

**REGULATION ON EXECUTION OF JUDGMENTS AND INJUNCTIONS ON CHILD HANDOVER AND
ESTABLISHMENT OF PERSONAL RELATIONSHIP WITH THE CHILD**

CHAPTER ONE

Preliminary Provisions

Purpose

ARTICLE 1- (1) The purpose of this Regulation is to determine the duties, authorities, responsibilities and the procedures and principles regarding execution of the judgements and injunctions on child handover and establishment of personal relationship with the child issued by the family courts.

Scope

ARTICLE 2- (1) This Regulation covers the procedures and principles regarding the units in charge and authorised in the process of execution of the judgements and injunctions regarding child handover and establishment of personal relationship with the child issued by the family courts, the duties and responsibilities related to this, determination of handover venues, the procedure of execution of the judgements or injunctions, complaints and objections, cooperation with other institutions, training and supervision and monitoring of the service.

Basis

ARTICLE 3- (1) This Regulation has been prepared based on Article 41/I of the Juvenile Protection Law No. 5395 dated 3/7/2005.

Definitions

ARTICLE 4- (1)

- a) Ministry: refers to the Ministry of Justice,
- b) Head of Department: refers to Head of Department of Judicial Support and Victim Services of the Ministry of Justice,
- c) Office of the Chief Public Prosecutor: refers to the relevant Chief Public Prosecutor's Office under the supervision and control of the directorate of judicial support and victim services,
- ç) Child: refers to a person who has not turned eighteen, except in the case of puberty at an earlier age,
- d) Child handover: The process of taking the child from the person in charge and giving the child to the right holder, which is not continuous, based on the judgement or injunction regarding custody,
- e) Other personnel: refers to other staff members within directorates of judicial support and victim services except for directors, deputy directors, psychologists, pedagogues and social workers,
- f) Right holder: refers to the person to whom custody is given in child handover procedures, the person with whom a personal relationship is established in personal relationship establishment procedures and the person with whom a personal relationship is established with the child who is not under his/her custody or who is not left to him/her.
- g) Personal relationship: refers to the process of meeting or staying together with the child for a limited period of time by the parents or other persons who do not have the custody of the child or to whom the child is not left in accordance with the judgement or injunction,
- h) Law enforcement: refers to personnel and officers in the organisation of Turkish National Police, Gendarmerie General Command and Coast Guard Command who perform the duties assigned by the laws and the competent authorities based on the laws in order to ensure protection of security and public order,
- ı) Director: refers to director of the directorate of judicial support and victim services,
- j) Directorate: refers to the director of judicial support and victim services,
- k) Deputy director: refers to deputy director of the directorate of judicial support and victim services,
- l) Counsellor: refers to counsellors working in public institutions and organisations,
- m) Handover venue: refers to child-friendly environments where judgements and injunctions on child handover and establishment of personal relationship with the child are executed,
- n) UYAP (National Judiciary Informatics System): The information system created for execution of justice services in the electronic environment,
- o) Expert: refers to psychologists, pedagogues, social workers working within the directorates of judicial support and victim services and psychologists, pedagogues, social workers, child development specialists and counsellors working in public institutions and organisations featuring on the list prepared by the governorships upon request of the directorate,
- p) Liable person: refers to the person who is required to deliver the child pursuant to a judgement or injunction on handover of the child or establishment of personal relationship with the child

CHAPTER TWO

Fundamental Principles

Fundamental Principles

ARTICLE 5- (1) The child has the right to regular contact with his/her parents and the parents have the right to regular contact with the child.

(2) In case of extraordinary circumstances, the court may establish a personal relationship between the child and persons other than his/her parents to the extent that it is in the best interests of the child.

(3) Personal relationship may be restricted or prevented by the court only if the best interests of the child so require.

(4) In the event that the court has made a decision on this matter due to the fact that direct personal relationship with the right holder is contrary to the best interests of the child, personal relationship with the child may be established under the supervision of a third party or an expert.

(5) Handover of the child and personal relationship with the child are primarily voluntary between the parties.

(6) In the process of child handover and establishment of personal relationship with the child, works and procedures shall be carried out without bringing the parties face to face, except in mandatory cases.

(7) Those involved in the fulfilment of the services covered by this Regulation:

a) Shall act in accordance with the principles of equality, respect for human dignity, honesty, privacy and take into account the best interests of the child.

b) Shall pay regard to the health and well-being of the child.

c) Shall take measures to prevent the child from being traumatised.

d) Shall not discriminate against the child, the liable person or right holder on the grounds of gender, age, disability, race, social class, language, religion, political opinion or other reasons, or engage in degrading discourse or behaviour.

e) Shall act in accordance with the age and developmental level of the child.

f) Shall use plain and clear language rather than technical expressions in written or oral communication.

g) Shall not engage in attitudes and behaviours that may cast a shadow on professional ethics and impartiality.

h) Shall protect confidentiality of personal data and information obtained during execution of judgements or injunctions, minutes and reports issued. It may not share these data and information with any institution and person except as required by the relevant legislation

1) Shall ensure that works and procedures are carried out through effective cooperation between public institutions and organisations and the directorate.

The Best Interests of the Child

ARTICLE 6- (1) The best interests of the child shall be taken as the basis in execution of judgments and injunctions regarding child handover and establishment of personal relationship with the child.

(2) In these works and procedures, the expert or counsellor shall make professional interventions in order to observe the emotional state of the child and to keep him/her away from possible conflicts as much as possible.

(3) The children shall be informed on the works and procedures to be conducted in line with their developmental level.

(4) Necessary measures shall be taken to prevent actions that may lead to traumatising of children.

