



REGERINGSKANSLIET

Memorandum

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Ministry for Foreign Affairs
Sweden

HCCH
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**Sweden's reply to the HCCH Questionnaire on Enforcement
of Hague Return Orders**

**I. LEGAL BASES FOR THE ENFORCEMENT OF HAGUE RETURN
ORDERS**

1. Please give details of any *specific* legislative provisions which exist in your State concerning the enforcement of return orders under the 1980 Hague Convention. Please specify the title of the instrument, its legal nature (law, decree, administrative regulation or rules of court etc.) and short description of content.

Answer:

Law (1989:14) on recognition and enforcement of foreign decisions concerning custody of children etc. and on the return of children. The law is applicable in regard to the 1980 Hague convention and the European Convention (Luxemburg, 1980). The law is applicable in relation to the states parties to the 1980 Hague and Luxemburg Conventions and is written explicitly to implement the relevant provisions of the two conventions in Swedish law. The law prescribes that a child that has been taken to/retained in Sweden, should be returned immediately upon application, regulates the procedure and defines wrongful removal/detention and grounds for refusing a return in accordance with the Hague convention. The law also lays out the basis for enforcement of return decisions.

In cases where there is a risk that a child will be taken out of the country, or when the enforcement of the decision is presumed to be obstructed, the County Administrative Court has the right to order that the child should be taken into custody immediately. If the urgency of the situation so requires, given that a decision by the court cannot be awaited, the police has the authority to take the child into custody immediately, without detriment to the child. The Court then has to decide, without delay, if the child should remain in custody.

As a basis for well-informed deliberations, the Court has the possibility to request that a representative of the social services, or another person deemed suitable, act as a mediator to try to reach a voluntary solution, provided that such a measure can be presumed to result in the voluntary return of the child, without undue delay of the proceedings in court. The maximum time-frame allowed for mediation is a period of two weeks, which can only be prolonged under exceptional circumstances. Before reaching a decision, the court should procure the child's view, provided that the child has reached a suitable level of maturity.

If the court decides that the child shall be returned to the state of habitual residence, the court can order the surrender of the child under penalty of a fine or alternatively collection by the police.

There is an ongoing legislative procedure to change the forum for cases that fall under the Hague Convention. All Hague Convention cases will, if the Swedish Parliament adopts the new law, be dealt with in the District Court of Stockholm and not in the County Administrative courts as they are now. The new law is scheduled to enter into force on 1 July 2006.

2. Please give details of any *general* legislative provisions which exist in your State concerning the enforcement of court orders in the area of family law and govern the enforcement of return orders under the 1980 Hague Convention (either in the absence of specific provisions under question I.1 or in addition to any such specific provisions).

Please specify the title of the instrument, its legal nature (law, decree, administrative regulation or rules of court etc.) and the content of the relevant provisions.

Answer:

The Children and Parents Code, chapter 21, sections 9 and 11-16 provides the basis for the enforcement of court orders regarding children in all cases relevant to custodial issues, including but not limited to, Hague Convention cases. The law establishes that the enforcement of court orders should be executed as carefully as possible in regard to the child concerned. Additionally, the law includes provisions regarding the procedure and legal costs.

3. Please give details of any judicial decisions, practice directives or guides concerning the enforcement of court orders in the area of family law that govern the enforcement of return orders under the 1980 Hague Convention (either in the absence of specific provisions under question I.1 or in addition to any such specific provisions).

Answer:

None

4. Do you have any other comments relating to the law governing enforcement of Hague return orders, including any comments on the effectiveness of these rules?

Answer:

None

II. ENFORCEABILITY AND LEGAL REMEDIES

1. a) Is a Hague return order subject to appeal or other forms of challenge? Please give details (number and character of legal remedies, possible time-limit for them, possible time-limit for appellate court or court of appeals to decide etc.).

