

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

NESTOR ARIEL MEDINA SANCHEZ
Petitioner,

v.

DAYSI VANESSA HERRERA SANCHEZ
Respondent.

Case No. 18-449

**VERIFIED PETITION UNDER HAGUE CONVENTION SEEKING RETURN OF
CHILD TO PETITIONER, IMMEDIATE ISSUANCE OF SHOW CAUSE ORDER
TO RESPONDENT, AND HEARING ON MERITS**

The Convention on the Civil Aspects of International Child Abduction, done at The Hague On October 25, 1980; International Child Abduction Remedies Act, 42 U.S.C. 11601 *et seq.*

INTRODUCTION

This Petition (the “Petition” or “Hague Petition”) is brought by Nestor Ariel Medina Sanchez (“Petitioner”), a citizen of Honduras, to secure the return of his eight-year-old daughter, N.D.M.H (or the “Child”), who was, without Petitioner’s consent or acquiescence, wrongfully removed from Honduras and brought to this jurisdiction by her mother, Respondent Daysi Vanessa Herrera Sanchez (“Respondent”), also a citizen of Honduras.

This Petition is filed pursuant to the Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 25, 1980¹ (the “Hague Convention” or “Convention”), and the International Child Abduction Remedies Act² (“ICARA”). The Convention came into effect in the United States of America on July 1, 1988, and has been ratified between, among other Contracting states, the United States of America and Honduras in 1994. A copy of the Hague Convention is attached hereto as Exhibit 1.

The goals of the Hague Convention are as follows: (1) to secure the immediate return of a Child wrongfully removed or wrongfully retained in any Contracting State; and (2) to ensure that rights of custody and access under the law of one Contracting State are effectively respected in other Contracting States. Convention, art. 1.³

¹ T.I.A.S No. 11,670, at 1, 22514 UN.T.S. at 98, *reprinted in* 51 Fed. Reg. 10493 (1986).

² 42 U.S.C. § 11601 *et. seq.* (2000). ICARA was created to deal with the sudden abduction of Children and to allow a petitioner to assert his or her rights in exigent circumstances. *See Distler v. Distler*, 26 F. Supp. 2d 723, 727 (D. N.J. 1998).

³ The Hague Convention authorizes a federal district court to determine the merits of the abduction claim but does not allow it to consider the merits of any underlying custody dispute. *Morris v. Morris*, 55 F. Supp. 2d 1156, 1160 (D. Colo. 1999) (recognizing that “[p]ursuant to Article 19 of the Convention [this Court has] no power to pass on the merits of custody”); *see also Currier v. Currier*, 845 F. Supp. 916 (D.N.H. 1994) (citing *Friedrich v. Friedrich*, 983 F.2d 1396, 1400 (6th Cir. 1993); *Meredith v. Meredith*, 759 F. Supp. 1432, 1434 (D. Ariz. 1991). The district court’s role is not to make traditional custody decisions but to determine in what *jurisdiction* the Children should be physically located so that the proper jurisdiction can make those custody decisions. *Loos v. Manuel*, 651 A.2d 1077, 1079 (N.J. Super. Ct. Ch. Div. 1994).

JURISDICTION AND VENUE

This Court has jurisdiction over this action pursuant to 42 U.S.C. § 11603 (2000)⁴ Furthermore, this Court has federal question jurisdiction over this action because it involves the wrongful removal and retention of a Child under the age of sixteen (16) from her habitual residence of Honduras to the United States of America.⁵

Venue is proper in this district pursuant to 42 U.S.C. § 11603(a-b) (2000) because the Child is currently located in Winston Salem, in the Middle District of North Carolina, as well as under 28 U.S.C. § 1391(b) (2000) because, among other reasons, Respondent currently resides in the Middle District of North Carolina.

STATEMENT OF FACTS

As stated above, the Hague Convention applies to cases where a Child under the age of sixteen (16) has been removed from his or her habitual residence⁶ in breach of the

⁴ This Court must apply the substantive law of the Convention. 42 U.S.C. § 11603(d) (2000).

⁵ *Toren v. Toren*, 191 F. 3d 23 (1st Cir. 1999).

⁶ "Habitual residence" is not defined by a specified period of time. It is the place where the Child has been physically present for an amount of time sufficient for acclimatization and which has a degree of settled purpose from the Child's perspective. *Feder v. Evans-Feder*, 63 F.3d 217, 224 (3d Cir. 1995). Because a Child does not have "a settled purpose", the court must consider the "shared intent" and "settled purpose" of the parents." *Id.* Given Petitioner's and Respondent's illegal immigration statuses, there cannot be a degree of settled purpose needed to create the United States as the habitual residency. *Alonzo v. Pineda Claudino*, 2007 U.S. Dist. LEXIS 9656.

rights of custody of the petitioner, which the petitioner had been exercising at the time of the wrongful removal⁷ or wrongful retention⁸ of the Child. These elements are met here.

A. Prior to her wrongful removal to the United States, Honduras was N.D.M.H's country of habitual residence.

N.D.M.H was born in Orocuina, Choluteca, Honduras on April 26, 2010. Petitioner and Respondent are the parents of the child. N.D.M.H just turned eight years old. A true and correct copy of N.D.M.H.'s birth certificate is attached hereto as Exhibit 2 and is incorporated herein by reference.

Mr. Medina Sanchez and Respondent never married but were in a dating relationship. The parties lived together with Mr. Medina Sanchez's parents and their daughter in Orocuina, Honduras until October 2016. While the parties lived as a family, the child went to Manuel Bonilla School in Orocuina. A copy of the child's enrollment certificate is attached hereto as Exhibit 3. On October 26, 2016, the Respondent moved with the Child approximately 200 miles away from Orocuina to Roatan, Islas de la Bahia.

⁷ “[T]he removal of a Child from the country of his or her habitual residence is “wrongful” under the Hague Convention if a person in that country is, or would otherwise be, exercising custody rights to the Child under that country’s law at the moment of removal.” *Friedrich v. Friedrich*, 78 F.3d 1060, 1064 (6th Cir. 1996); see *Prevot v. Prevot*, 59 F. 3d 556, 560 (6th Cir. 1995); Convention, art. 3.

⁸ “Wrongful retention” occurs when the retention is in breach of rights of custody attributed to a person under the law of the country in which the Child was habitually resident immediately before the retention; and at the time these rights were actually exercised, or would have been so exercised, but for the wrongful retention. Convention, art. 3; *Feder*, 63 F.3d at 225; *Wanninger v. Wanninger*, 850 F. Supp. 78, 80-81 (D. Mass. 1994).