(5) The right holder and the liable person shall act in line with the principle of the best interests of the child.

(6) In case of conflict between the interests of the child and the right holder, the best interests of the child shall prevail.

(7) Taking into account the age and developmental level of the child, the child's right to form and freely express his/her opinion on matters concerning him/her shall be respected.

Actions to be Taken in Case of Existence of an Injunction

ARTICLE 7- (1) In the case that a confidentiality order or another injunction is granted regarding the right holder or the liable person as per the Law dated 8/3/2012 and No. 6284 on Protection of the Family and Prevention of Violence Against Women, procedures concerning child handover or establishment of personal relationship with the child shall be conducted taking into account these injunctions.

(2) In case there is a confidentiality injunction pursuant to Law No. 6284, the file review requests of those concerned shall be met by taking the necessary measures to ensure confidentiality of the address, contact and identity information in the file and other information and documents decided to be kept confidential.

Application and Cooperation

ARTICLE 8- (1) If the judgement or injunction is not executed with consent by the liable person, the right holder must apply to the directorate and act in co-operation in order to benefit from the services and support provided within the scope of this Regulation.

Notification

ARTICLE 9- (1) In the event that the expert or counsellor comes to the conclusion that protective and supportive measures should be applied while carrying out the works and procedures regarding child handover and establishment of

personal relationship with the child, the provincial directorate of family and social services shall be notified of the situation.

CHAPTER THREE

Responsible Unit and Authorised Directorate

Responsible Unit

ARTICLE 10- (1) Judgments or injunctions issued by family courts regarding child handover or establishment of personal relationship with the child shall be executed by the directorates established by the Ministry by taking the best interests of the child as the basis.

(2) In places where there is no directorate, these duties shall be fulfilled by the registry offices of the civil courts designated by the Ministry.

Authorised Directorate

ARTICLE 11- (1) Judgments and injunctions regarding child handover or establishment of personal relationship with the child shall be executed by the directorate of the child's place of residence.

(2) For children who do not have a place of residence in Turkey, the directorate in the place where the child is located in Turkey shall be authorised.

CHAPTER FOUR

Duties, Working Procedures and Principles of Directorates

Personnel in Charge in the Directorates

ARTICLE 12- (1) The Ministry shall appoint a director, a sufficient number of deputy directors, psychologists, pedagogues, social workers and other personnel to the directorates.

Execution of Judgments and Injunctions

ARTICLE 13- (1) Judgments and injunctions shall be executed by experts to be appointed by the directorate.

(2) Where the number of experts is not sufficient, judgements and injunctions shall be executed with the help of a counsellor.

(3) In the case that the director and the deputy director is a psychologist, pedagogue or social worker, judgments and injunctions can also be executed by them.

Duties of the Director

ARTICLE 14- (1) Duties of the director regarding child handover and establishment of personal relationship with the child are as follows:

a) To distribute files to the experts and counsellors involved in these works and procedures.

b) Pursuant to Article 42, to cancel the file upon notification by the experts or counsellors and to decide that the handover order become null and void.

c) In the event that the child's place of residence changes so as to fall under the jurisdiction of another directorate, to ensure that the file is closed and sent to the relevant directorate.

d) To ensure that notification procedures are carried out without delay.

e) To make sure that deputy directors, experts, counsellors and other staff work effectively and efficiently in cooperation in order to ensure that the works and procedures are carried out without interruption.

f) To determine the places and dates where the experts and counsellors on the list created by the governorates will work.

g) To ensure coordination with the relevant institutions and organisations in order to take the necessary measures for operation of the handover venues in accordance with the best interests of the child.

h) Determining the personnel, equipment and other needs related to the handover venues and submitting them to the Chief Public Prosecutor's Office to be forwarded to the relevant institutions and organisations.

i) To request measures to be taken by liaising with law enforcement units without delay regarding security, and if necessary, to immediately report the situation to the Chief Public Prosecutor's Office.

j) To inform the Head of Department about the work conducted, problems encountered and needs identified.

k) To perform other duties assigned by the legislation or the Head of Department.

Duties of the Deputy Director

ARTICLE 15- (1) Duties of the deputy director regarding child handover and establishment of personal relationship with the child are as follows:

a) To assist the director in the fulfilment of the duties of the director.

b) If specified by the Director in the division of labour, to monitor, supervise and evaluate the results of the works and procedures regarding child handover and execution of the judgement or injunctions regarding establishment of personal relationship with the child.

c) To ensure the coordination that is necessary to conduct the works and procedures regarding child handover.

d) To perform other duties assigned by the legislation or the director.

Duties regarding Communication with the Right Holder and the Liable Person

ARTICLE 16- (1) The director shall appoint a sufficient number of psychologists, pedagogues and social workers from among the experts in charge in the directorate to get into contact with the right holder and the liable person.

(2) The psychologist, pedagogue and social workers shall perform the following duties:

a) In case the right holder applies to the directorate for execution of the judgement or injunction, to give him/her information about the handover process.

b) To immediately notify the liable person to bring the child to the venue specified as the handover venue on the day and time specified in the judgement or injunction on establishment of personal relationship with the child and when it comes to child handover on the day and time specified by the directorate by contacting the liable person through all means of communication and to inform the liable person about the issues and sanctions that he/she may face if he/she fails to bring the child, and to record it in a report.

c) In case the liable person cannot be contacted, to record the reason for not being contacted.

d) In the event that the liable person cannot be contacted or the liable person declares that he/she will not bring the child or does not bring the child to the designated place, to ensure that a handover order is immediately sent to the liable person regarding child handover or establishment of personal relationship with the child.

e) In the event that it is reported by the liable person or right holder that the child's place of residence has changed so that it falls under the jurisdiction of another directorate, to notify the director to close the file and send it to the relevant directorate.

