
Hughes Hubbard & Reed

Hughes Hubbard Achieves Victory in International Child Abduction Case

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Hughes Hubbard & Reed successfully represented a Polish mother in an international child abduction case in which the biological father sought to repatriate their 6-year-old daughter to Poland.

Having won the US "Green Card Lottery" in Poland, the mother moved with her husband and daughter, then nearly 5, to New York in the summer of 2013. Eighteen months later, the child's biological father sought to return the child to Poland under the Hague Convention on the Civil Aspects of International Child Abduction, claiming that the child's removal by her mother had been in violation of his parental rights under Polish law. The Hague Convention requires nearly automatic return of wrongfully removed children to their home countries, unless one of the treaty's narrow exceptions can be established by the removing parent.

The father, represented by DLA Piper, petitioned the Eastern District of New York (EDNY) in February 2015 for an order requiring return of his daughter to Poland under the Hague Convention. By that time, the girl, then 6, had become fluent in English, was thriving in school and had seen the arrival of a baby sister, who was born a US citizen in 2014. Recognizing the potentially life-changing impact of the case on the girl, the mother and their family, EDNY District Judge Kiyo Matsumoto requested appointment of pro bono counsel; HHughes Hubbard became counsel for the mother as the named respondent in the case in March.

Following unsuccessful efforts to reach a settlement, Judge Matsumoto conducted a three-day evidentiary hearing in August, with testimony from some witnesses in person and others via telephone or videoconference from Poland. The case turned principally on whether the client could establish the "well-settled" exception under the Convention, thus allowing the Court to exercise its discretion to deny repatriation to Poland because the child enjoys a settled and stable life in the United States, such that repatriation would carry risk of adverse consequences.

On Oct. 15, 2015, Judge Matsumoto issued an order denying the father's petition, allowing the child, her mother

and their family to continue their lives in the United States, while also expressing hope that the parties can reach a consensual arrangement that would allow the child to maintain a relationship with her father.

David Wiltenburg led the Hughes Hubbard team, which included Paulina Bellantonio (whose fluency in Polish was critical), Mei Li Zhen, Thomas Sisson and paralegals Nicole Garton and Jamie Brooks.

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David Wiltenburg