Sometime after arriving at the new city, Respondent enrolled the child in school at the Church of God Bilingual School. The child remained enrolled in the school until on or after May 25, 2017. A copy of the child's enrollment certificate is attached hereto as Exhibit 4.

Since her birth, N.D.M.H lived in Orocuina, Honduras and never left the country. She attended school there, where she received commendable grades. Before the Respondent moved the child to Roatan without Mr. Medina Sanchez's permission, N.D.M.H. lived with Mr. Medina Sanchez and respondent along with her paternal grandparents. She always had both of her parents as caretakers and she formed part of a cohesive family unit. When N.D.M.H was not in school, she enjoyed playing with her cousins, riding her bicycle, going to the river with her father and grandparents, and going to the Orocuina Square to play with her friends. As part of her upbringing, N.D.M.H helped her parents and grandparents with chores, her favorite being helping to feed the hens.

Mr. Medina Sanchez talked to N.D.M.H and Respondent in Honduras on May 25, 2017. On that day, he called Respondent's mobile number in Honduras. The next time he tried to call, he was surprised with an automated message that the phone was out of service. A family member told Mr. Medina Sanchez that Respondent removed the child to the United States, which prompted him to contact the child's school in Honduras. In

early June 2017, Mr. Medina Sanchez confirmed that the child had been absent from school for two weeks.

Since her wrongful removal of N.D.M.H, Respondent has demonstrated a purposeful frustration in communication between Mr. Medina Sanchez and the Child. One such time was when Respondent received notification from the State Department that Mr. Medina Sanchez filed a Hague Convention application. After Respondent received notification of the application, Mr. Medina Herrera was not able to talk to his daughter for eight months. Furthermore, Respondent has family not only in North Carolina but also in Texas, giving her an opportunity to remove the child from the Court's jurisdiction one she is notified of this petition.

Mr. Medina Sanchez did not give Respondent permission to remove the child from Honduras. In fact, Respondent never asked Mr. Medina Sanchez for permission to remove the child.

B. Wrongful removal of N.D.M.H to the United States from Honduras is in breach of Petitioner's right of custody under Honduras' law.

Petitioner has a right of custody and control of the child under the law of Honduras. More specifically, the Family Code of Honduras, Title V, Article 187, which is attached as Exhibit 5, states, "the right of parental authority belongs to both parents jointly. . . when there is a disagreement between the father and mother in the exercise of

parental authority, the competent court shall decide what is best for the welfare of the child.”

Petitioner has never acquiesced or consented to the removal and retention of N.D.M.H to the United States. Prior to the parties’ separation in October 2016, Mr. Medina Sanchez was part of the Child’s everyday life and was heavily involved in her upbringing. When the parties separated in October 2016 while still in Honduras, Mr. Medina Sanchez summoned the Respondent to court in an attempt to exercise his custody rights. The parties participated in the equivalent to mediation to attempt to resolve their issues. A copy of the mediation record is attached hereto as Exhibit 6. The mediation was not successful, and Mr. Medina Sanchez planned to file for custody of his daughter, but before he could do so the Respondent wrongfully removed the child to the United States.

Respondent's wrongful removal and continued wrongful retention of the Child in this jurisdiction is thus a breach of Petitioner's custody rights under Honduras’ Law, and is in violation of the Hague Convention.

C. At the time of Respondent’s wrongful removal of N.D.M.H to the United States, Petitioner was actually exercising his custody rights under law.

At the time of Respondent’s wrongful removal of N.D.M.H. to the United States, Mr. Medina Sanchez was actually exercising custody rights within the meaning of

Articles Three and Five of the Convention⁹ and within the meaning of Honduras' Law. As stated above, Mr. Medina Sanchez is the Child's father, and from the Child's birth until shortly before her wrongful removal, Mr. Medina Sanchez lived with the Child, provided for her daily needs, and raised the Child with Respondent.¹⁰ Petitioner provided for all the material needs and emotional support of the Child. He also provided the Child with a stable home and the opportunity to have a meaningful relationship with her grandparents, uncles, aunts and cousins. Furthermore, once the parties separated, Mr. Medina Sanchez attempted to mediate custody with Respondent so that he could still exercise his parental rights, but more importantly, so that he could still remain a father to N.D.M.H. Even after the parties' separation, Mr. Medina Sanchez attempted to remain in contact with his daughter and he provided Respondent with financial assistance for the benefit of the child. Accordingly, Petitioner was actually exercising his custody rights at

⁹ The issue of "custody" must be addressed under Honduras' law. *See Whallon v. Lynn*, 230 F.3d 450, 456 (1st Cir. 2000); *Friedrich v. Friedrich*, 983 F.2d at 1402; *see also Ohlander v. Larson*, 114 F.3d 1531, 1541 (10th Cir. 1997) (stating that the Convention was meant, in part, to lend priority to the custody determination hailing from the Child's state of habitual residence. Pursuant to Article 14 of the Convention, this Court "may take notice directly of the law of . . . the State of the habitual residence of the Child, without recourse to the specific procedures for the proof of that law" *See also* Fed. R. Evid. 44.1.

¹⁰ *See Aldinger v. Segler*, 263 F. Supp. 2d 284 (D.P.R. 2003) (holding that a petitioner exercised his custody rights when he lived at the same address as the Children and actively participated in the lives of the Children by providing for their basic needs).

the time Respondent wrongfully removed the Child in the United States, a country neither parent has legal status to be in.¹¹

Shortly after the child's removal to the United States, Mr. Medina Sanchez began talking to attorneys in an attempt to address the child's wrongful removal to the United States. Mr. Medina Sanchez has encountered some hardships since he does not have the means to hire an attorney. Mr. Medina Herrera is a small business owner in Honduras, with an income of roughly \$1,000 per month. Mr. Medina has found free attorney services to continue to pursue the return of his daughter, but cannot afford to travel and the costs associated with the filing of this petition.

CLAIM FOR RELIEF¹²

Respondent has wrongfully removed N.D.M.H to the United States and kept her from her habitual residence in Honduras in breach of Petitioner's custody rights and in violation of Honduras' law.

¹¹ *Friedrich v. Friedrich (Friedrich II)*, 78 F.3d 1060, 1065-66 (1996) (holding that courts should "liberally find 'exercise' [of custody rights] whenever a parent with *de jure* custody rights keeps, or seeks to keep, any sort of regular contact with his or her Child," and that "as a general rule, any attempt to maintain a somewhat regular relationship with the Child should constitute 'exercise.'" The court further explained that a person with valid custody rights does not fail to exercise those rights short of "acts that constitute clear and unequivocal abandonment of the Child.")

