

(3) It is the joint intention of the parties and the admonition of the court to enter the within Order of the Superior Court of New Jersey, Family Part, Chancery Division, United States of America with the Thai Family Court, fully executed and certified a true copy that in Thailand same is fully enforceable pursuant to the following terms as if rendered originally by a Thai Judge. All costs attributable to providing such legal assurance within Thailand is to be borne by the Defendant father. All costs attributable to providing the execution and registration of the within order in the United States is to be borne by the plaintiff mother.

(4) Jurisdiction for this case and over these children shall rest exclusively in the United States of America, State of New Jersey under the applicable provisions of Federal and State law including but not limited to, Uniform Child Custody Jurisdiction Act, *N.J.S.A.* 2A:34-28, *N.J.S.A.* 2C:13-4, Interference with Custody and *N.J.S.A.* 9:2-4 and pertinent provisions of Federal and State law including 42 U.S.C. 1738 and 42 U.S.C. 1204 et seq.

(5) Neither party shall apply for and obtain a passport of the United States of America on behalf of any of the minor children absent agreement of the parties in the form of a formalized consent order of the Superior Court of New Jersey, Family Part, Morris County, United States of America.

(6) Neither party shall be permitted to apply for or obtain a Thai passport on behalf of the minor children, and application for same shall be deemed a violation of this order.

ACCESS

1. The ORDER REGARDING ACCESS OF THE FATHER entered by this court on _____ shall be entered as an order in the appropriate court of Thailand.
2. Insofar as the law of Thailand permits, said judgment shall include specific language that the ORDER, CUSTODY, and VISITATION shall not be modifiable by Thailand, but shall be enforceable by the courts and other public agencies of Thailand.
3. Should the Superior Court of New Jersey in the United States, within the meaning of the Uniform Child Custody Jurisdiction Act (UCCJA) or Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA), modify any part of the ORDER, re; CUSTODY, and VISITATION, modification shall similarly be entered as a Judgment

in Thailand.

4. The parties agree that, insofar as the law of Thailand permits, for all purposes, as and between these parties, Thailand shall be considered a "Contracting State" to the Convention on the Civil Aspects of International Child Abduction done at the Hague on October 25, 1980 Convention].
5. All terms and conditions of the Convention shall apply between the United States of America (USA) and Thailand as if the Convention were in full force and effect between the two countries.
6. The parties agree that, insofar as the law of Thailand permits should Thailand in fact become a Contracting State to the Convention, the first paragraph of Article 35 of the Convention shall not apply and, for all purposes, the Convention shall be fully retroactive in its application to these parties and their children.

ENFORCEMENT

7. If, upon a finding by the court, *Defendant Father* fails substantially to comply with the terms of this custodial/access order issued by the court, the court shall have the jurisdiction to award any and all reasonable expenses to the prevailing party, including, but not limited to, attorney fees, just court costs, transportation of either parent or of the children, investigator's fees and similar costs that, as a result of this failure, become reasonably necessary for carrying out any custody and/or visitation agreement and/or order issued by this court.
8. The father agrees to execute or deliver any instrument, furnish any information, or perform any other act reasonably necessary to carry out the provisions of this custody and/or visitation order issued by the court, without undue delay or expense.
9. If *Defendant Father* fails to send either child when scheduled, a third party appointed by the court shall pick up said child at *Defendant Father's* expense.
10. *Defendant Father* is aware that a violation of any custody and/or visitation order issued, could constitute a violation of *N.J.S.A.* 2C:13-4 as well as provisions of the Parental Kidnapping Provision Act. 28 U.S.C. Sec. 1738A;

