



Removal and Relocation

Wrongful and Righteous

Mechanisms in an EU member state


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Outline

- *Existing legal framework*
- *Breaking and abiding the law*
- *Future hopes*



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Legal environment

Bilateral treaties and other regulations

- *ECJ (Grand Chamber) Opinion 1/13 14.10.2014*
- *Exclusive EU competence (TFEU 3. and 81.)*
- *Decree no. 38 of 1958 between the USSR and Hungary*



Laws in Hungary

- *Civil Code: Act V of 2013*
- *Law favours joint-custody (co-parenting) in theory*
- *Practically depends on the parents' say*



More laws in Hungary

- *Determining the location of child*
- *Essential even for parents without custodian rights*
- *Parents urged to look for amicable ways*



Breaking the law → removal

- *Wrongful removal shall not stand*
- *Applicants to seek help of Central Authority (CA to aid applicant)*
- *Applicants to seek for the summary return of child*
- *CA to forward application to target country's CA under the 80 Hague*
- *Hoping for return*



Abiding the law → relocation

- *Proceeding to issue by applicant*
- *Environmental check*
- *Schooling resolved*
- *Income ensured*
- *Authority decision to substitute other parent's consent*

IS THIS ENOUGH?



Relocation dilemmas

- *Proceeding formal or not?*
- *Deepness of investigation?*
- *Balance between parents' interests*
- *Relocation: yes!*
- *Re-aligning visitation: no?*



Prospects of the regulation

- *Cross-border mediation*
- *Visibility of laws*
- *Inevitability of repercussions*
- *Hungary welcomes Russia as signatory state to the 80 Hague Convention*



Thank you for your attention!

„It is co-operation that will redeem mankind”

Bertrand Russell

(and Simon Pegg as Shaun from the Shaun of the Dead movie)

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