¹² This Court "[i]n furtherance of the objectives of . . . the Convention . . . may take or cause to be taken measures under Federal or State law, as appropriate, to protect the well-being of the Child involved or to prevent the further removal or concealment before the final disposition of the petition." 42 U.S.C. 11604 (2000).

Pursuant to the procedures set forth in the Hague Convention, Petitioner formally requested the return of N.D.M.H. to Honduras by filing an application with the Hondurian Central Authority. A true and correct copy of Petitioner's Hague Application is attached as Exhibit 7. It was forwarded it to the Central Authority of the United States, the United States Department of State. At the time of Petitioner's application to the Central Authority of the United States of America, Petitioner was located in the contracting state of Honduras.

Pursuant to the aforementioned Hondurian law and the Hague Convention, the Child was removed and is currently being held illegally in the custody of Respondent. Because he can prove all three elements of a *prima facie* case under the Hague Convention, Petitioner is entitled to an Order directing the prompt return of her Child to his habitual residence of Honduras.

WHEREFORE, Petitioner respectfully prays for the following relief:

1. An immediate temporary restraining order prohibiting the removal of the Child from the jurisdiction of this Court pending a hearing on the merits of this Verified Complaint and accompanying motion, and further providing that no person acting in concert of participating with Respondent shall take any action to remove the Child from the jurisdiction of this Court pending a determination on the merits of the Verified Complaint and accompanying motion;

2. The setting of an expedited hearing on the merits of this Hague Petition and give notice of these proceedings pursuant to 42 U.S.C. § 11603(c);

3. An order commanding Respondent to appear in this Court to show cause why N.D.M.H. should not be returned immediately to her habitual residence of Honduras;

4. A final judgment in Petitioner's favor directing a prompt return of N.D.M.H. to her habitual residence of Honduras;

5. An award of Petitioner's legal costs, fees, and expenses incurred to date as required by 42 U.S.C. § 11607 (2000), including transportation expenses, and reserving jurisdiction over further expenses; and

6. Such other and further relief as this Court deems just and proper.

Respectfully submitted, this the 24th day of May, 2018.

/s/ Amy Vukovich

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Verification

I am one of the attorneys for the Petitioner, Nestor Ariel Medina Sanchez. I make this verification on behalf of Petitioner because Petitioner is absent from this country. The above document is true base on the above-identified attorneys' investigation to date and communications between Legal Aid of North Carolina and Mr. Medina Sanchez, except as to the matters that stated in it on information and belief and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of North Carolina that the foregoing is true and correct.

This the 24th day of May, 2018.

/s/ Amy Vukovich

Petitioner, NESTOR ARIEL MEDINA SANCHEZ, being first duly sworn, deposes and says that he is the Petitioner in the foregoing Petition under the Hague Convention; that he has read the foregoing document and knows the contents thereof and that they are true of his own personal knowledge, except as to matters and things therein alleged on information and belief, and as to those, he believes them to be true.

This the 21 day of Mayo, 2018.

Nestor Ariel Medina Sanchez
NESTOR ARIEL MEDINA SANCHEZ
Petitioner

Subscribed and affirmed before me this 21 day of MAYO, 2018.



NOTARY PUBLIC

My Commission Expires: 21/11/2018

**28. CONVENTION ON THE CIVIL ASPECTS OF
INTERNATIONAL CHILD ABDUCTION¹**

(Concluded 25 October 1980)

The States signatory to the present Convention,
Firmly convinced that the interests of children are of paramount importance in matters relating to their custody,
Desiring to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence, as well as to secure protection for rights of access,
Have resolved to conclude a Convention to this effect, and have agreed upon the following provisions –

CHAPTER I – SCOPE OF THE CONVENTION

Article 1

The objects of the present Convention are –

- a) to secure the prompt return of children wrongfully removed to or retained in any Contracting State; and
- b) to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.

Article 2

Contracting States shall take all appropriate measures to secure within their territories the implementation of the objects of the Convention. For this purpose they shall use the most expeditious procedures available.

Article 3

The removal or the retention of a child is to be considered wrongful where –

- a) it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention; and
- b) at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention.

The rights of custody mentioned in sub-paragraph a) above, may arise in particular by operation of law or by reason of a judicial or administrative decision, or by reason of an agreement having legal effect under the law of that State.

¹ This Convention, including related materials, is accessible on the website of the Hague Conference on Private International Law (www.hcch.net), under "Conventions" or under the "Child Abduction Section". For the full history of the Convention, see Hague Conference on Private International Law, *Actes et documents de la Quatorzième session (1980)*, Tome III, *Child abduction* (ISBN 90 12 03616 X, 481 pp.).



Article 4

The Convention shall apply to any child who was habitually resident in a Contracting State immediately before any breach of custody or access rights. The Convention shall cease to apply when the child attains the age of 16 years.

Article 5

For the purposes of this Convention –

- a) "rights of custody" shall include rights relating to the care of the person of the child and, in particular, the right to determine the child's place of residence;
- b) "rights of access" shall include the right to take a child for a limited period of time to a place other than the child's habitual residence.

CHAPTER II – CENTRAL AUTHORITIES

Article 6

A Contracting State shall designate a Central Authority to discharge the duties which are imposed by the Convention upon such authorities.

Federal States, States with more than one system of law or States having autonomous territorial organisations shall be free to appoint more than one Central Authority and to specify the territorial extent of their powers. Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which applications may be addressed for transmission to the appropriate Central Authority within that State.

Article 7

Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their respective States to secure the prompt return of children and to achieve the other objects of this Convention.

In particular, either directly or through any intermediary, they shall take all appropriate measures –

- a) to discover the whereabouts of a child who has been wrongfully removed or retained;
- b) to prevent further harm to the child or prejudice to interested parties by taking or causing to be taken provisional measures;
- c) to secure the voluntary return of the child or to bring about an amicable resolution of the issues;
- d) to exchange, where desirable, information relating to the social background of the child;
- e) to provide information of a general character as to the law of their State in connection with the application of the Convention;
- f) to initiate or facilitate the institution of judicial or administrative proceedings with a view to obtaining the return of the child and, in a proper case, to make arrangements for organising or securing the effective exercise of rights of access;
- g) where the circumstances so require, to provide or facilitate the provision of legal aid and advice, including the participation of legal counsel and advisers;
- h) to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of the child;
- i) to keep each other informed with respect to the operation of this Convention and, as far as possible, to eliminate any obstacles to its application.