(3) In places where there is no directorate, the duties under the second paragraph shall be fulfilled by the chief clerk of the civil court assigned by the Ministry or other personnel to be assigned by the Ministry.

Duties of the Experts and Counsellors

ARTICLE 17- (1) Duties of the experts and counsellors assigned in child handover and establishment of personal relationship with the child are as follows:

a) In the case that the liable person brings the child to the venue of handover, to carry out the procedures for handover of the child to the right holder.

b) Informing the right holder and the liable person about the process by meeting them separately before the procedure.

c) Meeting with the child to prepare him/her for this process and to reduce his/her anxiety.

d) To take the necessary measures within the framework of the relevant legislation and professional boundaries in case of identifying circumstances that might lead to traumatising of the child.

e) In cases where the liable person does not fulfil the requirements of the judgement or injunction regarding child handover, to go to the address where the child is located and deliver the child to the right holder.

f) In the event that it is learnt that the child falls under the jurisdiction of another directorate due to the change of the child's place of residence during the process of child handover or personal relationship, to notify the director to close the file and send it to the relevant directorate.

g) To perform other duties assigned by the legislation.

Duties of the Other Personnel

ARTICLE 18- (1) The duties of the other personnel involved in child handover and establishment of personal relationship with the child are as follows:

a) To open a file by receiving the application of the right holder who applies to the directorate for execution of the judgement or injunctions and to submit the file to the director for distribution.

b) To receive the following from the right holder during the application; his/her own address and contact information, the last address and contact information of the liable person, if known, and the address information where the personal relationship process will be spent and to record it.

c) Upon request of the expert or counsellor, to carry out the notification procedures regarding notification of the handover order to the liable person in accordance with the Notification Law dated 11/2/1959 and numbered 7201.

d) In case of change of the child's place of residence, to carry out the notification procedures to be issued to the liable person in accordance with the Law No. 7201 in order to notify the new place where the handover will take place within the scope of the handover order in the file.

e) To carry out the notification procedures to be issued in order to notify the right holder and the liable person of the decision to cancel the file and to render the handover order null and void.

f) In accordance with the division of labour made by the director, if necessary, to be present at the place designated for handover on the days when handover procedures will be conducted.

g) To perform other duties assigned by the legislation or the director or deputy director.

Creation of a list of experts and counsellors

ARTICLE 19- (1) A list of experts such as psychologists, pedagogues, social workers, child development specialists and counsellors working in public institutions and organisations shall be formed by the governorships upon request of the directorate through the chief public prosecutor's office for execution of the judgments or injunctions on

child handover or establishment of personal relationship with the child. If the number of experts is not sufficient, counsellors shall also be included in the list.

CHAPTER FIVE

Provision of Handover Venues and Other Needs

Handover venues

ARTICLE 20- (1) The procedures regarding handover of the child and execution of the judgement or injunctions on establishment of personal relationship with the child shall be carried out in the handover venues determined by the directorate.

(2) In determining the handover venues, care shall be taken to select places suitable for the physical and mental development of the child in accordance with the best interests of the child.

(3) In order to prevent incidents that may occur in the handover venues and their immediate surroundings during fulfilment of the procedures regarding handover of the child and establishment of personal relationship, necessary measures shall be taken by law enforcement officers if the handover venue is not safe or sufficient.

Creation of Handover Venues

ARTICLE 21- (1) Upon request of the Directorate through the Chief Public Prosecutor's Office, a sufficient number of handover venues shall be determined or if not available, created by the governorships or municipalities, depending on their interest, from public institutions and organisations and municipalities in provinces and districts suitable for child handover.

General Standards of Handover Venues

ARTICLE 22- (1) The following general standards shall be ensured in the handover venues as far as possible:

a) Determining or establishing such venues in appropriate areas of the residential area in terms of easy access and safety of children, right holders and liable persons.

b) In an easily accessible part of the building, a separate door entrance shall be provided to allow access and card access for disabled people.

c) Each room shall be at least twenty-four square metres in size, bright and spacious.

d) Providing materials such as toys, colouring kits, paper and pencils, story books, etc. that will help the child spend quality time.

e) Providing the necessary technical equipment to monitor the handover venue with a security camera system to record the handover process.

(2) In addition to the general standards specified in the first paragraph, other standards determined by the Ministry shall also be complied with.

Provision of a vehicle

ARTICLE 23- (1) Upon request of the directorate through the chief public prosecutor's office, governorships and municipalities shall allocate vehicles to be used in execution of judgements or injunctions regarding child handover or establishment of personal relationship with the child.

(2) The allocated vehicle shall be kept ready for use by the institution or municipality where it is provided. In addition, a driver shall be assigned by covering expenses such as fuel and maintenance.

Support from Public Institutions

ARTICLE 24- (1) Public institutions and organisations and municipalities shall be obliged to provide all kinds of support to the Directorate in determination, creation, furnishing, security, heating, cleaning of handover venues and provision of handover services.

(2) The Directorate shall request the relevant public institutions and organisations or municipalities in writing through the Office of the Chief Public Prosecutor to provide the necessary support mentioned in the first paragraph.

CHAPTER SIX

Child Handover

The process of execution of judgements or injunctions

ARTICLE 25- (1) If the judgement or injunction regarding handover of the child is not executed by the liable person with his/her consent, the right holder may apply to the directorate for execution of the judgement or injunction. During the application, it is obligatory to submit the judgement or injunction regarding child handover to the directorate.

