

MAKING THE HAGUE CASE

PETITIONER'S CASE Applicant	RESPONDENT'S CASE Taking parent in U.S.
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<p>WRONGFUL REMOVAL:</p> <p><i>Burden of Proof: preponderance of evidence</i></p> <ul style="list-style-type: none"> • Child less than 16 • Habitual Residence in requesting country • Custody Rights in requesting country • Actually exercising custody rights at time of removal 	<p>RESPONSE TO WRONGFUL REMOVAL:</p> <ul style="list-style-type: none"> • Child older than 16 • Not habitual residence • No custody rights • Not actually exercising rights
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<p>RESPONSE TO DEFENSES:</p> <ul style="list-style-type: none"> • Not well-settled • No acquiescence • Not sufficient objection/child not mature enough • No grave risk/intolerable situation • No violation of human rights or fundamental freedoms 	<p>DEFENSES (exceptions):</p> <p><i>Burden of Proof: Preponderance of the Evidence:</i></p> <ul style="list-style-type: none"> • More than 1 year: well-settled • Acquiescence • Child objects/of sufficient age and maturity <p><i>Burden of Proof: Clear and Convincing</i></p> <ul style="list-style-type: none"> • Art. 13(b): Grave risk/intolerable situation • Art. 20: violates fundamental principles of human rights and/or fundamental freedoms
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