

To: Committee Members, Advisors and Observers  
Drafting Committee on Hague Protection of Children Convention

From: Battle R. Robinson  
Committee Chairperson

Date: September 14, 2011

I am looking forward to our meeting on September 23 and 24 2011 in Washington DC. Our initial meeting will begin on Friday morning at 9:00 a.m.

Prior to the meeting, I trust you will familiarize yourself with the draft our diligent Reporter has prepared and which has been sent to you. It would also be helpful if you review the Reporter's memorandum which was furnished to you on March 24.

The proposed Agenda for the meeting calls for us to begin with introductions and preliminary matters and a presentation by the Reporter about some of the issues encountered in the draft. We will then begin a review of the draft beginning with the Definitions section (Section 102), followed by a discussion of the "Section 105" issue which was basically unresolved after our teleconference last April. In connection with this matter, please review the memorandum from Mike Coffee of the State Department which was sent to you recently.

We will then turn to a discussion of the proposed new Article 4 of the UCCJEA dealing with the Convention.

Some of the issues which you might want to be thinking about in preparation for the meeting include:

1. The organization of the draft; especially the extent to which Convention provisions should be incorporated into the existing UCCJEA or whether they should stand alone (see: Section 405/204A & B; Section 406/207 A & B);
2. Should we attempt to define "habitual residence"; how do we deal with the difference between the Convention's "habitual residence" and the UCCJEA's "home state";
3. The draft does not include provisions covering refugees, who are included in the Convention in Article 6. Do we agree with this exclusion;
4. Do we need the section dealing with "provisional orders" (Section 407);
5. To what extent do we wish to include the "best interest of the child" provisions which appear in the Convention in Articles 8,9, and 23;
6. Do we wish specifically to exclude CASA, Guardians ad Litem, and attorneys from the scope of Article 4;
7. Should we have more language in the draft to incorporate the extensive cooperation provisions contained in Chapter 5 of the Convention;
8. Do we want to provide for some form of "certificate" as included in Article 40 of the Convention;

9. Are the privacy provisions adequate.

I believe these issues will keep us well occupied at our initial meeting. But please let me know if there are additional topics you would like to discuss.