Answer:

If a voluntary return cannot be achieved, the applicant will have to turn to the County Administrative Court to receive a return order. The Central Authority will recommend that the applicant engage a local legal representative. The cost for the legal representative will in most cases be covered by the Swedish Legal Aid System (see text below regarding Legal Aid). The Court is obliged to handle the case with expedience. Cases should be dealt with within six weeks and in the event that the process lasts for a longer time the court is obliged to inform the applicant, upon his/her request, about the reasons causing the delay. The County Administrative Court can decide whether the decision should be enforced immediately upon announcement of the verdict or once the decision has gained legal force. In most Hague Convention cases, the Court orders that the decision shall be enforced immediately, unless any of the parties has requested a stay of execution and that request is granted by the Court. A judgment gains legal force when the time-limit for appeal, three weeks, has expired. The appellate court is the Administrative Court of Appeal, whose judgment can be appealed to the Superior Administrative Court, provided that the latter gives leave to appeal, which is done only in cases with precedential values. From the first of July 2006, providing that new legislation is adopted (see above question I.1) the appellate court will be the Court of Appeal in Stockholm, whose judgment can be appealed to the Supreme Court, if the Supreme Court gives leave to appeal.

The Courts are obliged by law to give Hague Convention cases regarding wrongful detention or abductions priority. The applicant should receive a judgment within six weeks upon the Court's receipt of the application.

Legal Aid in Sweden

A foreign citizen can be granted legal aid in Sweden without having any other connection to Sweden than the legal process concerning the child abduction case. Eligibility for legal aid is determined through an income threshold of a maximum income of 260 000 SEK annually, or 275 000 SEK if the applicant has an obligation to pay alimony. The first two hours of legal advice is paid by the applicant, who has to go through an attorney to obtain legal aid. A Swedish citizen can apply for legal aid for international child abduction- and access cases, both in convention and non-convention cases. The recipient of legal aid pays a part of the legal aid himself, decided on the basis of the annual income.

b) Please specify whether any such challenge may only be made once, and which court or body has jurisdiction to hear the appeal.

Answer:

An appeal can only be done once at every instance in one case. There is, however, one more possibility to challenge the decision: to petition for a new trial.

2. a) Please give details of any authorization or other decision required for the actual enforcement of the Hague return order (e.g. registration for enforcement, declaration of enforceability, order of a specific enforcement measure or other).

Answer:

Once the return order has gained legal force there is no need for additional authorization.

b) Which is the competent organ for these decisions?

Answer:

See above this section (II)

3. Does the Hague return order have to be final and no longer subject to ordinary appeal before any authorization for enforcement or other measure specified under II.2 may be ordered?

Answer:

No, cf. above, question II.1. a

4. a) Are any of the decisions specified under II.2.a) (authorization to enforce or other decision) subject to appeal independent of any appeal

against the merits of the return order? Please give details (number and character of legal remedies, possible time limit to lodge them, possible time-limit for appellate court or court of appeals to decide etc.).

Answer:

No – the Court’s decision that the child is wrongfully retained or abducted to Sweden is always combined with an operative part ordering, e.g. the child to be collected by assistance of the police or upon risk of fine for the abducting/withholding parent. There is only ONE decision, combining the merits and the return order.

b) Please specify whether any such challenge may only be made once, whether it suspends the enforceability / enforcement of the order and which is the court or body to decide the appeal.

Answer:

Cf. above, question II.4.a

5. If in your State both types of legal remedy as specified under II.1 and II.4 (*i.e.* against the order on the merits and against any decision taken at or required for the enforcement stage) exist, can they be lodged simultaneously? Is it the same court that deals with them if they are lodged (a) simultaneously, and (b) at different times?

Answer:

Cf. above, question II.4. a

6. Do you have any other comments relating to legal remedies and the enforcement of Hague return orders?

No.

III. ENFORCEMENT PROCEDURE

A. The order to be enforced and the aims of enforcement

1. If an application for return of a child under the 1980 Hague Convention is successful, what is normally ordered:

The applicable answer is marked in bold text.

