

Republic of Latvia

Cabinet

Regulation No. 322

Adopted 15 May 2007

Procedures by which the Latvian Central Authority in Conformity with the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction Shall Perform the Activities Referred to Therein and Co-operate with the Other State and Local Government Authorities

*Issued pursuant to
Section 61, Clause 6 of the Protection of the Rights of the Child Law*

I. General Provisions

1. This Regulation prescribes the procedures by which the Latvian central authority that has been determined in accordance with the Hague Convention on the Civil Aspects of International Child Abduction (hereinafter – central authority), in conformity with the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (hereinafter – the Convention) shall perform the activities referred to therein and co-operate with other State and local government authorities.

2. A natural person, institution, authority or foreign central authority (hereinafter – applicant) may submit the following application to the central authority:

2.1. regarding the return of a child who has been illegally moved to another state or detained in another state to Latvia in accordance with Article 8 of the Convention (hereinafter – Application A);

2.2. regarding the return of a child who has been illegally moved to Latvia or detained in Latvia to another state in accordance with Article 8 of the Convention (hereinafter – Application B);

2.3. regarding the exercise of access rights in relation to a child whose place of residence is in another state in accordance with Article 21 of the Convention (hereinafter – Application C);

2.4. regarding the exercise of access rights in relation to a child whose place of residence is in Latvia in accordance with Article 21 of the Convention (hereinafter – Application D).

3. After receipt of an application corresponding to Paragraph 2 of this Regulation, the central authority shall take a decision within three working days:

3.1. to accept the application;

3.2. to take no further action on application, if the application does not conform to the requirements laid down in the Convention.

4. If the central authority takes a decision to take no further action on application, it shall send the decision to the applicant and determine a time period for rectification of deficiencies – 10 working days from the day the decision was sent.

5. If the applicant does not rectify the deficiencies within the specified time period, the application shall be deemed not submitted and shall be returned to the applicant. The application that has been returned to the applicant may be re-submitted.

II. Action of the Central Authority after Receipt of the Application A or after Receipt of a Court Decision (True Copy) Regarding Submission of the Application A to a Foreign State

6. After receipt of an Application A and taking of a decision the central authority shall, not later than within 10 working days, submit the Application A to the court or foreign central authority accordingly, informing the applicant thereof (in determining where the Application A should be submitted afterwards, the central authority shall conform to the request of the applicant).

7. The central authority shall submit the following documents to the court in accordance with Paragraph 6 of this Regulation:

7.1. Application A;

7.2. in respective cases – translation of the Application A in the official language, certified according to specific procedures.

8. The central authority shall submit the following documents to the foreign central authority in accordance with Paragraph 6 of this Regulation:

8.1. Application A;

8.2. in respective cases – translation of the application in a language, which has been determined as the communication language in the application of the Convention, or in the official language of the state receiving the documents, or in a language that has been notified by the respective state as acceptable for communication;

8.3. information regarding provisions of the laws and regulations of Latvia in accordance with Article 14 of the Convention.

9. After receipt of a court decision (true copy) regarding submission of an Application A to the foreign state in accordance with Section 644.¹¹ of the Civil Procedure Law the central authority shall submit the Application A to the foreign central authority within 10 working days, informing the applicant thereof.

10. The central authority shall submit the following to the foreign central authority in accordance with Paragraph 9 of this Regulation:

10.1. Application A;

10.2. in respective cases – translation of the application in a language, which has been determined as the communication language in the application of the Convention, or in the official language of the state receiving the documents, or in a language that has been notified by the respective state as acceptable for communication;

10.3. the court decision (true copy) regarding submission of the Application A to the foreign state;

10.4. translation of the court decision (true copy) regarding submission of the Application A to the foreign state in a language, which has been determined as the communication language in the application of the Convention, or in the official language of the state receiving the documents, or in a language that has been notified by the respective state as acceptable for communication;

10.5. information regarding provisions of the laws and regulations of Latvia in accordance with Article 14 of the Convention.

