

Sample Provisions for Orders

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Introductory Language

- This Court orders, pursuant to the 1980 Convention on the Civil Aspects of International Child Abduction (the “Hague Convention”) and the International Child Abduction Remedies Act, 22 U.S.C. §§ 9001 et. seq., that (name of minor) (the “minor child”), date of birth _____ shall be returned in the company of his/her (Party Two)/(Party One), (Name of Parent), to the sovereign nation of (Habitual Residence), and that he/she shall report the return of the minor child to the appropriate Central Authority.
- By virtue of this Order (Name of Parent) has the exclusive right to the physical and legal custody of the minor child during the period of time required to return the minor child to (Habitual Residence).
- This Order is not a determination of the merits of any custody issues within the meaning of Article 19 of the Hague Convention.
- The Order of this Court is made under the authority of 22 U.S.C. § 9003(a), conferring original jurisdiction upon this Court.
- The Court orders, pursuant to the provisions of The Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 25, 1980 (hereinafter, “Convention”) and the International Child Abduction Remedies Act, 22 U.S.C. §§ 9001 et seq., that the child, (Name and Date of Birth) be returned in the company of his/her (Party Two)/(Party One), to the sovereign nation of (Habitual Residence) on or before (Date), with the specific date, flight details, times and port of entry into (Habitual Residence) communicated to the Court and all counsel thirty (30) days in advance of the return to the (Habitual Residence). In addition, the Respondent, and his/her counsel, will provide the Petitioner and his/her counsel at least seven (7) days in advance of the child’s return to (Habitual Residence), with the address and telephone contact numbers where he/she intends to reside and does in fact reside upon their return to (Habitual Residence) and will continue to do so until a court of competent jurisdiction in (Habitual Residence) makes a final custody determination.

Undertakings

- That by agreement of the parties, the parties shall be bound by the following undertakings, all subject to the further orders of a court of competent jurisdiction, to wit:

Safe Harbor Provisions

- The temporary care, custody and control of the minor child is granted to (Name of Child Protection Agency) in (Habitual Residence). A designated representative from (Name of Child Protection Agency) shall travel to (State of the U.S. the proceedings in which the case was heard) and escort the minor child back to (Country of Habitual

Residence). The minor child shall then be placed according to the usual procedure of the (Name of Child Protection Agency)] pending a hearing on this matter.

- The temporary care, custody and control of the minor child is granted to (Name of Child Protection Agency) in (State in which Case was Heard). A designated representative from (Name of Child Protection Agency in (State in which Case was Heard)) shall escort the minor child to (Habitual Residence) where the child shall be turned over to the [Name of Child Protection Agency in habitual residence]. The minor child shall then be placed according to the usual procedure of the [Name of Child Protection Agency in habitual residence] pending a hearing on this matter.
- The Respondent shall not, in any way, contact the minor child or the Petitioner and shall stay at least 100 yards away from wherever the minor child or the Petitioner may be, including residence, place of employment or vehicle.

Domestic Violence

- Pursuant to the applicable international law on the Hague Convention, the (Party One) shall be restrained from abusing or threatening to abuse (Party Two). This shall mean that (Party One) shall be prohibited from:
 - A. Abusing (Party Two);
 - B. Threatening to abuse (Party Two);
 - C. Abusing or threatening to abuse any member of (Party Two)'s household.
 - D. Coming within one hundred meters of (Party Two)'s place of abode, permanent or temporary, or his/her place of work, permanent or temporary.
 - E. Coming within one hundred meters of (Party Two) outside of his/her work or place of abode, whether he/she has the children or not.

