFI in locating the child. There has been no movement in the courts on the Convention return application. |
| **MEXICO Case 80** | 3-2002 | 7-2002 | NO | In January 2009, the MCA requested the AFI's assistance, but the children have not yet been located. There has been no movement in the courts on the Convention return application. |
| **MEXICO Case 81** | 6-2008 | 2-2009 | NO | In June 2009, both the TP and his representative failed to appear for a court hearing on the Convention return application. In September 2009, the MCA asked for AFI assistance to locate the children. In June 2010, the TP filed an *amparo* seeking to block court action on the return application. Although U.S. Embassy Mexico City conducted a welfare and whereabouts visit with the children at the TP's home in August 2010, law enforcement officials have not followed up to locate the children. *Amparo* and Convention proceedings remain pending. |
| **MEXICO Case 82** | 10-2001 | 5-2002 | NO | In April 2010, the MCA informed the USCA that it requested the assistance of the AFI to locate the child. There has been no movement in the courts on the Convention return application. |
| **NETHERLANDS Case 1** | 8-2007 | 11-2008 | YES | The LBP submitted the Convention application in November 2008. The TP and children had been missing but were located in July 2010. The NCA has reported a backlog and, as of January 2011, the case had been assigned to an attorney but has not yet been submitted to court. |
| **PERU Case 1** | 9-2008 | 12-2008 | YES | In March 2009, the court granted the LBP access to the child via telephone. A hearing on the Convention application was held in May 2009. In December 2009, the court denied the child's return, and the LBP appealed. The appeals court ordered the TP and child to undergo psychological evaluations in May 2010. In July 2010, the appeals court granted the LBP's appeal and nullified the lower court's denial. The case was remanded to the lower court for further proceedings. The LBP has been assigned legal representation as the court case continues; the next hearing has not yet been scheduled. |
| **PERU Case 2** | 4-2008 | 11-2008 | YES | Hearings on the Convention application were held in October and November 2009, and in September 2010, but the court has not yet made a decision. Meanwhile, the TP has refused to allow U.S. Embassy Lima to conduct a welfare visit with the child. |

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| **PERU Case 3** | 4-2008 | 11-2008 | YES | A hearing on the Convention application was held in May 2009, and the court interviewed the 14-year-old child later that month. In July 2010, the court ordered the child's return to the United States. The TP did not appeal, and the LBP and the TP agreed the child would return to the United States in January 2011. |
| **ROMANIA Case 1** | 8-2008 | 11-2008 | YES | Proceedings on the Convention application stalled when the LBP attempted to recover the child extra-judicially. In August 2009, the court denied the child's return on the basis of Article 13(b) of the Convention. In March 2010, the appeals court ordered the child returned; however, the return order has not yet been enforced. |
| **SLOVAKIA Case 1** | 6-2008 | 3-2009 | YES | The case has not progressed because the LBP has focused on seeking the child's return via avenues other than Convention proceedings, and has not retained an attorney in Slovakia. |
| **SPAIN Case 1** | 8-2007 | 1-2008 | YES | In August 2008, the court suspended proceedings on the Convention application when the TP filed criminal charges against the LBP for abuse. In November 2009, the LBP was cleared of all charges but had to submit a new Convention application. In July 2010, the court ruled that the children had become "settled" in their new environment and denied the return under Article 12 of the Convention. The LBP filed an appeal later that month. The USCA raised this case with the SCA and Spanish judges in bilateral meetings in September 2010. |
| **TURKEY Case 1** | 2-2007 | 8-2007 | YES | The court denied the child's return under the Convention in April 2008. The LBP has filed multiple appeals related to various aspects of the case. The LBP filed the most recent appeal in early 2010, and it is still pending. |
| **TURKEY Case 2** | 05-2007 | 07-2007 | NO | In February 2008, the court ordered a return in the initial hearing, which was held without the TP because police were unable to locate the TP or the child. After resurfacing to file an appeal, which was denied, the TP disappeared again with the child. Turkish law enforcement continues to search for the child. |