(2) During the application, the right holder shall inform the directorate of the means of communication through which he/she can be contacted by the directorate, and this issue shall be recorded.

(3) After confirmation of the submitted judgement or injunction by the directorate, the directorate shall contact the liable person by all means of communication. The directorate shall immediately notify the liable person to bring the child to the designated place to be delivered to the right holder on the specified day and time, and the fact that this notification was made or that the liable person could not be contacted shall be recorded.

(4) In determining the day, time and venue of handover, the best interests of the child shall be taken into consideration and the opinion of the parties shall be taken into account as far as possible.

(5) If the liable person cannot be contacted or if the liable person declares that he/she will not bring the child or if the liable person does not bring the child to the designated place, the directorate shall immediately notify the liable person of the handover order for handover of the child.

(6) If the right holder or the liable person is convicted or detained in the penitentiary institution, the procedures shall be carried out through the penitentiary institution.

(7) In the case that the right holder applies to a directorate other than the child's place of residence for execution of the judgement or injunction, this directorate shall request submission of the judgement or injunction that is the basis of the application. The address and contact information of the right holder and, if known, the last address and contact information of the liable person shall be requested and this matter shall be recorded. The submitted judgement or injunction and the report shall be attached to the file and immediately sent to the directorate of the child's place of residence.

Matters to be Included in the Handover Order

ARTICLE 26- (1) The issues to be included in the handover order sent to the liable person are as follows:

a) On the day and time determined by the Directorate, the child should be brought to the place specified in the order.

b) If he/she has a justified excuse that prevents him/her from bringing the child to the place specified in the order, he/she should notify the directorate before the handover day and request that the child be taken by the directorate.

c) If he/she does not bring the child or does not request the child to be taken by the directorate due to a justified excuse, the child will be taken by an expert or counsellor, if necessary with the help of law enforcement and by force.

d) Failure to comply with the order shall be punishable by disciplinary confinement.

e) Against the works and procedures carried out by the directorate, within one week from the date of learning or notification, a complaint can be filed to the family court where the directorate that carried out the procedure is located.

Child Handover

ARTICLE 27- (1) The child brought by the liable person to the place determined by the Directorate shall be delivered to the right holder.

(2) If the liable person fails to comply with the order, the expert or counsellor in charge shall go to the address where the child is located and deliver the child to the right holder.

(3) In the event that the right holder is put in the penitentiary institution as a convict or detainee after the court has issued a judgement or injunction on handover of the child, the child shall be delivered to the person specified in the decision to be delivered to the right holder if a new decision is issued by the court upon request.

(4) In order to prevent situations that may traumatise the child, if necessary, the relevant expert or counsellor shall interview the right holder, the liable person and the child before the handover process.

(5) The directorate shall keep a record of the issues such as handover of the child, not being able to reach the child and the liable person not fulfilling the requirements of the order.

Retrieval of the child by the directorate due to a justified excuse

ARTICLE 28- (1) If the liable person requests that the child be taken by the directorate on the grounds that he/she has a justified excuse, the relevant information and documents related to the excuse, if any, shall be forwarded to the directorate.

(2) If it is understood by the Directorate that the excuse is justified in accordance with the best interests of the child, the child shall be taken from the liable person and delivered to the right holder with the right holder present when necessary. If it is understood by the Directorate that the excuse is justified, in accordance with the best interests of the child, the child shall be taken from the liable person and delivered to the right holder.

The liable person retaking the child without a justified ground

ARTICLE 29- (1) After the child is delivered to the right holder, if the liable person takes the child again without a justified ground, the child shall be taken by the directorate wherever the child is found and delivered to the right holder without the need for a new judgment or contact with the liable person or notification of a handover order.

Execution of the judgment or injunction without a handover order

ARTICLE 30- (1) During execution of judgments or injunctions regarding handover of the child, in the event of situations contrary to the best interests of the child such as possibility of abduction, the child shall be taken by the directorate and delivered to the right holder without the need to contact the liable person or to serve a handover order.

(2) In cases where action is taken pursuant to the first paragraph, the justification for this action shall be recorded by the relevant expert or counsellor.

Assistance from Law Enforcement Units

ARTICLE 31- (1) If necessary, assistance may be requested from the law enforcement in the procedures regarding execution of judgements or injunctions regarding handover of children. Law enforcement units shall immediately fulfil the requests in this regard, including the use of force.

CHAPTER SEVEN

Establishment of Personal Relationship with the Child

The Process of Execution of Judgements or Injunctions

ARTICLE 32- (1) If the judgement or injunction regarding establishment of personal relationship with the child is not executed by the liable person with his/her consent, the right holder may apply to the directorate for execution of the judgement or injunction. During the application, it is obligatory that the judgement or injunction regarding establishment of personal relationship be submitted to the directorate.

(2) During the application, the right holder shall inform the directorate of the means of communication through which he/she can be contacted by the directorate and this issue shall be recorded.

(3) After confirmation of the submitted judgment or injunction by the directorate, the directorate shall contact the liable person through all means of communication and give information about importance of establishing and maintaining a regular personal relationship between the parties and the child and the positive effect on healthy development of the child.

(4) The liable person shall be notified immediately to bring the child to the place determined by the directorate to be delivered to the right holder on the day and time specified in the judgement or injunction or, if not specified, on the day and time determined by the directorate and the fact that this notification has been made or that the liable person cannot be contacted shall be recorded.

(5) If the liable person cannot be contacted or if the liable person declares that he/she will not bring the child or if the liable person does not bring the child to the designated place, the directorate shall immediately notify the liable person of a handover order regarding establishment of personal relationship with the child.