11. In submitting Application A or a court decision (true copy) regarding submission of the Application A to the foreign state to the foreign central authority, the central authority may concurrently request that the foreign central authority takes the measures specified in Article 7 of the Convention.

III. Action of the Central Authority after Receipt of the Application C

12. After the receipt of an Application C and taking of a decision the central authority shall submit the following to the foreign central authority within 10 working days:

12.1. an application regarding exercise of access rights in relation to a child whose place of residence is in another state;

12.2. in respective cases – translation of the application in a language, which has been determined as the communication language in the application of the Convention, or in the official language of the state receiving the documents, or in a language that has been notified by the respective state as acceptable for communication;

12.3. information regarding provisions of the laws and regulations of Latvia in accordance with Article 14 of the Convention.

13. In submitting Application C to the foreign central authority, the central authority may request the foreign central authority to take the measures specified in Article 7 of the Convention.

IV. Action of the Central Authority after Receipt of the Application B

14. After the receipt of an Application B and taking of a decision the central authority shall, within three working days, inform the applicant regarding receipt of the Application B.

15. The central authority shall appoint a legal representative for the applicant – a natural person – in accordance with Articles 7 and 26 of the Convention. The legal representation shall, if necessary, provide consultations and represent the applicant in the court.

16. The central authority shall, within 10 working days after receipt of the Application B and taking of a decision, submit the Application B and – in respective cases – translation of the Application B in the official language, certified according to specific procedures:

16.1. to the court in accordance with the requirements of Section 644.14 of the Civil Procedure Law, if possible, appending information regarding the provisions of the foreign laws and regulations in accordance with Article 14 of the Convention;

16.2. to the Orphan's court according to the location of the child or the place of residence or location of the person, who has illegally moved or detained the child, informing the court thereof, to which the Application B has been submitted in accordance with Sub-paragraph 16.1 of this Regulation.

17. The Orphan's court referred to in Sub-paragraph 16.2 of this Regulation shall inform the central authority and the court, to which the Application B has been submitted in accordance with Sub-paragraph 16.1 of this Regulation, regarding:

17.1. the living conditions of the child;

17.2. the measures taken for the protection of personal and financial interests and rights of the child;

17.3. if possible, the opinion of such person regarding voluntary return of the child or the possibilities of finding a peaceful solution, who has moved or detained the child.

V. Action of the Central Authority after Receipt of the Application D

18. After the receipt of an Application D the central authority shall, within three working days, inform the applicant regarding receipt of the Application D.

19. The central authority shall appoint a legal representative for the applicant – a natural person – in accordance with Articles 7 and 26 of the Convention. The legal representation shall, if necessary, provide consultations and represent the applicant in the court.

20. The central authority shall, within 10 working days after receipt of the Application D, submit the Application D and – in respective cases – translation of the Application B in the official language, certified according to specific procedures, to the Orphan's court according to the location of the child or the place of residence or location of the persons indicated in Section 181 of the Civil Law.

VI. Power of the Central Authority

21. If the central authority receives an Application A of a person and the place of residence of the child is unknown, the central authority may request the institution, whose competence includes the search for the child or which performs the search of the child, to announce the international search for the child, as well as provide information that may help to ascertain the location of the child.

22. If the institution, whose competence includes the search for the child or which performs the search of the child, receives the request referred to in Paragraph 21 of this Regulation, it shall notify the date of announcing the international search for the child to the central authority or the reasons, which preclude announcing of international search. After ascertaining the location of the child, the institution, which performs search of the child, shall inform the central authority regarding the place of residence of the child.

23. State and local government institutions, which according to their competence have received a request for information from the central authority, shall examine it without delay (as possible), take all the possible measures in order to ensure carrying out of the Convention, and provide the obtained information to the central authority.

24. In order to ensure information regarding the operation of the Convention and to eliminate obstacles, which hinder the application of the Convention, the Court Administration shall, with methodological assistance of the central authority, organise training of judges and public prosecutors regarding application of the Convention and topical issues not less than once in two years.

Prime Minister

A. Kalvītis

Acting for the Minister for Children's and Family Affairs –
Minister for the Interior

I. Godmanis