- a) the surrender of the child to the applicant (if necessary, “for the purposes of returning the child to his / her State of habitual residence”)**
- b) the return of the child to State X

c) other?

2. If such order has to be enforced, please specify which of the following is / are normally the aim of enforcing a return order:

The applicable answer is marked in bold text.

- a) to remove the child from the abductor or any other person
- b) to hand the child over to the applicant or a person designated by him or her in the State where enforcement takes place**
- c) to ensure the child's return to his or her State of habitual residence**
- d) other.

3. Whose responsibility is it to organize the repatriation of the child?

B. Actors involved in enforcement

1. Once a return order is made, is a specific request for enforcement necessary?

Answer:

Cf. above, question II. 4. a

2. Please specify who initiates enforcement of the court's return order:

The applicable answer is marked in bold text.

- a) the applicant (in person or through his or her lawyer)**
- b) the Central Authority
- c) the court
- d) the enforcement organ itself (the police or social services)**
- e) other.

Where the law leaves choices or discretion, please give details concerning actual practice.

Answer:

Cf. above, question I. 1 for further information.

3. a) Please give details of the persons, organs and institutions (e.g. enforcement organs, court, parties, psychologists, social workers, Central Authorities, other) involved in the enforcement of return orders under the 1980 Hague Convention.

i) according to the law

Answer:

According to the Swedish law implementing the 1980 Hague Convention, the County Administrative Court can place a pecuniary fine on the abducting parent if it can be assumed that the child through this will be returned without undue delay. It can also order the police to collect the child if it finds this necessary. In cases where there is a risk that the child will be taken out of the country or that the enforcement of the Court's order will be obstructed, the Court may order that the child be immediately taken into care by the authorities in any way the Court finds suitable. If there is no time to await such a court order, the police may bring the child under immediate care or take any other urgent measures that can be made without harming the child. In these situations, a medical doctor and a social worker must assist the police. The action should be instantly reported to the Court, which without delay will decide whether or not it shall stand. The Swedish Central Authority has a supervisory role and confirms the return of the child to the receiving Central Authority.

ii) in practice.

Answer:

Cf. above.

Please describe their respective roles and functions in enforcement, and whether their participation is mandatory. If this is not the case for some or all of the actors mentioned, please specify who decides about their respective participation and to what extent they are normally involved in Hague return cases (regularly or exceptionally and, in the latter case, depending on which conditions).

b) In particular, are any social or psychological services available in order to prepare the child and / or the defendant for the return in order to de-escalate or even avoid enforcement by coercive measures?

c) Please specify also whether presence of the applicant (or a person designated by him or her) is required and, if this is the case, at which stage of the enforcement proceedings and for what purpose.

Answer:

It is not required, but highly recommended that the applicant is present for the child's journey back to his or her state of habitual residence.

4. a) Is there any supervision / control of the enforcement procedure by a court, the Central Authority or any other State authority? If a court is

supervising / controlling the enforcement procedure, which court is it? The court that made the order or other (e.g. a specific enforcement court)?

Answer:

Regarding the Central Authority, cf. above question III. B. 3. a. i. Normally the court would decide that the child should be returned through the assistance of the police authority. In such a case the entire procedure is handed over to the police, thus including the supervision of the enforcement of the decision. For further information cf. below (question III B 4 b).

b) What if the court of first instance refused return, and the appellate court or court of appeals ordered return? Would the court of first instance, the appellate court or court of appeals which ordered return, or any other court be the court supervising /controlling enforcement in such a case?

Answer:

The issue of enforcement is never separated from the material issue of the return of the child. Thus the instance responsible for the appeal would also deal with the issue of return/enforcement. There is no systematic supervision of the enforcement as such, as the latter part is taken over directly by the police, in instances when so is decided by the court. Alternatively, the court could decide that the abductor should hand the child over to the applicant, under penalty of a fine. If the abductor does not comply with the court's decision, the applicant has the possibility of informing the court. The court would then impose the fine and once again order the surrender, either by imposing a higher amount of penalty of a fine or by ordering assistance by the police.