Abuse shall be defined as (1) An act that causes serious bodily harm; (2) an act that places (Party Two) in fear of imminent serious bodily harm; (3) any assault or battery; and (4) any act preventing free movement.
- The only exception to this provision shall be when the children are exchanged. For this purpose (Party Two) shall be entitled to request, at his/her sole discretion, escort from any appropriate police agency. For this purpose:
 - A. The Central Authority of (Habitual Residence) is ordered to transmit this Order to the Ministry responsible for police affairs or such agency that controls the (Habitual Residence) police for the purpose of transmitting said Order to the local precinct where (Party One) now resides in (Habitual Residence) and such other precincts as (Party Two) may require.
 - B. The United States, state and local police agencies as (Party Two) requests are ordered to facilitate such transfer.

- It is further ordered that this Order may be presented to any law enforcement agency of Hague Convention signatories for (Party Two) to secure protection generally whether or not he/she has the children.

Mirror Image Order

- This Order shall be entered forthwith as a mirror order in the Court of (Court having jurisdiction in Habitual Residence)

Expenses of return

- By agreement of the parties, (Name of Party) shall escort the minor children back to (Country of Habitual Residence) and (Name of Party) shall pay the airfare expenses for the minor children. The parties agree to execute any and all required consent forms for the minor children's travel to (Country of Habitual Residence).
- Petitioner shall pay for the airline tickets for the Respondent and minor child to return to (Habitual Residence). The Respondent undertakes to communicate promptly his/her chosen return date so that the Petitioner can obtain the cheapest possible ticket or tickets.

Housing

- That with the express undertaking by the Petitioner, upon the Respondent's return of the minor child to the (Country of Habitual Residence), as ordered, the Petitioner shall lease an appropriate apartment for the Respondent and the minor child within a reasonable distance of the Petitioner's address, for three (3) months from the date of the Respondent's return.
- That by agreement of the parties and with the express undertaking by the Petitioner, upon the Respondent's return of the minor child to (Habitual Residence), as ordered, the Petitioner shall deposit (Amount) into Respondent's bank account in order for Respondent to lease an appropriate apartment for Respondent and the minor child.
- Non-Removal. By agreement of the parties, neither the parties nor any other person acting at the direction of the parties shall remove the children from the (Name of City) area without the consent of both (Party Two) and (Party One).

Support

- That with the express undertaking by the Petitioner, the Petitioner shall continue to pay interim child maintenance (Child Support) to the Respondent in the amount of (Amount) per month.
- As a condition precedent to the return of the minor child to (Habitual Residence) (Name of Parent) shall forthwith facilitate, process, petition and cooperate in applying for and obtaining an unrestricted work permit for (Name of Parent) so that he/she is permitted to work in (Habitual Residence) and he shall continue to facilitate, process, petition and cooperate in any required extension of the said unrestricted work permit. (Name of Parent) shall provide this Court with evidence satisfactory to this Court that he/she has made the said appropriate application.

- Until (Name of Parent) obtains the said unrestricted work permit (Name of Parent) shall timely pay on a monthly basis for suitable accommodation for (Name of Parent) and the minor child in (Location) (including any advance rental payments and/or deposits) and shall pay for all utilities for the said accommodation in a timely fashion. “Suitable accommodation” shall be defined and understood to mean at a minimum a two bedroom apartment with kitchen and bathroom in a safe and secure area of (Location) that is situated on a regular bus route. (Name of Parent) shall provide this Court forthwith with documentation confirming the said suitable accommodation as a condition precedent to the return of the minor child to (Habitual Residence).

Custody and Access

- Shared Custody. That with the express undertaking by the Petitioner, beginning on (Date), the parties’ parental access schedule with the minor child in the (Country of Habitual Residence) shall be as agreed between the parties and their respective counsel pending any residence and/or contact orders made by a court of competent jurisdiction in the (Country of Habitual Residence) . Neither party shall unreasonably withhold his or her agreement to grant access to the minor child.
- Child to remain with parent. That by agreement of the parties and with the express undertaking by both parties, beginning on the day of the minor’s return to the habitual residence, the minor child should not be separated from Respondent in the (Habitual Residence) save for contact with Petitioner as agreed between the parties and their respective counsel pending any residence and/or contact orders made by a court of competent jurisdiction in the (Habitual Residence). Respondent shall not unreasonably withhold his/her agreement to access for the minor child with Petitioner.
- That the Petitioner undertakes not to contest the Respondent applying for and obtaining a residence order for the minor child forthwith in the courts of (habitual residence).