CHAPTER III – RETURN OF CHILDREN

Article 8

Any person, institution or other body claiming that a child has been removed or retained in breach of custody rights may apply either to the Central Authority of the child's habitual residence or to the Central Authority of any other Contracting State for assistance in securing the return of the child.

The application shall contain –

- a) information concerning the identity of the applicant, of the child and of the person alleged to have removed or retained the child;
- b) where available, the date of birth of the child;
- c) the grounds on which the applicant's claim for return of the child is based;
- d) all available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be.

The application may be accompanied or supplemented by –

- e) an authenticated copy of any relevant decision or agreement;
- f) a certificate or an affidavit emanating from a 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;
- g) any other relevant document.

Article 9

If the Central Authority which receives an application referred to in Article 8 has reason to believe that the child is in another Contracting State, it shall directly and without delay transmit the application to the Central Authority of that Contracting State and inform the requesting Central Authority, or the applicant, as the case may be.

Article 10

The Central Authority of the State where the child is shall take or cause to be taken all appropriate measures in order to obtain the voluntary return of the child.

Article 11

The judicial or administrative authorities of Contracting States shall act expeditiously in proceedings for the return of children.

If the judicial or administrative authority concerned has not reached a decision within six weeks from the date of commencement of the proceedings, the applicant or the Central Authority of the requested State, on its own initiative or if asked by the Central Authority of the requesting State, shall have the right to request a statement of the reasons for the delay. If a reply is received by the Central Authority of the requested State, that Authority shall transmit the reply to the Central Authority of the requesting State, or to the applicant, as the case may be.

Article 12

Where a child has been wrongfully removed or retained in terms of Article 3 and, at the date of the commencement of the proceedings before the judicial or administrative authority of the Contracting State where the child is, a period of less than one year has elapsed from the date of the wrongful removal or retention, the authority concerned shall order the return of the child forthwith.

The judicial or administrative authority, even where the proceedings have been commenced after the expiration of the period of one year referred to in the preceding paragraph, shall also order the return of the child, unless it is demonstrated that the child is now settled in its new environment.

Where the judicial or administrative authority in the requested State has reason to believe that the child has been taken to another State, it may stay the proceedings or dismiss the application for the return of the child.

Article 13

Notwithstanding the provisions of the preceding Article, the judicial or administrative authority of the requested State is not bound to order the return of the child if the person, institution or other body which opposes its return establishes that –

- a) the person, institution or other body having the care of the person of the child was not actually exercising the custody rights at the time of removal or retention, or had consented to or subsequently acquiesced in the removal or retention; or

- b) there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.

The judicial or administrative authority may also refuse to order the return of the child if it finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views.

In considering the circumstances referred to in this Article, the judicial and administrative authorities shall take into account the information relating to the social background of the child provided by the Central Authority or other competent authority of the child's habitual residence.

Article 14

In ascertaining whether there has been a wrongful removal or retention within the meaning of Article 3, the judicial or administrative authorities of the requested State may take notice directly of the law of, and of judicial or administrative decisions, formally recognised or not in the State of the habitual residence of the child, without recourse to the specific procedures for the proof of that law or for the recognition of foreign decisions which would otherwise be applicable.

Article 15

The judicial or administrative authorities of a Contracting State may, prior to the making of an order for the return of the child, request that the applicant obtain from the authorities of the State of the habitual residence of the child a decision or other determination that the removal or retention was wrongful within the meaning of Article 3 of the Convention, where such a decision or determination may be obtained in that State. The Central Authorities of the Contracting States shall so far as practicable assist applicants to obtain such a decision or determination.

Article 16

After receiving notice of a wrongful removal or retention of a child in the sense of Article 3, the judicial or administrative authorities of the Contracting State to which the child has been removed or in which it has been retained shall not decide on the merits of rights of custody until it has been determined that the child is not to be returned under this Convention or unless an application under this Convention is not lodged within a reasonable time following receipt of the notice.

Article 17

The sole fact that a decision relating to custody has been given in or is entitled to recognition in the requested State shall not be a ground for refusing to return a child under this Convention, but the judicial or administrative authorities of the requested State may take account of the reasons for that decision in applying this Convention.

Article 18

The provisions of this Chapter do not limit the power of a judicial or administrative authority to order the return of the child at any time.

Article 19

A decision under this Convention concerning the return of the child shall not be taken to be a determination on the merits of any custody issue.

Article 20

The return of the child under the provisions of Article 12 may be refused if this would not be permitted by the fundamental principles of the requested State relating to the protection of human rights and fundamental freedoms.

CHAPTER IV – RIGHTS OF ACCESS

Article 21

An application to make arrangements for organising or securing the effective exercise of rights of access may be presented to the Central Authorities of the Contracting States in the same way as an application for the return of a child.

The Central Authorities are bound by the obligations of co-operation which are set forth in Article 7 to promote the peaceful enjoyment of access rights and the fulfilment of any conditions to which the exercise of those rights may be subject. The Central Authorities shall take steps to remove, as far as possible, all obstacles to the exercise of such rights.

The Central Authorities, either directly or through intermediaries, may initiate or assist in the institution of proceedings with a view to organising or protecting these rights and securing respect for the conditions to which the exercise of these rights may be subject.

CHAPTER V – GENERAL PROVISIONS

Article 22

No security, bond or deposit, however described, shall be required to guarantee the payment of costs and expenses in the judicial or administrative proceedings falling within the scope of this Convention.

Article 23

No legalisation or similar formality may be required in the context of this Convention.

Article 24

Any application, communication or other document sent to the Central Authority of the requested State shall be in the original language, and shall be accompanied by a translation into the official language or one of the official languages of the requested State or, where that is not feasible, a translation into French or English.

However, a Contracting State may, by making a reservation in accordance with Article 42, object to the use of either French or English, but not both, in any application, communication or other document sent to its Central Authority.

Article 25

Nationals of the Contracting States and persons who are habitually resident within those States shall be entitled in matters concerned with the application of this Convention to legal aid and advice in any other Contracting State on the same conditions as if they themselves were nationals of and habitually resident in that State.

Article 26

Each Central Authority shall bear its own costs in applying this Convention. Central Authorities and other public services of Contracting States shall not impose any charges in relation to applications submitted under this Convention. In particular, they may not require any payment from the applicant towards the costs and expenses of the proceedings or, where applicable, those arising from the participation of legal counsel or advisers. However, they may require the payment of the expenses incurred or to be incurred in implementing the return of the child. However, a Contracting State may, by making a reservation in accordance with Article 42, declare that it shall not be bound to assume any costs referred to in the preceding paragraph resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice. Upon ordering the return of a child or issuing an order concerning rights of access under this Convention, the judicial or administrative authorities may, where appropriate, direct the person who removed or retained the child, or who prevented the exercise of rights of access, to pay necessary expenses incurred by or on behalf of the applicant, including travel expenses, any costs incurred or payments made for locating the child, the costs of legal representation of the applicant, and those of returning the child.