C. The enforcement procedure proper

1. Is there a timeline for enforcement?

Answer:

The court decides the timeline.

2. Is it normal to allow a period of time for voluntary compliance with a return order or to allow appropriate practical arrangements for the return of the child to be made?

Answer:

Cf. questions III B 4 a-b.

3. Are any measures available in order to prevent the abductor from taking the child into hiding after the return order is made and before it can be enforced? In the affirmative, please give details.

Answer:

Cf. above, question I. 1

4. What happens if the child is taken into hiding after the order was made and before it can be enforced? Which actors would be involved (e.g. Central Authority, police, public prosecutor, other) and which measures can they take to locate the child? What is the effect of the hiding on a possible timeline for enforcement?

Answer:

Cf. above, question I. 1. If the child is taken into hiding, the issue would be regarded as a police-issue, as such an act would constitute a crime according to the Swedish Penal Code. All regular police efforts would be taken to find the child. If the child is believed to have been taken to another country, the police and the Central Authority would engage Interpol to look into the matter.

5. When enforcement is initiated, what are the required steps (e.g. measures by the applicant, the court or any other supervisory authority, and the enforcement organs)?

Answer:

None. If the police is charged with the enforcement, they will, as enforcement organ, take all the required steps, i.a. contacting the abductor, collecting and escorting the child to the other parent in accordance with the court's decision.

6. Which coercive measures are available and under what conditions (e.g. pecuniary fines, physical force [against whom? the child? the defendant? others?], detention)? Which of these are normally used in practice?

Answer:

Regarding fines and detention, cf. above, question III. B. 3. a. i. A police officer may, according to Swedish law, when performing his official duties only use physical force when all other measures would be inadequate and it, considering the circumstances, is justifiable, i.e.: when he is met by violence or threat of violence, or when he is met by resistance when he, in accordance with applicable law, is to deprive someone of his personal liberty, etc.

7. a) Do they have to be ordered specifically (*i.e.* either “fine”, “physical force”, “detention”)? If so, when and by whom?

Answer:

Regarding fines and detention cf. above, questions III. B. 3. a. i. and III. B. 4. b.

A Swedish court cannot order the police to use physical force. It lies within the police’s discretion to decide, in every individual situation, whether physical force is necessary.

b) If problems occur during enforcement, may the enforcement organs unilaterally “upgrade” the intensity of coercive measures, or do they have to obtain authorization from any particular higher authority (*e.g.* an enforcement court or other)? Please specify.

Answer:

Cf. above, III. B. 3. a. i., 6 and 7. a

8. Please give details of any court orders, which can be obtained in emergency situations. Can these orders be obtained after hours and *ex parte*?

Answer:

Cf. above, question I. 1. The above-mentioned court orders can be made ex officio and ex parte. There are no possibilities of obtaining a court order out-of-hours, but the need for an immediate reaction is satisfied by the police’s authority to take any required urgent measures, including bringing the child under immediate care.

D. Costs

1. Are costs incurred for the enforcement? If so, are they part of the costs of the court proceedings as a whole? How are they calculated? For which services are they charged?

Answer:

No costs are incurred for enforcement.

2. Who has to pay the costs for enforcement? To whom? Is a reduction or exemption possible, *e.g.* under a Legal Aid Scheme? Under which conditions? In particular, is advance payment required in order for the enforcement organs to act? If legal aid was granted for the proceedings leading to the return order, would it cover the enforcement stage or would

the application for legal aid have to be renewed?

Answer:

Cf. above, III.D.1.

3. Are the costs of the actual repatriation of the child (e.g. airfare for child and possible accompanying person) considered as part of the enforcement costs? Who has to pay for the repatriation? Is advance payment a condition for enforcement?

