



## Tips on completing a Hague Convention application for access to a child who lives overseas

The information below should help you complete each section of the application form for access to a child under the Hague Convention.

### Requesting Central Authority or Applicant

Insert 'Australia.'

### Requested Authority

Insert the name of the Convention country where child is living.

### Part IV - Circumstances relating to the prevention of exercise of rights of access

Briefly explain why you have not been able to have access to the child. Detailed information should go in your affidavit accompanying your application. Some questions to consider include the following:

- Have you attempted to obtain access with the child in the past?
- What response was given to your previous requests for access?
- What difficulties have you encountered in organising or exercising access?

### Part V- Factual or legal grounds justifying the request

Include brief information on the following matters (more detailed information should be included in an affidavit accompanying your application):

#### Legal grounds

State the legal basis for your access request. For example, do you have an access order from a court? Do you have a legal agreement for access? Attach a copy of any relevant court orders or other documents.

## **Legal proceedings**

Have there been legal proceedings in the past relating to parental responsibility, custody or access? If so, briefly describe what happened and attach a copy of any court order or agreement concerning custody or access to the child.

## **History of relationship**

Give a brief description of the relationship between the child's parents. If the parents separated, briefly describe the circumstances. If the other parent has prevented your access with the child, describe the circumstances.

## **Part VI - Civil proceedings in progress**

Include information on any court proceedings in progress in Australia or overseas.

## **Part VII- Proposed arrangements for access**

Describe the specific arrangements for access you are seeking, such as:

- whether you wish the child to travel to Australia for access, including when this could occur and for how long;
- whether you will travel to the Convention country for access, including when this could occur and for how long;
- whether you wish to have access by telephone, letter, e-mail, internet or other means, including how regularly you are seeking access and what time access is proposed. In the event facilities are required such as Skype, are you prepared to pay for these facilities to be purchased and installed; and
- Indicate whether you have funds to pay return airfares for the child to visit you (and a companion if the child is too young to travel alone), or whether you are seeking that the other parent pay those costs or that they be shared between you.

## **Information to include in an affidavit with your application**

More detailed information to support your application should be included in an affidavit. In your affidavit, you can expand on the information in your application and provide more detail about the background of your situation.

Some issues you may want to include information about include the following:

## **Your relationship with the person who has the child**

Provide some background detail on your relationship with the person who has the child. If you were in a relationship in the past, detail when it started and ended, and whether there were any issues in the relationship.

Describe the circumstances of your separation, and the arrangements for the child (for example, when did you and the child start living in different countries, and was there any agreement at that time about your access to the child after the move?).

## **More detailed information about the breach of your rights of access**

Include detailed information about your attempts to have access to the child, and why these have been unsuccessful. If you previously had access, what has changed that means you no longer have access? If the person who has custody of the child has actively prevented you from having access to the child, you should explain how they have done that.

## **Note**

This information is intended as a guide only. If you would like specific advice about what you should include in your application or affidavit, you should seek legal advice.

International Social Service Australia can provide free legal advice for applicants making access applications, and can assist you with the application. You can contact International Social Service Australia on 1300 657 843 or visit [www.iss.org.au](http://www.iss.org.au).

If you would like to contact a private lawyer for assistance, the following websites may assist you to locate a lawyer, community legal centre, or legal aid commission:

- <https://www.familylawsection.org.au/links>
- [http://www.naclc.org.au/need\\_legal\\_help.php](http://www.naclc.org.au/need_legal_help.php)
- <http://www.nationallegalaid.org/>

The Family Relationships Advice Line may also be able to refer you to a suitable service, and can be contacted on 1800 050 321.