(6) If the right holder or the liable person is convicted or detained in a penitentiary institution, the procedures shall be carried out through the penitentiary institution.

(7) In case the right holder applies to a directorate other than the child's place of residence for execution of the judgement or injunction, this directorate shall request submission of the judgement or injunction that is the basis of the application. The address and contact information of the right holder and the last address and contact information of the liable person, if known, shall be requested to be notified and this matter shall be recorded. The submitted judgement or injunction and the report shall be attached to the file and immediately sent to the directorate of the child's place of residence.

Matters to be Included in the Handover Order

ARTICLE 33- (1) The issues to be included in the handover order sent to the liable person are as follows:

a) The obligation to bring the child to the place specified in the order on the day and time specified in the judgement or cautionary decision, or if the day and time is not specified, on the day and time determined by the directorate.

b) If he/she has a justified excuse that prevents him/her from bringing the child to the place specified in the order, he/she should notify the directorate before the delivery day and request that the child be taken by the directorate.

c) In the period after notification of the order within the scope of the judgement or injunction, the obligation in subparagraphs (a) and (b) shall continue, and no new order shall be issued for this purpose.

d) Failure to comply with the order shall be punishable by disciplinary confinement.

e) In case of change of residence or contact information, the new address or contact information must be notified to the directorate immediately.

f) A complaint can be filed against the works and procedures carried out by the directorate within one week from the date of learning or notification to the family court where the directorate that carried out the procedure is located.

Handover of the Child

ARTICLE 34- (1) The child brought to the place determined by the Directorate shall be handed over to the right holder.

(2) In the event that the right holder has been put in the penitentiary institution as a convict or detainee after the court has issued a judgement or injunction on establishment of personal relationship, the child shall be delivered to the person specified in the court decision so that the personal relationship can be established in the penitentiary institution upon decision of the court in this regard.

(3) The right holder shall be notified with a record of the fact that he/she is obliged to bring the child to the designated place at the end of the period specified in the judgment or injunction, that if he/she does not bring the child or brings the child late, except for reasonable grounds not caused by him/her, he/she shall be punished with disciplinary confinement and a criminal complaint shall be filed against him/her.

(4) If right holder does not bring the child to the place determined by the directorate, a criminal complaint shall be filed against the right holder by the directorate and the liable person shall be informed about the subsequent process.

Failure to deliver the child to the liable person after establishment of personal relationship

ARTICLE 35- (1) If it is not possible to deliver the child brought to the venue of handover after establishment of personal relationship by the right holder to the liable person or to the person designated by the liable person, the child shall be left with the right holder.

(2) If it is not possible to leave the child with the right holder in accordance with the first paragraph, measures for temporary accommodation of the child shall be taken by the provincial directorate of family and social services upon request of the directorate.

(3) All procedures to be conducted within the scope of this article shall be recorded.

Retrieval of the Child by the Directorate due to a Justified Excuse

ARTICLE 36- (1) If the liable person requests that the child be taken by the directorate on the grounds that he/she has a justified excuse, the relevant information and documents related to the excuse, if any, shall be forwarded to the directorate.

(2) If it is understood by the directorate that the excuse is justified in accordance with the best interests of the child, the child shall be taken from the liable person and delivered to the right holder, with the right holder present when necessary.

Notification Obligation of the Right Holder

ARTICLE 37- (1) In the period following notification of the order to the liable person, the right holder must notify the directorate in writing, electronically or through the communication channel declared at the application stage that he/she will come to pick up the child at least forty-eight hours before the handover time.

(2) In cases where the right holder does not notify or states that he/she cannot come, the right holder shall be notified of this issue and the fact that there is no obligation to bring the child to the place specified in the order. The right holder shall be expected to contact the directorate again.

(3) If the right holder contacts the directorate again and informs that he/she will come to collect the child, the liable person shall be contacted again. The liable person shall be asked to bring the child to the designated handover venue in accordance with the meeting schedule in the judgement or injunction on establishment of personal relationship with the child.

(4) All of these procedures shall be recorded.

Establishment of Personal Relationship in the Presence of Third Parties

ARTICLE 38- (1) In the event that the court has decided on this matter in accordance with the best interests of the child, the personal relationship shall be established in the presence of a third person.

(2) If the court has decided that the personal relationship shall be established in the presence of experts or counsellors, the personal relationship shall be established in the handover venue determined by the directorate in the presence of these persons.

(3) During the process of personal relationship with the child in the handover venue, professional interventions shall be made by the expert or counsellor, if necessary, and a report containing observations and findings shall be issued.

(4) The report drawn up by the expert or counsellor pursuant to the third paragraph shall be submitted to the family court that has made the decision on personal relationship, if the best interests of the child so require.

Actions to be taken if the child refuses to be interviewed

ARTICLE 39- (1) In the case that the child refuses to meet with the right holder during the process of establishment of personal relationship, the expert or counsellor shall first conduct separate interviews with the child and the parties in order to ensure that the right holder and the child can meet. If the child refuses to meet despite this, this situation shall be recorded in detail with the reasons.

(2) A plan shall be prepared by the expert or counsellor to conduct interviews with the child, the right holder and the liable person in order to identify the problems that cause the child not to accept the interview and to develop solutions for these problems. The right holder and the liable person shall be notified of the plan prepared.

(3) In accordance with the prepared plan, the expert or counsellor shall conduct interviews with the child, the right holder and the liable person until the next date of personal contact at the latest. However, this period shall not exceed fifteen days.