Answer:

The Swedish Ministry for Foreign Affairs has a small amount of money, a "Children's Fund" at its disposal, adapted to i.a. repatriation of abducted children. However, the Fund is only for voluntary returns. If a court has ordered a child's repatriation through police assistance, the police authority will cover the costs.

4. Please specify how foreign applicants are provided with information about enforcement costs to be borne by them.

5. Please provide details regarding the enforcement organs' specific duties as they relate to the enforcement of Hague return orders concerning children.

Answer:

Cf. above, question I. 1. and questions III. B. 3. a. i. and III. B. 4. b.

6. Do you have any other comments relating to the enforcement procedure?

IV. STATISTICAL INFORMATION

1. How many Hague return orders that you are aware of were made per year in your country in 2001, 2002 and 2003? How many of them had to be enforced in each of these years because the abductor did not comply voluntarily with the order? Please give the figures for each year separately.

Answer:

Return orders: 2001: 2, 2002: 7, 2003: 6

The Swedish Central Authority does not keep statistics of in how many of these cases the return order had to be enforced by the assistance of the police.

2. How many Hague return proceedings were pending in your country that you are aware of for 2001, 2002 and 2003? Please give figures per year. In

how many of these cases was a legal challenge made in order to avoid enforcement (by challenging either the order on the merits, the declaration of enforceability, a particular enforcement measure or other)? If possible, please specify the type of challenge (on the merits or against an enforcement measure).

Answer:

Active cases: 2001:11, 2002: 25, 2003: 31

Since a return order is always combined with an operative part regarding enforcement, no declaration of enforceability is needed. Therefore, to avoid enforcement, the return order itself must be appealed (however, the Court usually orders that the decision shall be enforced immediately). The Swedish Central Authority is not aware of any case, during the three years in question, in which a return order was not enforced.

3. How many of the legal challenges at the enforcement level (*i.e.* not on the merits) were ultimately successful (*i.e.* the order was not enforced)?

Answer:

Cf. above question IV. 2

4. What is the average length of enforcement proceedings from the moment the order is made until the moment the child is (a) removed from the abductor and (b) repatriated?

Answer:

The Swedish Central Authority does not keep any statistics of this kind. However, the average time between the receipt of the application and the final judicial determination was 4, 5 months in the years 2003 and 2002 respectively. Unfortunately, there is no number for the year 2001.

V. CO-OPERATION

1. Please give details of any co-operative agreements existing between different agencies within your State, either formally or informally, with regard to the enforcement of Hague return orders. How did this co-operation develop?

Answer:

Officials at the Swedish Central Authority cooperate with an informal network in their day-to-day handling of cases. The informal network is made up of lawyers, courts, social authorities, the International Social Service (ISS), the police, prosecutors, professors, child psychologists, etc.

This informal cooperation has expanded in connection with specific cases and over time.

2. Please give details of any co-operative agreements with other States, either formal or informal between different Central Authorities or agencies, or at the judicial level, with regard to the enforcement of Hague return orders. How did this co-operation develop?

Answer:

The Swedish Central Authority has taken part in several international conferences organized by Reunite, a well-reputed British NGO. At these conferences participants exchanged experience of every aspect of child abduction. The Swedish Central Authority has also initiated cooperation with Reunite concerning mediation in cases under the Convention where children have been abducted from Sweden to the UK.

Sweden hosted an informal ministerial meeting at the Haga Palace in November 2005 with a small group of countries, aiming at improving the international co-operation regarding child abductions and related issues in non-convention cases.