Article 27

When it is manifest that the requirements of this Convention are not fulfilled or that the application is otherwise not well founded, a Central Authority is not bound to accept the application. In that case, the Central Authority shall forthwith inform the applicant or the Central Authority through which the application was submitted, as the case may be, of its reasons.

Article 28

A Central Authority may require that the application be accompanied by a written authorisation empowering it to act on behalf of the applicant, or to designate a representative so to act.

Article 29

This Convention shall not preclude any person, institution or body who claims that there has been a breach of custody or access rights within the meaning of Article 3 or 21 from applying directly to the judicial or administrative authorities of a Contracting State, whether or not under the provisions of this Convention.

Article 30

Any application submitted to the Central Authorities or directly to the judicial or administrative authorities of a Contracting State in accordance with the terms of this Convention, together with documents and any other information appended thereto or provided by a Central Authority, shall be admissible in the courts or administrative authorities of the Contracting States.

Article 31

In relation to a State which in matters of custody of children has two or more systems of law applicable in different territorial units –

- a) any reference to habitual residence in that State shall be construed as referring to habitual residence in a territorial unit of that State;
- b) any reference to the law of the State of habitual residence shall be construed as referring to the law of the territorial unit in that State where the child habitually resides.

Article 32

In relation to a State which in matters of custody of children has two or more systems of law applicable to different categories of persons, any reference to the law of that State shall be construed as referring to the legal system specified by the law of that State.

Article 33

A State within which different territorial units have their own rules of law in respect of custody of children shall not be bound to apply this Convention where a State with a unified system of law would not be bound to do so.

Article 34

This Convention shall take priority in matters within its scope over the *Convention of 5 October 1961 concerning the powers of authorities and the law applicable in respect of the protection of minors*, as between Parties to both Conventions. Otherwise the present Convention shall not restrict the application of an international instrument in force between the State of origin and the State addressed or other law of the State addressed for the purposes of obtaining the return of a child who has been wrongfully removed or retained or of organising access rights.

Article 35

This Convention shall apply as between Contracting States only to wrongful removals or retentions occurring after its entry into force in those States.
Where a declaration has been made under Article 39 or 40, the reference in the preceding paragraph to a Contracting State shall be taken to refer to the territorial unit or units in relation to which this Convention applies.

Article 36

Nothing in this Convention shall prevent two or more Contracting States, in order to limit the restrictions to which the return of the child may be subject, from agreeing among themselves to derogate from any provisions of this Convention which may imply such a restriction.

CHAPTER VI – FINAL CLAUSES

Article 37

The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Fourteenth Session.
It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

Article 38

Any other State may accede to the Convention.
The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.
The Convention shall enter into force for a State acceding to it on the first day of the third calendar month after the deposit of its instrument of accession.

The accession will have effect only as regards the relations between the acceding State and such Contracting States as will have declared their acceptance of the accession. Such a declaration will also have to be made by any Member State ratifying, accepting or approving the Convention after an accession. Such declaration shall be deposited at the Ministry of Foreign Affairs of the Kingdom of the Netherlands; this Ministry shall forward, through diplomatic channels, a certified copy to each of the Contracting States.

The Convention will enter into force as between the acceding State and the State that has declared its acceptance of the accession on the first day of the third calendar month after the deposit of the declaration of acceptance.

Article 39

Any State may, at the time of signature, ratification, acceptance, approval or accession, declare that the Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect at the time the Convention enters into force for that State.

Such declaration, as well as any subsequent extension, shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

Article 40

If a Contracting State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

Any such declaration shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and shall state expressly the territorial units to which the Convention applies.

Article 41

Where a Contracting State has a system of government under which executive, judicial and legislative powers are distributed between central and other authorities within that State, its signature or ratification, acceptance or approval of, or accession to this Convention, or its making of any declaration in terms of Article 40 shall carry no implication as to the internal distribution of powers within that State.

Article 42

Any State may, not later than the time of ratification, acceptance, approval or accession, or at the time of making a declaration in terms of Article 39 or 40, make one or both of the reservations provided for in Article 24 and Article 26, third paragraph. No other reservation shall be permitted.

Any State may at any time withdraw a reservation it has made. The withdrawal shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

The reservation shall cease to have effect on the first day of the third calendar month after the notification referred to in the preceding paragraph.

Article 43

The Convention shall enter into force on the first day of the third calendar month after the deposit of the third instrument of ratification, acceptance, approval or accession referred to in Articles 37 and 38.

Thereafter the Convention shall enter into force –

- (1) for each State ratifying, accepting, approving or acceding to it subsequently, on the first day of the third calendar month after the deposit of its instrument of ratification, acceptance, approval or accession;
- (2) for any territory or territorial unit to which the Convention has been extended in conformity with Article 39 or 40, on the first day of the third calendar month after the notification referred to in that Article.

Article 44

The Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 43 even for States which subsequently have ratified, accepted, approved it or acceded to it.

If there has been no denunciation, it shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands at least six months before the expiry of the five year period. It may be limited to certain of the territories or territorial units to which the Convention applies.

The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

Article 45

The Ministry of Foreign Affairs of the Kingdom of the Netherlands shall notify the States Members of the Conference, and the States which have acceded in accordance with Article 38, of the following –

- (1) the signatures and ratifications, acceptances and approvals referred to in Article 37;
- (2) the accessions referred to in Article 38;
- (3) the date on which the Convention enters into force in accordance with Article 43;
- (4) the extensions referred to in Article 39;
- (5) the declarations referred to in Articles 38 and 40;
- (6) the reservations referred to in Article 24 and Article 26, third paragraph, and the withdrawals referred to in Article 42;
- (7) the denunciations referred to in Article 44.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at The Hague, on the 25th day of October, 1980, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the States Members of the Hague Conference on Private International Law at the date of its Fourteenth Session.