(4) In this process, the parties shall be reminded of their responsibilities in terms of the healthy development of the child and studies shall be carried out to improve the communication skills of the child and the parties. Necessary professional interventions shall be made by the expert or counsellor in order for the personal relationship between the child and the right holder to be realised appropriately in the following period.

(5) As a result of the observations and determinations made by the expert or counsellor, the recommendations about the child, right holder or liable person shall be included in the evaluation report prepared in accordance with the best interests of the child.

(6) All of these procedures shall be recorded.

Granting an Injunction on Counselling

ARTICLE 40- (1) In order to ensure that the procedures for establishment of personal relationship with the child are carried out in a way that protects the best interests of the child, the family court may decide to apply counselling measures on the child, the right holder or the liable person upon proposal of the directorate.

(2) If it is determined that the child, the right holder or the liable person needs counselling services during execution of the decisions on establishment of personal relationship with the child, the relevant expert or counsellor shall notify the directorate by recording this situation.

(3) The Directorate shall request the family court to apply counselling measures against the liable person in the first breach of the handover order.

Actions to be taken in case of Change of the Authorised Directorate

ARTICLE 41- (1) In the event that the child's place of residence changes so as to remain within the jurisdiction of another directorate, the file shall be sent to the relevant directorate ex officio by the directorate.

(2) The directorate where the file is received shall continue the procedures from where it left off and notify the liable person of only the new venue where the handover will take place within the scope of the handover order in the file.

(3) The right holder shall be notified of the change of handover venue by the directorate through all kinds of communication means and this issue shall be recorded.

Cancellation of the File

ARTICLE 42- (1) In the period following notification of the handover order to the liable person, if the right holder notifies the directorate that he/she will come to collect the child at least forty-eight hours before the handover time but does not come twice in a row or three times in a year without a justifiable excuse, the director shall decide to cancel the file and the handover order shall become null and void upon notification of the relevant expert or counsellor. The right holder and the liable person shall be notified of this decision.

(2) In the period following notification of the handover order, if the liable person duly fulfils the requirements of the order for at least one year and undertakes to act in accordance with the court decision on establishment of personal relationship in the following period, the director may decide to cancel the file and render the handover order null and void by taking the opinion of the relevant expert or counsellor who carried out the last handover process. The right holder and the liable person shall be notified of this decision. If the liable person does not fulfil this commitment, upon request of the right holder, the right holder shall be notified of the handover order directly.

(3) In the case that the right holder requests the directorate to cancel the file at any time after the file is opened, the directorate shall decide to cancel the file and render the handover order null and void. The right holder and the liable person shall be notified of this decision.

CHAPTER EIGHT Complaint and Objection

Complaint

ARTICLE 43- (1) A complaint can be filed within one week from the date of learning or notification against the actions taken and decisions made by the directorate regarding execution of the judgement or injunction on child handover and establishment of personal relationship with the child.

The Competent and Authorised Court for the Complaint

ARTICLE 44- (1) The competent and authorised court for the complaint is the family court in the place where the directorate that has carried out the procedure regarding execution of the judgement or injunction on child handover and establishment of personal relationship with the child is located.

Action to be taken by the Court upon Complaint

ARTICLE 45- (1) Upon complaint, the court may suspend execution of the procedures and shall decide immediately on the file or, if necessary, by hearing the persons concerned.

Objection

ARTICLE 46- (1) An objection may be lodged against the decision rendered on the complaint to the court that rendered the decision on the complaint within one week from the date of notification.

The Authority to Examine the Objection

ARTICLE 47- (1) In the case that there is more than one chamber of family court, the file shall be sent by the court that rendered the decision to the chamber that follows it in terms of the number, to the first chamber for the last numbered chamber, to the civil court of first instance in the case that there is only one chamber of the family court in that place and to the nearest family court or civil court of first instance in the case that the judge of the family court and the judge of the civil court of first instance are the same.

Assessment of the Objection

ARTICLE 48- (1) The authority in charge of the objection shall render its decision within one week.

(2) If the authority deems the objection justified, it shall decide on the merits of the matter..

(3) The decision rendered upon objection shall be final.

Complaint Alleging that the Personal Relationship was Consensual

ARTICLE 49- (1) The liable person who claims that he/she has voluntarily executed the judgment or injunction on establishment of personal relationship with the child may claim that information given and notification made pursuant to the third and fourth paragraphs of article 32 and the handover order sent pursuant to the fifth paragraph of the same article are unjustified through a complaint made within the time limit.

CHAPTER NINE

Sanctions

Opposition to the execution of judgements or injunctions

ARTICLE 50- (1) Those who act contrary to the handover order regarding execution of the judgment or injunction on handover of children or those who prevent execution of the order shall be punished with disciplinary confinement for up to three months upon a complaint to be filed within one month even if the act constitutes an offence.

(2) Those who act contrary to the handover order regarding execution of the judgment or injunctions on establishment of personal relationship with the child and those who prevent fulfilment of the order shall be punished with disciplinary confinement from three days to ten days upon a complaint to be made within one month.

(3) If the right holder to whom the child has been delivered for establishment of personal relationship fails to bring the child to the designated place at the end of the period specified in the judgment or injunction, he/she shall be punished with disciplinary confinement for up to three months upon a complaint to be filed within one month even if the act constitutes an offence.

(4) Within the scope of the above-mentioned paragraphs, the competent and authorised court to hear the complaint shall be the family court where the directorate that carried out the procedure is located.

(5) An invitation notifying about the date and time of the hearing shall be sent to the complainee together with the complaint petition. In the invitation, it is warned that he/she must submit his/her defence and evidence until the day of the hearing and if he/she fails to attend the hearing, the proceedings shall be continued in his/her absence and a decision shall be made.

