



MEMORANDUM

TO: All Executive Directors

FROM: James J. Sandman, LSC President

SUBJECT: Communication to All Grantees Regarding Hague Convention Cases

DATE: November 30, 2011

Recently I had the opportunity to meet with the Deputy Assistant Secretary of State for Overseas Citizens Services, James D. Pettit, and other U.S. Department of State officials to discuss how LSC grantees might assist in cases brought in the United States pursuant to the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention). The Hague Convention is a multilateral treaty that provides a judicial structure to compel the return of a child abducted from one member nation to another. **LSC grantees have the statutory¹ and regulatory² authority to represent eligible foreign nationals in Hague Convention cases brought in United States courts. This includes foreign nationals residing abroad.**

This meeting followed a panel discussion at the April LSC Board meeting at which Texas Rio Grande Legal Aid (TRLA) attorney Pamela Brown described TRLA's experience litigating Hague Convention cases, some of which were referred to TRLA by the State Department. Also on that panel was Maha Jweied, Senior Counsel in the Department of Justice's Access to Justice Initiative, who explained her office's support of efforts to assist indigent applicants from other countries in obtaining legal representation to bring Hague Convention cases in the United States for the return of, or access to, their children.

Hague Convention cases can be fee-generating in accordance with Article 26 of the Convention and implementing legislation (42 U.S.C. § 11607). A recent appellate decision specifically affirmed recovery of attorney fees by *pro bono* counsel in Hague Convention cases.³

¹ This authority is found in Articles 25 and 26 of the Hague Child Abduction Convention and the federal implementing legislation, International Child Abduction Remedies Act, 42 U.S.C. § 11607 (b)(2). (Available at www.travel.state.gov/abduction. Click "For Attorneys & Judges.")

² LSC regulation, Special eligibility questions, 45 C.F.R. § 1626.10(e): "A recipient may provide legal assistance to indigent foreign nationals who seek assistance pursuant to the Hague Convention on the Civil Aspects of International Child abduction and the Federal implementing statute, the International Child Abduction Remedies Act, 42 U.S.C.11607(b), provided that they are otherwise financially eligible." (Available at <http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol4/pdf/CFR-2010-title45-vol4-part1626.pdf>.)

³ *Cuellar v. Joyce*, 603 F.3d 1142 (9th Cir. 2010).

Extensive information about the Hague Convention is available on the State Department's website, including a litigation manual and sample pleadings.⁴ In addition, *pro bono* attorney mentors, including some veteran LSC grantee Hague litigators, are available upon request. The State Department's Office of Children's Issues serves as the U.S. Central Authority (USCA) for the Hague Convention, and attorneys in that office are available to provide technical assistance and training. Telephone translation services can be arranged through the USCA at no charge to the attorney or client.

The USCA welcomes participation by LSC grantees in the Hague Convention Attorney Network, and invites LSC grantees to designate a statewide coordinator as liaison between the State Department and LSC grantee(s) in each state. In addition, or alternatively, individual LSC grantees are invited to join the Attorney Network for Hague Abduction Convention cases.⁵ For additional information, please contact the legal assistance coordinator at the State Department (202-736-9096; e-mail: hagueconventionattorneynetwork@state.gov).

⁴ http://www.travel.state.gov/abduction/attorneysjudges/attorneysjudges_4306.html.

⁵ See http://www.travel.state.gov/abduction/attorneysjudges/attorneysjudges_4306.html. Click "Join Our Attorney Network" for information about the Attorney Network and an enrollment form.