REPUBLIC OF HONDURAS
NATIONAL REGISTER OF PEOPLE
MUNICIPAL CIVIL REGISTRY

BIRTH CERTIFICATE

The subscribed Municipal Civil Registrar CERTIFIES that in the birth Register held in this office; is the birth certificate number: 0610-2010-00214 located in folio 065 of the tome 00162 of the Year 2010 and belongs to:

a) MEDINA b) HERRERA
c) NATALY DANIELA SEX F M

Whose information is as follows:

1.) Place, date and order of birth

a) CHOLUTECA b) CHOLUTECA c) HONDURAS
Municipality Department Country
d) TWENTY-SIX e) APRIL f) 2010
Day Month Year

2.) Surnames, names, and nationality of the father:

a) MEDINA b) SANCHEZ
First Surname Second Surname
c) NESTOR ARIEL d) HONDURAN
Names Nationality

3.) Surnames, names, and nationality of the mother:

a) HERRERA b) SANCHEZ
First Surname Second Surname
c) DAYSY d) HONDURAN
Names Nationality

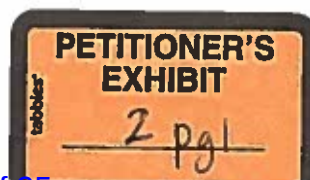
4.) Authorized marginal notes:

NONE

Extended on OROCUINA CHOLUTECA
Municipality Department

on the: TWENTY-THREE of JANUARY

of the year TWO THOUSAND SEVENTEEN





REPUBLICA DE HONDURAS
REGISTRO NACIONAL DE LAS PERSONAS
REGISTRO CIVIL MUNICIPAL
CERTIFICACION DE ACTA DE NACIMIENTO

Nº 51145692



El infrascrito Registrador Civil Municipal CERTIFICA que en el Archivo de nacimientos que se tiene en esta oficina, se encuentra el acta de nacimiento numero

0	6	1	0	-	2	0	1	0	-	0	0	2	1	4
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

 ubicada en el folio 065 del tomo 00162 del Año 2010 y que pertenece a

a) MEDINA b) HERRERA
Primer Apellido Segundo Apellido
c) NATALY DANIELA SLXO F M
Nombre

y cuya informacion es la siguiente

1) Lugar, fecha y orden de nacimiento

a) CHOLUTECA b) CHOLUTECA c) HONDURAS
Municipio Departamento Pais
d) VEINTISEIS e) ABRIL f) 2010
Dia Mes Año

2) Número de identidad, apellidos, nombre y nacionalidad del padre

N. Identidad: 0610198900274

a) MEDINA b) SANCHEZ
Primer Apellido Segundo Apellido
c) NESTOR ARIEL d) HONDUREÑA
Nombre Nacionalidad

3) Número de identidad, apellidos, nombre y nacionalidad de la madre

N. Identidad: 0610199600016

a) HERRERA b) SANCHEZ
Primer Apellido Segundo Apellido
c) DAYSY VANESSA d) HONDUREÑA
Nombre Nacionalidad

4) Notas marginales autorizadas

NINGUNA

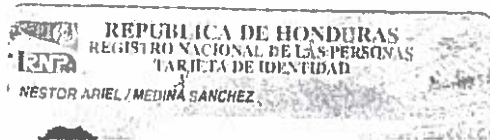
Extendida en OROCUINA CHOLUTECA
Municipio Departamento

a los VEINTITRES dias del mes de ENERO

del DOS MIL DIECISIETE



FIRMA Y SELLO DEL REGISTRADOR CIVIL
06/03/10
REGISTRO NACIONAL DE LAS PERSONAS
DIRECCION GENERAL
TICOMAN, C.A.



Certificate of Studies

The Principal of the Church of God Bilingual School with registration number 110100011A10 of Roatan department of the Bay Islands of Honduras hereby certifies that Nataly Daniela Medina Herrera with student identification number 0610201000214 was enrolled in this educational institution from the months of February until the month of May time during which she completed her first term studies in second grade obtaining the following results:

<u>First Term</u>	<u>Year 2017</u>
<u>Subject</u>	<u>Grades</u>
Science	83% Very Good
Social Studies	94% Excellent
English	90% Very Good
Art Education	90% Very Good
Civic Education	94% Excellent
Spanish	84% Very Good
Physical Education	100% Excellent
Mathematics	94% Excellent
Manual Arts	97% Excellent

The following certificate of studies is issued in the city of Roatan, department of the Bay Islands of Honduras on the 3rd day of the month of November of the year two thousand and seventeen.



Leslie Ann Zelaya

PETITIONER'S
EXHIBIT

3



REPUBLICA DE HONDURAS
SECRETARIA DE EDUCACIÓN PÚBLICA

CONSTANCIA DE MATRICULA

El Suscrito (a) Director (a) de la Escuela
Manuel Bonilla del Municipio de
Orocuina, Departamento de Choluteca; por este
medio HACE CONSTAR QUE: el Alumno (a)
Nataly Daniela Medina Herrera se encuentra
matriculado(a) en este Centro Educativo, cursando el
Primer Grado.

Y para fines que al interesado estime conveniente se le extiende la
presente a los 27 días del mes de Septiembre del año
2016.




F/S Director (a)



**AUTHORIZATION TO TRAVEL
AND IMMIGRATION LAW IMMIGRATION**

ARTICLE 85. REQUIREMENTS FOR LEAVING COUNTRY.

Any person who leaves national territory must do so by the output ports officially established, carrying the necessary documentation and submitting to immigration control.

Persons intending to leave the country, must also:

1) Be older or may not be subject to parental authority or guardianship; otherwise they must travel accompanied by persons exercising parental authority over them or guardianship or failing that legally prove the authorization to leave the country granted by such persons. The authorization for people between the ages of 18 and 21 years may be granted only once valid for all that period and so must be entered in the travel document;

**CODE OF CHILDHOOD AND ADOLESCENCE
CHAPTER III
AUTHORIZATION TO TRAVEL**

ARTICLE 101. Children can only leave the country if accompanied by his father, his mother or her legal representative or, in their absence, the person who has the respective written authorization.

If parental authority is exercised by both parents, the written authorization of the other is required if just one parent is traveling with the child during the trip.

The corresponding signatures must be authenticated by a notary.

ARTICLE 103. The juvenile judges have the right to prevent a child out of the country when the person seeking to take it is in the exercise of parental authority but it is not in compliance with their legal obligations or who imposed the authority competent.

Adopted resolution, shall promptly inform the immigration authorities for appropriate action.

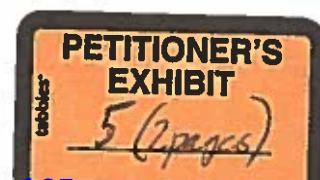
If despite the court order the child leaves the country, criminal trial will continue against the guilty and the necessary measures be adopted to their rescue.

FAMILY CODE

**TITLE V OF CUSTODY
CHAPTER I GENERAL PROVISIONS**

Article 185. Parental authority is a set of rights and duties that parents have about the person and goods of their children. Its legal system is to protect minors, preventing abuses and punishing with the loss or suspension of the father or the mother in cases provided by this Act.