(6) The court shall take the defence of the complainee who comes to the hearing by reminding the complainee of his/her rights specified in Article 147 of the Criminal Procedure Law No. 5271 dated 4/12/2004 and numbered 5271; conduct the necessary research; evaluate the evidence in the file; if it finds that the complainee has acted contrary to the handover order or has prevented the fulfilment of the order or has not brought the child to the designated place at the end of the period, it shall decide to punish him/her with disciplinary confinement, otherwise it shall decide to reject the complaint.

Execution of the Disciplinary Confinement Order

ARTICLE 51- (1) Decisions on punishment by disciplinary confinement shall be executed by the Chief Public Prosecutor's Office following their finalisation. These decisions shall not be executed after two years from the date of finalisation.

(2) If the complaint is withdrawn or if the child is handed over to the person entitled to custody in accordance with the first and third paragraphs of article 50, the case and the penalty with all its consequences shall be dropped.

Objection to Disciplinary Confinement Order

ARTICLE 52- (1) Objection can be raised in line with article 46 against the judgments rendered by the family court under article 50.

Removal of Content or Blocking of Access

ARTICLE 53- (1) Within the scope of child handover and establishment of personal relationship with the child, those concerned who claim that their personal rights have been violated due to publication on the internet of the audio or video recorded during handover of the child from the liable person or the right holder by the expert or counsellor to the other party may request removal of the content or blocking of access in accordance with article 9 of the Law No. 5651 dated 4/5/2007 on Regulation of the Broadcast on the Internet and Combating Crimes Committed through These Broadcasts.

CHAPTER TEN

Miscellaneous and Final Provisions

Judgments or Injunctions Issued by Regional Courts of Justice

ARTICLE 54- (1) Judgments or injunctions issued by the regional courts of justice regarding child handover or establishment of personal relationship with the child shall also be executed in accordance with the provisions of this Regulation.

Execution of Judgements on Return of the Child or Establishment of Personal Relationship

ARTICLE 55- (1) Pursuant to article 18 of the Law on the Legal Aspects and Scope of International Child Abduction No. 5717 dated 22/11/2007 and numbered 5717, the judgements regarding the return of the child or

establishment of personal relationship for children who have not completed the age of sixteen shall be executed in accordance with the provisions of this Regulation without contacting the liable person and without serving the handover order.

Division of Labour

ARTICLE 56- (1) The division of labour for the deputy director, experts, counsellors and other personnel assigned for execution of the judgment or injunctions regarding handover of the child or establishment of personal relationship with the child shall be undertaken by the director.

Distribution

ARTICLE 57- (1) The files related to execution of the judgements or injunctions regarding child handover or establishment of personal relationship with the child shall automatically be distributed to the experts and counsellors by the director in the electronic environment in line with the UYAP distribution criteria. In exceptional cases, the distribution process can be carried out by the director in order to ensure a fair distribution of work by stating the justification.

Provisional File

ARTICLE 58- (1) When the handover file is sent to another authority for any reason, a temporary file shall be organised to replace this file.

(2) A legible copy of all the documents in the original submission file and approved by the manager shall feature in the provisional file.

Use of UYAP

ARTICLE 59- (1) The Ministry's General Directorate of Information Processing shall create UYAP screens in order to record the services provided by the directorate within the scope of this Regulation in a way to enable statistical data retrieval and to ensure the workflow in the electronic environment.

(2) In the directorate the facilities provided by UYAP shall be utilised by using secure electronic signature regarding all types of data, information and document flow and documentation procedures with regards to execution of the judgments and injunctions on child handover or establishment of personal relationship with the child and all types of recording, filing, storage and archiving procedures concerning them. Documents created with secure electronic signature shall not be sent physically.

(3) In order to confirm the judgement or injunction submitted pursuant to the first paragraph of article 25 and the first paragraph of article 32, if necessary, the directorate shall send a review request to the relevant court screen via UYAP. Upon approval of the examination by the court, the directorate shall confirm the relevant judgement or injunction decision on UYAP.

(4) UYAP users shall be obliged to check the work lists on a daily basis to fulfil the requirements of the procedures, to compile and evaluate the data and information in the areas needed and to enter the information on the basis of production of the necessary judicial statistics into the UYAP environment accurately, completely and on time in accordance with the principles of reliability, consistency and timeliness.

(5) In cases where it is necessary to extract a physical copy from the electronic environment to be given to other persons, institutions or organisations, the report or document shall be signed and if necessary sealed by the personnel in charge by writing the name, surname, title and registration number indicating that it is the same as the original.

(6) Documents received by the Directorate other than electronic media shall be scanned and transferred to electronic media and recorded in UYAP. Documents received from institutions and organisations other than electronic media and other documents that need to be kept physically shall also be kept in special cartons.

(7) Documents or reports prepared physically due to technical reasons shall be transferred to electronic media immediately after the obstacle is removed, signed by authorised persons with secure electronic signature, saved in UYAP and transmitted to the relevant units via UYAP when necessary. The originals of the documents and decisions transferred to electronic media and transmitted to the relevant units in this way shall be kept at the scene and shall not be sent physically. However, cases where it is mandatory to examine the original document or decision shall be reserved. Documents that cannot be transferred to electronic media shall be kept in physical media and sent physically when necessary.

(8) In the recording and sharing of personal data, all necessary measures shall be taken to prevent unauthorised acquisition or unlawful use of such data.

Training

ARTICLE 60- (1) Trainings shall be organised in cooperation with the Head of Department, the Training Department of the Ministry and other relevant institutions for the director, deputy director, the chief clerk, specialist, counsellor and other personnel assigned to carry out all works and procedures related to child handover or establishment of personal relationship with the child.

