



Children's Commission.

Jurist in Residence Letter:

For Judges Handling Child Protective Services Cases

April 28, 2017

The Hague Convention on the Civil Aspects of International Abduction in Cases Involving Battered Respondents: A Texas Bench Guide for State and Federal Court Judges

The Hague Convention on the Civil Aspects of International Child Abduction in Cases Involving Battered Respondents recently published a new Bench Guide for state and federal court judges. The guide is available on the Texas Office of Court Administration website at <http://www.txcourts.gov/publications-training/judicial-ethics-bench-books/judicial-bench-books/hague-convention-child-abduction>.

This Bench Guide was developed with tremendous insights from the Texas Hague Convention and Domestic Violence Bench Guide Consulting Committee, in partnership with the Texas Office of Court Administration, and with the Hague Domestic Violence Project at the Goldman School of Public Policy, UC Berkeley. It was created as a tool to assist both state and federal court judges who are confronted with a petition for the return of a child pursuant to the Hague Child Abduction Convention in cases that involve allegations of domestic violence.

The Guide includes an 'At-A-Glance' section, a case flowchart, and a glossary of Hague Convention specific terminology. Part I of the Guide provides an overview of the Hague Convention and its implementing law, as well as a discussion of a court's jurisdiction over a Hague Convention case and relevant court procedure. Part II discusses the intersection of domestic violence and the Hague Convention. Part III and Part IV provide a detailed review of the petitioner's prima facie case for return and the available defenses to return, respectively. Part V of the Guide offers multiple case scenarios based on real cases followed by an analysis of the issues raised in each scenario. Part VI consists of case notes organized by topic areas.

The Children's Commission extends its thanks to the Office of Court Administration for making this invaluable resource available to the judiciary.

A handwritten signature in black ink that reads "Dean Rucker".

Hon. Dean Rucker
Jurist In Residence



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