Temporary Custody

- By virtue of this Order, (Name of Parent) has the exclusive right to the temporary physical and legal custody of the minor child for the limited purpose of returning the minor child to (Country of Habitual Residence).
- The minor child shall continue to reside within (Habitual Residence) pending final residency and contact orders entered by (Court in Habitual Residence).
- Interim Custody. From the date the minor children are returned to (Country of Habitual Residence) until further order of a court in (Country of Habitual Residence) resolving the issue of custody of the minor children, by agreement of the parties, the (Party Two) and (Party One) shall have shared 50/50 physical custody of their minor children in (Country of Habitual Residence). The parties agree that the physical custody schedule shall be on an alternating weekly basis, with the child exchange to take place on Sunday evenings, unless the day for exchange is otherwise agreed between

the parties. By agreement of the parties, the minor children shall be with (Party One) for the first week upon arrival in (Country of Habitual Residence) .

School

- By agreement of the parties, the minor children shall attend (insert name and address of school). (Party Two) and (Party One) shall timely execute any and all necessary consent or other forms for the minor children's enrollment. (Party Two) and (Party One) agree to inform the school that they share parental responsibility for the minor children pursuant to this Order.
- The minor child shall reside with (Parent) in (City of Residence) and shall go to school at (Name of School and Location), commencing (Date).

Telephone Contact

- That from the date of this Order until the date the minor child is returned to the (Country of Habitual Residence), the Petitioner shall have reasonable daily telephone contact and/or Skype video contact with the minor child.

Wrongful Removal of Children not Bar to Request for Relocation

- The return of the children to their County of Habitual Residence is without prejudice to any right of ((Party Two)/(Party One)) to seek permission from a court of competent jurisdiction in (Country of Habitual Residence) allowing her and/or the children to return to the United States of America pending a final custody order from the courts of Country of Habitual Residence).
- Any violation of the Hague Convention under which this agreement is entered and/or any violation of the current orders of the (Court in habitual residence) by the (Party Two) shall not be used by the (Party One) in any future proceeding in any court with jurisdiction over this matter

Registration of Order

- That by agreement of the parties, the Petitioner shall register this Return Order Directing Return of (Minor Child) to Country of Habitual Residence in the appropriate court in the (Country of Habitual Residence).

Criminal Charges

- That the Petitioner agrees not to pursue or initiate any criminal prosecution against Respondent with regard to this matter.
- All parties agree that they shall not initiate or pursue any criminal charges against any other party in any country or local jurisdiction relating to any alleged threats of physical harm and/or the removal of the minor children from (Country of Habitual Residence) and retention of the minor children in the United States until the date of this Order.

Attorney Fees

- Each party shall be responsible for his or her own attorneys' fees in connection with this proceeding and the return of the minor children to (Country of Habitual Residence).

Concluding Phrases

- If the Respondent does not return the minor child to (habitual residence) forthwith, any state, city, or county peace officer or any federal officer is hereby commanded to assist the Petitioner to remove the minor child from the United States of America and to allow the Petitioner to accompany the minor child to (Habitual Residence), giving the Petitioner the right without interference to have the minor child in his/her lawful custody for the purposes described herein.
- If the Respondent fails to return the minor child to (habitual residence) by (Date) the Court shall issue a warrant for the arrest of the Respondent and appearance for a contempt hearing.
- **Therefore to any Peace Officer in the State of (Insert Name of State) or to any Federal Officer:** You are hereby commanded to assist (Name of Parent) to remove the minor child from the United States of America and to allow (Name of Parent) to accompany the minor child to (Habitual Residence), giving (Name of Parent) the right without interference to have the minor child in his/her lawful custody for the purposes described herein.