(2) In accordance with article 19, trainings may be organised in cooperation with the Head of Department, the Training Department of the Ministry and the relevant institutions for the experts and counsellors included in the lists established in accordance with article 19.

(3) In the training activities, the materials created by the Head of Department shall also be utilised. While preparing these training materials, the needs and opinions of the personnel shall also be taken into consideration.

Cooperation

ARTICLE 61- (1) The Head of Department may develop joint programmes with municipalities, other public institutions and organisations for effective execution of judgements or injunctions regarding child handover or establishment of personal relationship with the child.

(2) The Head of Department and universities may cooperate to develop joint programmes and projects and to organise training programmes such as certificates and master's degrees in order to contribute to raising awareness on child handover and establishment of personal relationship with children. Scientific research to be conducted by universities on child handover and establishment of personal relationship with the child shall be supported by the Head of Department within the scope of the provisions of the relevant legislation.

(3) The Head of Department may co-operate with the Union of Turkish Bar Associations and bar associations in order to raise awareness on child handover and establishment of personal relationship with the child.

Supervision and Control

ARTICLE 62- (1) The Directorate shall carry out all works and procedures regarding child handover and establishment of personal relationship with the child under the supervision and control of the chief public prosecutor's office. These works and procedures shall also be subject to supervision of justice inspectors.

Covering the Expenses

ARTICLE 63- (1) The procedures to be carried out regarding execution of the judgements or injunctions regarding handover of the child and establishment of personal relationship with the child shall be exempt from all fees to be collected in accordance with the Law on Fees dated 2/7/1964 and numbered 492 and other laws. In addition, all expenses to be incurred for execution of these works and procedures shall be covered from the budget of the Ministry of Justice, except for attorney fees.

(2) Experts and counsellors who are assigned to carry out the procedures related to handover of children and execution of judgements or injunctions regarding handover of children and establishment of personal relationship with the child on weekends and public holidays shall be paid an amount to be found as a result of multiplication of the indicator figure (500) by the coefficient applied to civil servant salaries for each handover procedure they actually work in this context, and other people assigned shall be paid an amount to be found as a result of multiplication of the indicator figure (500) by the coefficient applied to civil servant salaries for each day they work in this context. Within this framework, the amount of payment to be made to specialists and counsellors in a month cannot exceed the amount to be found as a result of the multiplication of the indicator figure (10000) and for other personnel assigned the indicator figure (5000) by the coefficient applied to civil servant salaries. This payment shall not be subject to any tax or deduction except stamp tax. All the assigned personnel shall benefit from the payments to be made pursuant to this paragraph, regardless of whether they are permanent or contracted. The procedures and principles regarding implementation of this paragraph shall be determined by the Ministry.

Monitoring and Evaluation of the Service

ARTICLE 64- (1) Request-complaint boxes and a sufficient number of feedback forms shall be made available in the directorates and handover centres in order to receive feedback from the beneficiaries of the services provided or their families.

(2) Service users or their families shall be informed about the feedback forms and encouraged to fill them in. In the case that the feedback is given verbally, the persons concerned are illiterate or have any other disability, the employee may fill in the form himself/herself by indicating this situation.

(3) The Directorate shall collect the problems experienced in the provision of the service, suggestions for solutions and examples of good practices and send them to the Head of Department, taking into account the opinions of the staff and the evaluations in the feedback forms.

Statistics and Reporting

ARTICLE 65- (1) The Directorates shall carefully keep statistics on all works and procedures related to child handover and establishment of personal relationship with the child. In addition to the beneficiaries of these services, feedbacks received from the persons involved in this process and other institutions shall be collected.

(2) Statistical data requests made by the Head of Department in order to provide more effective and holistic services regarding child handover and establishment of personal relationship with the child shall be met by other public institutions and organisations providing services in this field.

(3) Statistical data and feedback collected shall be reported by the directorate and submitted to the Head of Department in January every year.

Implementation Guide

ARTICLE 66- (1) Sample forms for handover orders, minutes and other documents to be prepared within the scope of this Regulation shall be shown in the implementation guide to be issued by the Head of Department.

Miscellaneous Provisions

PROVISIONAL ARTICLE 1- (1) Implementation of this Regulation shall start in the provinces or districts determined by the Ministry. The time when this Regulation will be implemented in which province or district shall be announced on the official website of the Ministry.

(2) Except for the provinces and districts announced by the Ministry on its official website, the procedures regarding execution of the judgements or injunctions regarding handover of the child and establishment of personal relationship with the child shall continue to be carried out by the enforcement offices in accordance with the abrogated articles 25, 25/a and 25/b of the Execution and Bankruptcy Law dated 9/6/1932 and numbered 2004.

(3) From the date of entry into force of the Law No. 7343 dated 24/11/2021 and numbered 7343 on the Amendment of the Enforcement and Bankruptcy Law and Certain Laws, the proceedings to be carried out before the enforcement offices for execution of the judgements or injunctions regarding handover of the child or establishment of a personal relationship with the child shall be exempt from all fees to be collected in accordance with Law No. 492 and other laws. All expenses to be incurred for these works and procedures except for attorney fees shall be covered from the budget of the Ministry of Justice.

(4) This Regulation shall be implemented throughout the country at the end of one year at the latest as of the date of entry into force of this Regulation.

Effectiveness

ARTICLE 67- (1) This regulation shall be effective as of the date of publication.

Execution

ARTICLE 68- (1) Provisions of this Regulation shall be executed by the Minister of Justice.