3. Please provide details (including contact details, websites etc.) of all agencies in your State which have a role to play in the enforcement of Hague return orders.

a) *Interpol Stockholm*

*National criminal Investigation Department
National Liaison Office
Interpol Stockholm
Box 12256
102 26 Stockholm
Sweden*

*Tel: +46 8 401 37 00
Fax: +46 8 651 42 03
website: www.police.se*

b) *Stockholm County Police Authority*
106 75 Stockholm
Sweden

Tel: +46 8 401 00 00

In particular:

*Arlanda International Airport Police
Box 38
190 45 Stockholm-Arlanda
Sweden*

Tel: +46 8 401 53 00

- c) *National Board of Health and Welfare (central expert and supervisory authority in the sphere of, inter alia, social services).*

*106 30 Stockholm
Sweden*

Tel: + 46 8 555 530 00

Fax: + 46 8 555 532 42

Website: www.sos.se

- d) *Stockholm County Administrative Court*

*Box 17106
SE-103 62 Stockholm
Sweden*

Tel: + 46 8 720 90 00

Fax: + 46 8 720 93 00

- e) *Stockholm District Court*

*Box 8307
SE – 104 20 Stockholm
Sweden*

Tel: + 46 8 657 50 00

Fax: + 46 8 657 50 03

- f) *National Courts administration*

*555 81 Jönköping
Sweden*

Tel. + 46 36 15 53 00

Fax: + 46 36 16 57 21

4. Do you have any other comments relating to co-operation, including any comments on the effectiveness of co-operative agreements?

Answer:

The Swedish Central Authority considers cooperation of the above-mentioned kind to be very valuable and of crucial importance to be able to comply with the Convention in practice. It is of strategic importance for the processing of child abduction cases that networks are continually developed and extended.

VI. TRAINING AND EDUCATION FOR PROFESSIONALS

1. Please give details of any training or education that is available in your State for professionals (including, judges, Central Authority personnel, lawyers, mediators, enforcement organs [e.g. bailiffs], police officers, and social workers) as a means of preparing them to enforce Hague return orders or decisions in family law matters in general.

Answer:

Personnel from the Central Authority participate as lecturers in a number of other national and international seminars, inter alia seminars arranged by the Swedish Bar association and the Universities.

A number of informal meetings have been arranged by the Central Authority with different groups of professionals, inter alia social workers and police officers from Interpol.

It is important to underline that the daily work at the Central Authority includes a lot of communication with professionals in the field. The development and use of informal networks has strategic importance for the sharing of knowledge about the Hague Convention.

The Ministry for Foreign affairs provides training and education in the 1980 Hague Convention for diplomatic and consular embassy personnel on a regular basis. This is particularly important in respect of personnel shortly to be stationed at Swedish missions abroad.

The Swedish National Courts Administration will host a seminar in June 2006, with the aim at educating judges regarding the Brussels II regulation, and regularly hosts seminars on parental responsibility in an international context.

The Swedish Central Authority has a long-standing and close cooperation with Professor Maarit Jänterä-Jareborg and her team at the Faculty of

Private International Law at the University of Uppsala. Law students specialized in Private International Law at the University of Uppsala and other universities practice at the Central Authority on a regular basis.

2. Who provides this training and education?

Answer:

Cf. above, question VI, 1

3. What form does this training take and how regularly does it occur? Does joint training of different professional groups which have to co-operate in the enforcement of Hague return orders (e.g. judges, bailiffs, police officers, social workers) also occur?

Answer:

Cf. above, question VI, 1. Joint training where judges and Central Authority personnel are educated is sometimes used.

4. Do you have any other comments relating to training and education of professionals, including any comments on the effectiveness of this training and education as a means of facilitating the enforcement of Hague return orders?

VII. OTHER INFORMATION

1. Please give details of any web pages, and provide copies of any brochures, or information packs or similar materials which contain information or advice on the enforcement of Hague return orders in your State and which are available to parents, including applicants from abroad.

Answer:

The information material on the current websites regarding international child abductions is currently being updated. The address of the sites will however be retained.

www.regeringen.se

www.sweden.gov.se

The Swedish Central Authority is currently revising its old information material, in order to publicize a new version, including the Brussels II regulation, during 2006. The Central Authority also provides attorneys with a Swedish translation of the Brussels II regulation.