Article 186. Parental authority includes, among other rights and obligations, the legally represent the child; exercise their care and custody; feed, assist, educate, and manage their assets.



Article 187. The exercise of parental authority belongs to both parents jointly. However, it will exercise one of them when it is conferred by the court or the other was in impossibility to exercise it. In these case the child's home will be the parent who exercised.

When there is disagreement between the father and the mother in the exercise of parental authority, the competent court shall decide what is best for the welfare of the child.

The judge may hear expert opinions when deemed advisable. Professional or technical staff of agencies or state agencies are required to advise free to judge when he sought his opinion.

Article 191. Parents in the exercise of parental authority have the right to exercise guidance, care and correction of their children, and provide them in line with the evolution of their physical and mental faculties, the direction and guidance that is appropriate for their development.

Article 193. With respect to the care and custody of the children, will be the agreement of parents, when they do not they live together.

Article 194. In the absence of parental agreement on the custody and care of children, or being the same prejudicial to the material or moral interests of the children, the question will be decided by the competent court, which will guide you to solve it, only, what is most beneficial for children. Under the same conditions it will be addressed, as a general rule, the children remain in the care of the parent in whose company has been found so far of disagreement occur, preferring the mother if they were in the company of both, except in any case that special reasons suggest any other solution.



**JUZGADO DE PAZ MOVIL DEL DEPARTAMENTO
DE CHOLUTECA Y VALLE.**

AUDIENCIA DE CONCILIACION

En la ciudad de Choluteca, departamento de Choluteca siendo las once de la mañana (11:00 a.m.), del día Lunes veinticuatro (24) de Octubre de dos mil dieciséis (2016), constituido el Juzgado de Paz Móvil, en El Barrio El Estadio, siendo el día y hora señalado para la celebración de la presente **AUDIENCIA DE CONCILIACION** con número de expediente 539-16, la que tiene por objeto que las partes lleguen a un acuerdo conciliatorio, al señor **NESTOR ARIEL MEDINA SANCHEZ**, mayor de edad, con domicilio en El Municipio de Orocuina del Departamento de Choluteca, con identidad N°. 0610-1989-00274, soltero, edad 27, Hondureño y la señora **DAYSÍ VANESSA HERRERA SANCHEZ**, mayor de edad, casado, con identidad No. 0610-1996-00016, edad 20, con domicilio en el barrio piedras azules del departamento de Choluteca, Hondureño, presente la procuradora **GUADALUPE ALEJANDRA VALLE GALLO** con carnet de procuración No. 1022-16; **SE PROCEDE DE LA FORMA SIGUIENTE:** La señora Juez les hace saber los alcances de la presente audiencia, asimismo las ventajas que tiene para ambas que lleguen a un arreglo conciliatorio para establecer **REGIMEN DE COMUNICACIÓN DE SU NIÑA NATALI DANIELA MEDINA HERRERA** - Se le cede la palabra a la señora **NESTOR ARIEL MEDINA SANCHEZ**, quien manifiesta que yo únicamente le pido es poder tener a mi niña en momentos de vacaciones poder gozar de ese tiempo con ella, y cuando este en la escuela los fines de semana, en los alimentos de la niña estoy cumpliendo, y si necesita asistencia médica igualmente estoy pendiente si es necesario llevarla donde el medico.- seguidamente se le cede la palabra a la señora **DAYSÍ VANESSA HERRERA SANCHEZ** quien manifiesta que yo estoy solicitando la visa y le pido al señor **NESTOR** que me de la autorización para poder solicitársela a mi hija de igual manera **ESTE JUZGADO RESUELVE:** Después de haber escuchado ambas partes y en base a los artículos 80 y 110 de la Constitución de la República, 415 del Código Procesal Civil, 1, 2, 3, 4, 5 y 11 de la Ley de Conciliación y Arbitraje y del 193,194,195 y del 207 al 226 del Código de Familia y en acuerdo con ambas partes **PRIMERO:** Expresa la señora **DAYSÍ HERRERA** que momentáneamente sus planes

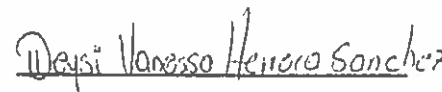


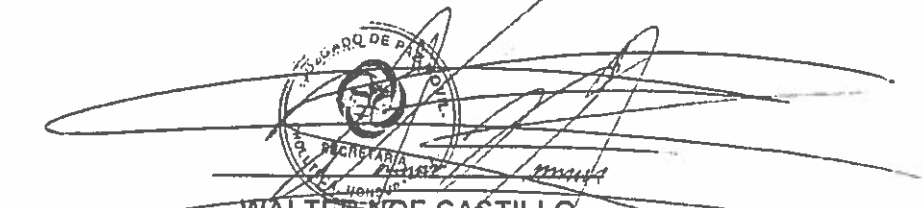

son salir del país y sino vivirá en la ciudad de Rotan y le prestaría la niña al señora MEDINA las vacaciones que tengan en la escuela SEGUNDO: Por su parte expresa el señor NESTOR MEDINA que lo que quiere es estar con su hija y sino presentara la demanda correspondiente en los Juzgados de Letras TERCERO: Por lo tanto se da por fracasada la conciliación explicándole el procedimiento correspondiente a seguir en los Juzgados de Letras. - Con lo anteriormente expuesto, se da por terminada la presente audiencia, firmando para Constancia, los comparecientes, ante el Suscrito Juez y Secretario del Despacho que da FE.



ABOG; MARIEL SANTOS HERNANDEZ
JUEZ DE PAZ MOVIL


NESTOR ARIEL MEDINA SANCHEZ,
SOLICITANTE


DAYSI VANESSA HERRERA SANCHEZ
SOLICITADO



WALTER NOE CASTILLO
SECRETARIO



SECRETARÍA DE JUSTICIA Y FAMILIA
DINAJ

Solicitud de Restitución Internacional

Autoridad Central de la República de Honduras

Convención de la Haya sobre los Aspectos Civiles de la Sustracción Internacional de Menores

