



Quiz

International Child Abduction: The Hague Convention

1. Who may not commence an application in Hague proceedings?
 - a. The Attorney-General's Department
 - b. The left-behind parent
 - c. The Australian Federal Police
 - d. The NSW Department of Family and Community Services

2. A threshold condition that must be established in a Hague proceeding is:
 - a. The habitual residence of the child
 - b. The left-behind parent's rights of custody
 - c. The application has been made before 12 months from the date of the child's wrongful removal or retention
 - d. All of the above

3. Which of the following defences under reg 16(3) of the *Family Law (Child Abduction Convention) Regulations 1986* (Cth) has been the least successfully argued in Australia?
 - a. The parent seeking the return of the child was not actually exercising rights of custody when the child was removed to, or retained in, Australia, and they would not have been exercising those rights if the child had not been wrongfully removed or retained

- b. The return of the child would not be permitted by the fundamental principles of Australia relating to the protection of human rights and fundamental freedoms
 - c. The child objects to being returned, where the child's objection shows a strength of feeling beyond the mere expression of a preference or ordinary wishes, and the child is of an age and has a degree of maturity such that it is appropriate to take his or her views into account
 - d. The left-behind parent had consented, or subsequently acquiesced, to the child being removed to, or retained in, Australia
- 4. Which of the following statements is false in relation to habitual residence?
 - a. The relevant timing for determining habitual residence is at the time of the child's wrongful removal or retention
 - b. It is the habitual residence of the child that must be determined.
 - c. Settled purpose or settled intention for the purposes of habitual residence does not necessarily equate to a person's intention to live in a particular place permanently or indefinitely
 - d. Just as a place of habitual residence can be abandoned within a day, a place of habitual residence can also be acquired within a day
- 5. The left-behind parent's consent or acquiescence to the child's removal or retention must be:
 - a. Real or actual (that is, given with knowledge as to what the parent is consenting or acquiescing to) and unambiguous
 - b. Can be inferred from conduct
 - c. If withdrawn – withdrawn in a timely and clear manner
 - d. All of the above

Answers:

1. C 2. D 3. B 4. D 5. D