2. Who provides this information? When was it compiled? When was it last updated? How is the information made available and in which language(s)?

Answer:

The Swedish Central Authority provides the information. The information is available in Swedish and English. For further information cf. questions VII, 1.

3. Do you have any other comments relating to information for parents, including any comments on whether such information is effective in assisting the left-behind parent in having his or her return order enforced?

4. Please provide any other information which may be relevant to the issue of the enforcement of Hague return orders.

5. Please provide details of any other bodies or authorities in your State who may have information useful to the research covered by this questionnaire.

6. Have you any general comments to make regarding the enforcement of Hague return orders?

7. Are there any changes envisaged in your legislation and / or practice? If this is the case, please give details in the answer to the respective question and indicate as of when such changes will take effect.

Answer:

Sweden is planning to ratify the 1996 Hague Convention during 2006-7. The EU has accepted the ratification.

VIII. ORDERS GRANTING RIGHTS OF CONTACT / ACCESS / VISITATION

For each reply, please indicate whether the same applies to the enforcement of contact orders. If this is not the case, please give details concerning the latter.

Where the contact order refers to a specific period of time (*e.g.* where the child is to spend “the first part of the 2004 summer holidays from 1 to 20 July 2004” with the applicant) and is not complied with, please explain also whether coercive measures can be applied only as long as the period mentioned in the order contact has not yet expired (*i.e.* in order to implement the order), or also afterwards (*i.e.* as a sort of punishment although contact during this particular period can no longer be implemented).

Please indicate also whether the same rules apply to the enforcement of domestic and foreign contact orders. If this is not the case, please specify the differences.

Answer:

The Swedish Children and Parents Code recognizes the child's right to access to the parent with whom the child is not living. It is considered to be the responsibility of the parents to see to it that the child's need of contact with both parents is met. However, when deciding about access rights, the court must always put the best interests of the child in focus. The Court may, if there are special reasons, when making a contact order also place a fine on a parent in order to secure that he or she will entrust the other parent with the child.

Also when dealing with the enforcement of contact orders the child's best interests are put in focus. Enforcement of a contact order should be applied for at the County Administrative Court. Before the Court orders enforcement, it can request that a social secretary or other suitable person works for a voluntary delivery of the child. However, the maximum timeframe allowed for this is two weeks. The County Administrative Court can place a fine on the parent who is retaining his or her child. It can also, if there are no other possibilities of enforcing the contact order and the child is considered to have a specifically strong need of contact with the parent, decide that the child shall be collected by the police. If the County Administrative Court considers it necessary in order for the child to be surrendered, the child can be temporarily put under care.

If the child has reached the age of twelve, or shows signs of having reached the average level of maturity of a twelve-year old, the contact order cannot be enforced if the child opposes it, unless the court finds an enforcement to be in the child's best interests.

The County Administrative Court can refuse enforcement, if it is obvious that the circumstances in the case are different from what they were at the time when the Court issued the contact order. In a such situation the best interests of the child would require that the Court tried the case again.

Foreign contact orders

According to Swedish case law, foreign contact orders are not recognized in Sweden and cannot be enforced here unless the Swedish law supports this. Such support can be found in the law (1977:595) on recognition and enforcement of Nordic decisions in the area of private law, in the law (1936:79) on recognition and enforcement of a decision issued in Switzerland and in the law (1989:14), on recognition and enforcement of foreign decisions concerning custody of children etc. and on the return of children, implementing the 1980 European Convention on Recognition and

Enforcement of Decisions concerning Custody and on Restoration of Custody of Children. According to the Council Regulation (EC) No 2201/2003 of 27 November 2003, or the so called “Brussels II bis Regulation”, a right of access granted in an enforceable judgment given in a Member State shall be recognized and enforceable in another Member State without the need for a declaration of enforceability.

The Permanent Bureau would like to thank you for taking the time to consider this questionnaire. If you have any further questions or comments please do not hesitate to contact us at as@hcch.nl .