Solicitud Número -20

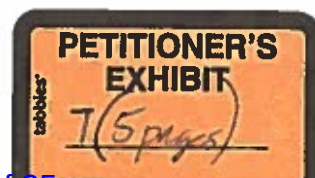
Application Number

Número de NNA
Number of minors

Restitución Internacional
International Return

Derechos de Visita
Visit Rights

1.- Datos del NNA <i>Information about the minor</i>				
Nombre completo <i>Full Name</i>				
NATALY DANIELA MEDINA HERRERA				
Fecha de Nacimiento <i>Birth date</i>	Nacionalidad <i>Nationality</i>	Edad <i>Age</i>	Lugar de Nacimiento <i>Place of Birth</i>	Fecha en que cumplirá 16 años de edad <i>Date s/he will turn 16</i>
26/04/2010	Honduras	7	OROCUINA, CHOLUTECA	
Problemas de Salud, Medicamentos o antecedentes quirúrgicos <i>Health issues, treatment s/he has or surgical background</i>			Número de pasaporte o identidad <i>Identification or Passport Number</i>	
3				
Cicatrices o Marcas de Nacimiento <i>Scars or Birth marks</i>				
NONE				
3				
Dirección en el que residía antes de la sustracción <i>Address prior abducti</i>				
SANDYBAY, CA COLONIA, ISLAS DE LA BAHIA				
Dirección y Numero de telefono actual (si se sabe) <i>Current address and phone number (if known)</i>				
USA				
Actividades y Entretenimientos Habituales del NNA <i>Child's Hobbies and Frequent activities</i>				



PLAY WITH DOLLS			
RIDE THE BIKE			
3			
Peso <i>Weight</i>	Altura <i>Height</i>	Color de ojos <i>Eye Color</i>	Color de cabello <i>Hair Color</i>
30 KILOS	1.5 MTS	brown	LIGHT BROWN
2			
3			
2.- Solicitante <i>Petitioner</i>			
Nombre completo <i>Full Name</i>			
NESTOR ARIEL MEDINA SANCHEZ			
Parentesco con el NNA <i>Relationship with the minor</i>	Nacionalidad <i>Nationality</i>	Fecha de Nacimiento <i>Birth date</i>	Número de Pasaporte <i>Passport Number</i>
father	Honduras	APRIL 27, 1989	
Idiomas que habla <i>Spoken Languages</i>	¿Puede viajar al país que se encuentra el NNA? <i>Can you travel where the child is?</i>		Estado Civil <i>Civil Status</i>
Inglés Francés	Portugués Español	Si No x	single
Dirección <i>Address</i>		Teléfono <i>Phone Number</i>	
OROCUINA BARRIO NUEVA ESPERANZA		96067449	
Correo Electrónico <i>E-mail</i>		Número de Identidad <i>Identification Number</i>	
GNESTORARIL@YAHOO.COM		0610-1989-00274	
Otra Referencia <i>Other References</i>			
Nombre Completo <i>Name</i>			
YUNIOR MISAEI MEDINA			
Dirección <i>Address</i>		Teléfono <i>Phone Number</i>	
OROCUINA BARRIO NUEVA ESPERANZA		9606-7449	
Correo Electrónico <i>E-mail</i>		Número de Identidad <i>Identification Number</i>	
3.- Sustractor <i>Abductor</i>			
Nombre Completo <i>Full Name</i>			
DAYSÍ VANESSA HERRERA SANCHEZ			
Parentesco con el NNA <i>Relationship with the minor</i>	Nacionalidad <i>Nationality</i>	Fecha de Nacimiento <i>Birth date</i>	Número de Pasaporte <i>Passport Number</i>
Mother	Honduran	NOVEMBER 18, 1995	
Estado Civil <i>Civil Status</i>		Número de Identidad <i>Id Number</i>	
single		0610-1995-00016	
¿Tiene parientes en el país donde se encuentra? <i>Does s(he) has any relatives where s(he) is?</i>			

HAS FAMILY IN NORTH CAROLINA (2 BROTHERS)	
Correo Electronico <i>E-mail</i>	
Actividades Habituales <i>Regular Activities</i>	
4.- Lugar, fecha y circunstancias de la retención o traslado <i>Date, place and circumstances of abduction</i>	
<p>THE 26/10/16 MY KID NATALY MEDINA WAS AT SCHOOL "MANUEL BONILLA" OF THE OROQUINA COUNTY , AND THE MOTHER DAYSI VANESSA HERRERA TOOK HER AND MOVED MY CHILD TO ANOTHER STATE, ROATAN, ISLAS DE LA BAHIA, AND THEN THEY TOLD ME, THAT MY KID WAS MISSING FROM CLASS 2 WEEKS BECAUSE THE MOM TOOK HER TO USA WITH OUT MY AUTHORIZATION.</p>	
5.- Hechos y aspectos juridicos que justifican la solicitud <i>Legal Aspects that justify the request</i>	
<p>NESTOR MEDIAN AS THE FATHER DIDNT AUTHORIZE THE DEPARTED OF THE CHILD TO ANOTHER COUNTRY</p>	
Documentos que se adjuntan <i>Documents attached</i>	
<p>Disposición jurídica que justificaba la residencia habitual del NNA previo al traslado o retención ilícita <i>Legal provisions which justifies the minor's habitual residence prior abduction</i></p> <p>Acuerdo Jurídicamente vinculante <i>Legal Agreement</i></p> <p>Certificación de Acta de Matrimonio (si corresponde) <i>Marriage Certificate</i></p> <p>Certificación de Acta de Nacimiento del NNA (obligatoria) <i>Minor's Birth certificate</i></p> <p>Copia de Tarjeta de Identidad Solicitante <i>Applicant's identity card copy</i></p> <p>Fotografías recientes de NNA <i>Recent photos of the minor</i></p> <p>Copia de Tarjeta de Identidad de sustractor</p>	

Petitioner's identity card copy

Mapa de la zona de la posible ubicación de la NNA

Child Possible Location Map

Sentencia de pérdida de patria potestad

Custody Loss Sentence

Sentencia de Guarda y Custodia y Regimen de Visitas

Custody and Visit Rights Sentence

Normativa Nacional Relativa a los Derechos de Patria Potestad

National Legal Disposition concerning Custody Rights

Otros Documentos:

Other Documents

6.- Arreglos propuestos para el retorno del NNA *Minor's return arra*

we didnt get any agreement

7.- Otra Información pertinente *Other information*

8.- Datos de la Autoridad Central de Honduras *Honduras Central Autho*

Personas a Contactar: **Francisco Urbina** Jefe de Migración y Sustracción Internacional
Eva Solorzano Oficial de Seguimiento de la Convención de la

Dirección de Niñez, Adolescencia y Familia (DINAF)
Col. Humuya, Calle la Salud, Local No. 1101, frente a puente desnivel
Email: convenciondelahayadinaf@gmail.com
Telefono: 2239-3131

Firma y Huella del solicitante *Signature and Fingerprint*

NESTOR ARIEL MEDINA SANCHEZ