

**Information for attorneys
in proceedings under the Convention of 25 October 1980 on the Civil Aspects of
International Child Abduction (hereafter “The 1980 Convention”)**

These proceedings usually take no more than **6 weeks** to conclude and there are a limited number of issues that may be considered. In a case of an unlawful removal or retention the court will only examine whether or not there is a grave risk of harm if the child is returned to the country of origin which cannot be eliminated or sufficiently limited by appropriate measures in that country. Notably the aim of the proceedings is **not** to consider the arrangements for the custody which would result in the court looking in to the best interests of the child.

In this case the court has an important chance to solve or at least to ease the conflict out of court with the help of mediation.

In case of mixed national partnerships the mediation should, if possible, be carried out by two mediators, each with the citizenship of each parent. With the help of their education and experience the mediators are able to deal with the complex problems in abduction cases. They moderate between the parents, create a constructional climate for discussion and work towards a fair contact between the parents. The mediators do not have any decision-making authority. They limit themselves to encourage the parties to develop an expedient solution to their problems on their own. The mediation process might, in addition to the question of the child's domicile in the future, compromise the maintenance of contact to both parents, arrangements of access, undertakings concerning the child's accommodation, language teaching and schooling development, necessary arrangements concerning financial provisions and so forth.

The mediation has **no influence** on the position of the parties in the court proceedings. The mediation does **not** take place **in public**, is **confidential** and, **only where both parties consent**, will the results be known in court. In particular, the willingness of the parents to start a mediation process does **not** mean that the left behind parent has acquiesced to the child's current place of residence in Germany. During the mediation process your client can and should call upon you for advice.

The cost of the mediation process including the cost of travel and accommodation for the parties and the mediators has to be paid by the parties themselves. You should ask the institutions listed at the end of this letter about the potential possibilities of obtaining a grant or how to limit the costs otherwise.

It is important to secure the prompt availability by phone of the advising attorney, so that the parents have the possibility for counseling at all times.

The results of the mediation, as soon as is practicable after your review as representing attorney, can be recorded and may become binding in court. Subsequently an appropriate safeguard in the other country might be required.

If you have any further questions concerning the mediation process you are invited to contact:

Bundesamt für Justiz Zentrale Behörde Referat II 3 53094 Bonn Telefon: 0228/99 410 5212 Telefax: 0228/99 410 5401 E-Mail: int.sorgerecht@bfj.bund.de Internet: www.bundesjustizamt.de	MiKK e.V. International Mediation Centre for Family Conflict and Child Abduction Fasanenstraße 12 10623 Berlin Telefon: 030/74787879 E-Mail: info@mikk-ev.de Internet: www.mikk-ev.de
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The above contacts can give you the names and addresses of mediators who, based on additional training, have special experience in international custody conflicts and Hague cases.

A procurement by the family court is also possible.

You are asked to inform the court as soon as possible whether your party agrees to mediation as the first mediation session should, preferably, take place before the court hearing.

You should consider the references above immediately and in case of a positive decision commence the mediation process as soon as possible. The reason for this is that the court proceedings have to finish within 6 weeks regardless of an ongoing mediation. This does not exclude the court permitting mediation within this timeframe, including the court giving directions. .

The district court - family court