



Cross-border child abduction

Practical case study taking into account CJEU case law on Brussels IIa

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Martina Erb-Klünemann and Maarja Torga



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Case

- A married couple, both French citizens, live in Vilnius/ Lithuania since 2015; both work for a Lithuanian pharmaceutical company.
- They have a boy named Hugo, born June 2019.
- Mother and child are often - up to 3 months – in France, visiting the families and living in a flat owned by the family in Paris/ France
- After separation in December 2019 Hugo lives with the mother in the former flat of the family in Vilnius and has weekly contact with the father living in a different flat in Vilnius.
- Hugo only speaks french; he does not attend kindergarten; he has a French nanny.
- September 2020 the mother moves to France with Hugo without informing the father.
- Three months later the father wants to initiate all sort of proceedings possible.
- Please answer the 5 questions on the next slide.

The Questions:

- 1) proceedings on parental responsibility: the courts of which State have international jurisdiction?
- 2) return proceedings under the 1980 HC: the courts of which State have international jurisdiction for return proceedings?
- 3) relationship proceedings on parental responsibility and on return - is there a hierarchy?
- 4) What happens if the court dealing with the proceedings on parental responsibility grants sole parental rights to the father? Can he enforce the judgment in the other Member State? If so, in which way?
- 5) The court dealing with the return proceedings refuses the return because of Art. 13 1980 HC. What will happen now?