



Guidelines on applying for protection of access rights

Applicable Conventions

The *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (HC 1980)* and the *European Convention of 20 May 1980 on Recognition and Enforcement of Decisions concerning Custody of Children and Restoration of Custody of Children (EC 1980)* can help a parent to assert rights of access with their children who are living abroad. Both Conventions require that the applicant parent and their children are each domiciled in a [Contracting State to the Convention](#). If the children's current place of residence is unknown but is presumed to be in a Contracting State, the Central Authority may help to locate them.

In most cases, it is the Hague Convention on Child Abduction (HC 1980) and not the European Convention on Custody (EC 1980) that applies. In contrast to the HC 1980, the EC 1980 always requires there to be an official or court order regulating access.

The Conventions are applied and implemented **very differently depending on the Contracting State**. For example, there are States in which it is only possible to apply for legally binding access rights to be enforced, while in other States a right of access can be established that did not exist previously. The regulations on procedural costs also vary.

When preparing and completing an application, you should seek **advice from the Swiss Central Authority**. In particular, it can provide information on the best course of action, the relevant convention, the potential costs and expected procedure. You will find additional information in our [brochure](#).

Requirements for an application

Either parent may apply to organise or secure the effective exercise of his or her rights of access. The children concerned must however be **under the age of 16**. If the children live in Switzerland and if there are exceptional circumstances, a right to personal contact may be granted by way of exception to other persons as well, in particular relatives, provided this benefits the child.

The application may be submitted to the Swiss Central Authority, the foreign Central Authority (with copy to the Swiss Central Authority) or directly to the competent court/authority at the children's place of residence.

Completing the form

Complete the form in the official language of the State where the children are or are presumed to be resident. If this is not an official Swiss language, complete a form in German, French, Italian or English as well. In the event of any doubt, contact the Central Authority. If you know where the children are resident, indicate the foreign Contracting State on the first page ("Requested Central Authority [country]"). Be careful to complete the form legibly and in full (date and signature!).

Section I

Personal descriptions and **recent portrait and/or full body photographs** of the children and their presumed carers (sent if possible by e-mail) are helpful and must be provided, particularly if the children's whereabouts are unclear or unknown.

Section III

The Central Authority can assist you in searching for **missing children**.

Section IV

If your right to apply is based on a decision by an administrative authority (e.g. a child protection authority), a court (e.g. a marriage protection or divorce decree) or a legally valid agreement, please enclose a **copy with a certificate of legal validity**.

Section V

Even if your right of access has never been officially regulated, you should make **detailed practical proposals** on how you would like to exercise your right of access to the children in future.

What wishes and ideas do your children have?

Section VI

This covers ongoing marriage protection, separation and divorce proceedings as well as proceedings to modify an existing order regulating access.

Section VII

Experience shows that the parents' own efforts to settle their conflict can help to avoid stressful, protracted and in some cases expensive proceedings. In particular, in this way the individual interests and needs of the children can be taken into account and long-term solutions can be found more quickly.

Not all Contracting States offer the option of out-of-court dispute resolution through **mediation and conciliation proceedings**. The Central Authority can inquire the availability of such procedures and their potential cost to you. ([Brochure](#) and [manual SSI](#)).

Section VIII

What other disagreements and incidents (e.g. criminal complaints, domestic violence, abuse, addiction problems, stalking, maintenance payments, etc.) can have an influence on rights of access? Contact the Central Authority and discuss whether you should mention these matters in your application.

Section IX

The applicant must arrange for the application form and all attachments to be translated into the official language of the Contracting State where the children are or are presumed to be resident. In order to avoid unnecessary translation costs and delays when filing a number of documents, check with the Central Authority beforehand which documents have to be translated into which language.

Information and advice

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