



**European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children**

Luxemburg, 20.V.1980

**Revised Model Forms <sup>1</sup>**

**A. REVISED MODEL FORM FOR USE WHEN MAKING AN APPLICATION UNDER THE CUSTODY CONVENTION, CONCERNING CUSTODY**

The Convention Committee on the Custody Convention (T-CC) considered that the requesting central authority or applicant could use the following model form when making an application to the requested authority for the recognition or enforcement of a decision or the restoration of the custody of a child.

REQUESTING CENTRAL AUTHORITY OR APPLICANT.....	REQUESTED AUTHORITY .....
REQUEST (Nature and relevant article of the Convention) ..... ..... concerns the following child ..... who will attain the age of 16 on ..... NOTE: The following particulars should be given as far as possible. A. <u>GENERAL INFORMATION</u> I - Identity of the child and parents 1. Child: Name ..... First names ..... Date and place of birth .....	

<sup>1</sup> Source : T-CC document DIR/JUR (2006)1 Rev 2, Provisional, dated 17 September 2007. The Forms presented here are intended for guidance only and have no treaty value.

Nationality or nationalities .....

Sex.....

Habitual residents (or habitual residence before any improper removal or retention) .....

.....

Passport or identity card .....

(number if any) .....

Description and photo, if possible (see annexes).....

.....

.....

.....

2. Parents

2.1 Mother:

Name .....

First names.....

Date and place of birth .....

Nationality or nationalities .....

Occupation .....

Habitual residence.....

.....

Passport or identity card .....

(number if any) .....

2.2 Father:

Name .....

First names.....

Date and place of birth .....

Nationality or nationalities .....

Occupation .....

Habitual residence.....
Passport or identity card .....
(number if any) .....
2.3 Date and place of marriage .....
2.4 Date and place of any divorce decision .....
<b>II. Requesting individual or institution</b>
Name .....
First names of individual applicant.....
Nationality of individual applicant.....
Occupation of individual applicant.....
Address.....
.....
.....
Passport or identity card .....
(number if any) .....
Relation to the child .....
Name and address of legal adviser (if any) .....
.....
<b>III - Factual or legal grounds justifying the request (eg. a court decision)</b>
.....
.....
.....
<b>IV - Civil proceedings in progress or intended</b>
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.....
.....

**B... ADDITIONAL INFORMATION IN CASES OF APPLICANTS FOR RESTORATION OF CUSTODY**

V - Place where the child is thought to be

5.1 Information concerning the person alleged to have improperly removed or retained the child

Name .....

First names.....

Date and place of birth, if known.....

Nationality, if known.....

Relation to the child .....

Occupation .....

Last known address .....

.....

Passport or identity card.....

(Number if any).....

Description and photo, if possible .....

(see annexes)

5.2 Address of the child.....

.....

5.3 Other persons who might be able to supply additional information relating to the whereabouts of the child .....

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.....

.....

VI - Place, date and circumstances of the improper removal or retention .....

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.....

.....

.....

.....

VII - Child is to be returned to:

a. Name .....

First names.....

Date and place of birth .....

Address.....

.....

Telephone number .....

b. Proposed arrangements for the return of the child.....

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.....

.....

C. OTHER QUESTIONS

VIII - Other remarks .....

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IX - List of documents attached (\*)

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.....  
.....  
.....

Date .....

Place.....

Signature and/or stamp of the requesting  
Central Authority or applicant

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(\*) eg. document authorising the central authority of the State addressed to act on behalf of the applicant or to designate another representative for that purpose; a copy of the decision which satisfies the necessary conditions of authenticity; in the case of a decision given in the absence of the defendant or his legal representative, a document which establishes that the defendant was duly served with the document which instituted the proceedings or an equivalent document; if applicable; any document which establishes that, in accordance with the law of the State of origin, the decision is enforceable; if possible, a statement indicating the whereabouts or likely whereabouts of the child in the State addressed (see also B.V above); proposals as to how the custody of the child should be restored - Article 13(i) of the Convention.

**B. REVISED MODEL FORM FOR USE WHEN MAKING AN APPLICATION UNDER THE CUSTODY CONVENTION, CONCERNING ACCESS**

The Convention Committee on the Custody Convention (T-CC) considered that in addition to the current model form on custody (see A.) the requesting central authority or applicant could use the following model form when making an application to the requested authority concerning the right of access.

REQUEST FOR ARRANGEMENTS FOR ORGANISING OR SECURING  
THE EFFECTIVE EXERCISE OF RIGHTS OF ACCESS

Requesting central authority or applicant	Requested authority

Concerns the following child: .....

who will attain the age of 16 on .....

Note: The following particulars should be completed insofar as possible.

**I. Identity of the child and its parents**  
1. Child

Name and first names	
Sex	female /__ /                      male /__ /
Date and place of birth	nationality
Habitual residence before removal or retention	
Passport or identity card No. if any	
Description and photo, if possible (see annexes)	

2. Parents  
2.1. Mother

Name and first names
Date and place of birth
Nationality
Occupation

Habitual residence
Passport or identity card No. if any

2.2. Father

Name and first names
Date and place of birth
Nationality
Occupation
Habitual residence
Passport or identity card No. if any

2.3. Date and place of marriage

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2.4. Date and place of any divorce decision

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**II. Requesting individual**

3.

Name and first names
Nationality of applicant
Occupation of applicant
Address
Passport or identity card No. if any
Relation to the child
Name and address of legal adviser, if any



**III. Place where the child is**

4.1. Information concerning the person with which the child has its habitual residence

Name and first names
Date and place of birth, if known
Nationality, if known
Occupation
Last known address
Passport or identity card No. if any
Description and photo, if possible (see annexes)

4.2. If applicable, other persons who might be able to supply additional information relating to the whereabouts of the child

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**IV. Time, place, date and circumstances of the refusal of the right of access**

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**V. Factual or legal grounds justifying the request (e.g. a court decision)**

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**VI. Civil proceedings in progress**

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**VII. The right of access has:**

a.

Name and first names
Date and place of birth
Address
Telephone number

b.

Proposed arrangements for the exercise of the right of access
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**VIII. Other remarks**

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**IX. List of documents attached (\*)**

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Date

Place

Signature and/or stamp of the requesting Central Authority or applicant

(\*) e.g. Certified copy of relevant decision or agreement concerning custody or access; certificate or affidavit as to the applicable law; information relating to the social background of the child; authorisation empowering the Central Authority to act n behalf of applicant.

**C. MODEL FORM FOR ACKNOWLEDGEMENT OF RECEIPT OF AN APPLICATION UNDER THE CUSTODY CONVENTION**

(To be returned by the requested central authority)

The Convention Committee on the Custody Convention (T-CC) considered that the requested authority could use the following model form when acknowledging receipt of an application for the recognition or enforcement of a decision, the restoration of the custody of a child or concerning the right of access.

<p>From: central authority of .....</p> <p>(insert the name of your country)</p> <p>To: central authority of .....</p> <p>(insert the name of the country of the requesting central authority)</p> <p>I acknowledge receipt of your application reference no. [...] dated [ .....].</p> <p>This application is being considered here under reference [ .....].</p> <p>For further information regarding this application please contact [...name...] [...address...]</p> <p>[...telefax, telex, telephone...]</p> <p>[If appropriate - The file has been/will be sent to (..... eg Ministère Public, Procureur-Général) of (...address, telefax, telex, telephone)]</p> <p>Date .....</p> <p>Place .....</p> <p>Signature and/or stamp of the requested authority .....</p>
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