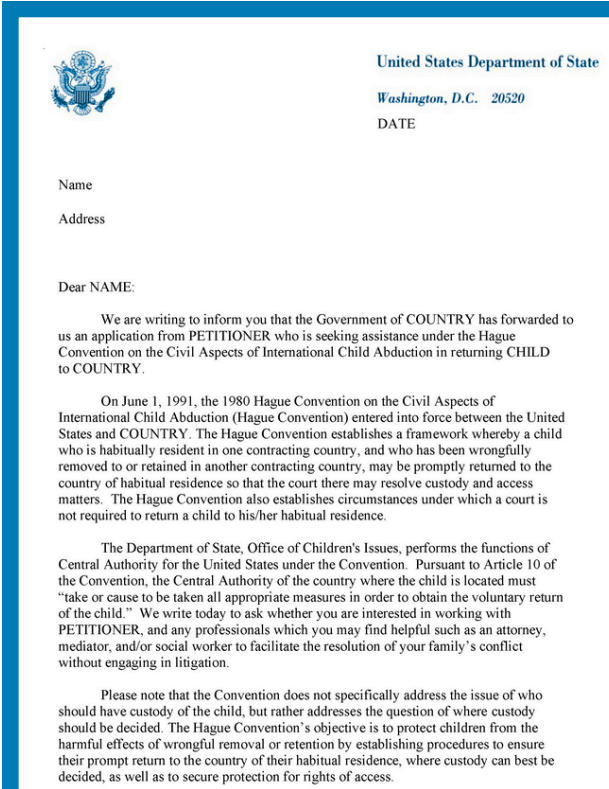


YOU RECEIVED A “VOLUNTARY RETURN LETTER” FROM THE U.S. STATE DEPARTMENT – WHAT DOES THAT MEAN?*

If you receive a “Voluntary Return Letter” from the U.S. State Department ...

- 1. The letter does NOT mean that you have to return your child.** The letter is simply asking you to voluntarily return your child. In fact, even responding to the letter is voluntary. The State Department cannot punish you for failing to respond to this letter.
- 2.** This letter means that the other parent has contacted the government in the country the child has just left (the “left-behind country”) and alleged that you have “abducted” the child. Those foreign government authorities contacted the U.S. State Department, who sent you this letter.
- 3. The State Department makes no legal or factual investigation into a claim of child abduction.** It does not review the other parent’s story for accuracy and does not examine any evidence. Therefore, the State Department will send you this letter even if you have a justification for leaving the other country (like escaping domestic abuse) or if the child’s habitual residence is actually the United States.
- 4.** Remember that you do not have to respond to this letter, and it’s important to know that any response you provide to the State Department may be shared with the other parent. Your communications with the State Department are not confidential.
- 5.** The Hague Convention establishes a **civil** legal framework for answering the question of return; **it does not create any criminal penalties.** The State Department cannot arrest you or take your children simply because the left-behind parent made a complaint under the Hague Convention. You should be aware, however, that the left-behind parent may have made a criminal complaint for kidnapping with local law enforcement in the left-behind country.



United States Department of State
Washington, D.C. 20520
DATE

Name _____
Address _____

Dear NAME:

We are writing to inform you that the Government of COUNTRY has forwarded to us an application from PETITIONER who is seeking assistance under the Hague Convention on the Civil Aspects of International Child Abduction in returning CHILD to COUNTRY.

On June 1, 1991, the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention) entered into force between the United States and COUNTRY. The Hague Convention establishes a framework whereby a child who is habitually resident in one contracting country, and who has been wrongfully removed to or retained in another contracting country, may be promptly returned to the country of habitual residence so that the court there may resolve custody and access matters. The Hague Convention also establishes circumstances under which a court is not required to return a child to his/her habitual residence.

The Department of State, Office of Children's Issues, performs the functions of Central Authority for the United States under the Convention. Pursuant to Article 10 of the Convention, the Central Authority of the country where the child is located must "take or cause to be taken all appropriate measures in order to obtain the voluntary return of the child." We write today to ask whether you are interested in working with PETITIONER, and any professionals which you may find helpful such as an attorney, mediator, and/or social worker to facilitate the resolution of your family's conflict without engaging in litigation.

Please note that the Convention does not specifically address the issue of who should have custody of the child, but rather addresses the question of where custody should be decided. The Hague Convention's objective is to protect children from the harmful effects of wrongful removal or retention by establishing procedures to ensure their prompt return to the country of their habitual residence, where custody can best be decided, as well as to secure protection for rights of access.

* The information in this document assumes that you do not already have active Hague litigation in court. This information is not legal advice and is not a substitute for legal advice. You should always consult an experienced attorney if you have questions regarding Hague litigation or potential Hague litigation.

6. A Voluntary Return Letter is not Hague Convention litigation and the State Department will not file a Hague Convention petition against you to begin litigation. The other parent must file a Hague Convention petition in state or federal court in the U.S. to begin a court case against you.¹ The State Department can facilitate that filing by helping the other parent find an attorney. The other parent may file a Hague Convention petition in court at any time, or they may never file a Hague Convention petition in court.
7. The State Department will not assist you in finding an attorney.
8. Even if a Hague litigation is filed, the Hague Convention establishes certain **defenses** that, if proved, might allow the court to decline to return your child. These include, but are not limited to: your child has already been in the U.S. for 12+ months when the Hague Convention petition is filed AND your child is well-settled in the U.S.; the other parent consented to the relocation; there is a grave risk that, if returned to the left-behind country, your child will be exposed to psychological or physical harm, or an otherwise intolerable situation (which may include child abuse, serious neglect, or domestic abuse); your child objects to being returned and is old enough to weigh in; return would violate your or your child's human rights and/or fundamental freedoms. You should speak to an experienced Hague Convention attorney to discuss possible defenses that you may have based on the facts of your case.
9. Finally, receiving this letter does not mean that your child will certainly be returned. **However, the letter is a good indication that a Hague Convention petition could be filed in court against you soon.** Hague Convention litigation is expedited and once a Hague Convention petition is filed the proceedings move very fast. Therefore, if you receive this letter it is important to consult with a Hague-knowledgeable attorney as soon as possible.
10. If you are a survivor of domestic violence and you have received a Voluntary Return Letter, you can contact Sanctuary for Families² [Narkis Golan International Child Abduction Initiative \(NGI\)](https://www.narkisgolan.org/) to schedule a consultation, get help finding an attorney referral, or for any other questions or information related to the letter or your potential U.S. Hague Convention case.

Contact the NGI to schedule a consultation by emailing
GolanInitiative@sffny.org

Learn more about the NGI at sanctuaryforfamilies.org/ngi/

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^{1.} It is important to note that if you are in **California**, the District Attorney may conduct its own investigation and file a Hague Convention case as an "interested party."

^{2.} [Sanctuary for Families](https://www.sanctuaryforfamilies.org/) is a non-profit organization dedicated to assisting survivors of domestic violence, sex-trafficking, and other forms of gender-based violence.