18 U.S.C. 1204.

11. Should *Defendant Father* violate the terms of the order issued by this court he shall, if demanded by *Plaintiff Mother*, waive extradition in the state or country where he may be at the time the demand is made.
12. *Plaintiff Mother* or her agent(s) or representative(s) who seek to enforce this order issued by the court shall have the unequivocal and absolute right to apply to any court for an ex parte order to enforce the specific terms of any custody and/or visitation agreement and/or order issued by the New Jersey court.
13. Unless specifically ordered by Judge _____ or another Judge, County of _____, State of New Jersey United States of America, no notice to the defaulting parent and/or a hearing on the merits of the requested order of enforcement shall be required.
14. The financial ability of either parent shall not be considered in the application of this section. Any expenditure incurred in the enforcement of this order shall be presumed to be reasonable subject to clear and convincing evidence to the contrary.
15. Both parents shall keep the other notified of their current address and telephone numbers.
16. For purposes of any notice required under the order the plaintiff agrees that notice may be given by delivering or mailing such notice to the last known address by air mail.
17. Each parent acknowledges that the address provided to one another pursuant to Section 17 shall be, for all purposes, the address to which any notice under any order issued by the New Jersey Court shall be delivered or mailed. Defendant father's address is represented to be _____, NJ. Plaintiff mother's address is represented to be _____, NJ.
18. Notice under the order issued by the Superior Court of New Jersey shall be

given at least 15 days before the time appointed for any hearing; provided that if the notice is served by mail, the required period shall be 20 days if either the place of mailing or the place of address is outside the United States. The time for such notice may be shortened by the Superior Court of New Jersey by ex parte application.

19. Notice given under this section shall be construed as being "reasonable notice" within the meaning of all Federal and State applicable statutes 28 U.S.C. 1738A(e) for a hearing in New Jersey.
20. Personal delivery to either parent or mailing by certified mail (with or without a return receipt) is not required but may be used.
21. When the children are with the father for a period of time that is not pursuant to the terms of this order or any future order, such period of time shall be a temporary absence from the mother who would normally be exercising primary residential custody pursuant to the terms this order issued by this court.
22. If the terms of the temporary absence are in writing and dated and signed by both parents, such writing becomes a part of any order issued by the court and shall be enforced pursuant to the terms of this section.
23. Any removal of the children from the United States in contravention of this order of the Superior Court, State of New Jersey or a written agreement of the parents shall be as "Wrongful Removal" within the meaning of Article 3 The Convention on the Civil Aspects of International Child Abduction, done at the Hague on 25 Oct 1980 (The Convention).
24. Any retention of the children outside of the United States in contravention of an order of the court or a written agreement of the parents shall be a "Wrongful Retention" within the meaning of Article 3 of The Convention.

JURISDICTION AND VENUE

The court finds as fact that the parents have acknowledged:

26. They are the parents of: _____, born _____,

United States of America; _____, born _____, United States of America; and _____, born _____, United States of America. All three children hold United States Citizenship.

27. Any order from the Superior Court of New Jersey, County of _____, United States of America for custody and/or visitation shall be a decree in conformance with and complies with 9 Uniform Laws Annotated (ULA) Sections 1-28, the Uniform Child Custody Jurisdiction Act (UCCJA).
28. Any order of the Superior Court of New Jersey, County of _____, United States of America is a custody determination made consistent with the provisions of 28 U.S.C. Sec. 1738A: Parental Kidnapping Prevention Act (PKPA).
29. Any agreement and/or order of the Superior Court of New Jersey, United States of America is a right of custody within the meaning of Article 3 of The Convention on the Civil Aspects of International Child Abduction, done at the Hague on 25 Oct 1980. (The Convention).
30. The *Defendant Father* specifically acknowledges that any order is binding on him and that the order is conclusive as to all issues of law and fact decided (whether litigated or not) and as to the determination made unless and until that determination is modified pursuant to law in the United States of America, including provisions of the UCCJA and/or PKPA.
31. The *Plaintiff Father* is a United States Citizen and resident and domiciliary of the State of New Jersey. The father is a resident and domiciliary of the State of New Jersey, although he currently maintains Thai Citizenship, has applied for United States Citizenship.
32. The home state of all three children is the State of New Jersey, 28 U.S.C. 1738A Sec. (b)(4).
33. All three children have established significant connections with New Jersey and there is available in New Jersey substantial evidence concerning present or future care, protection, training and personal relationships of each of them per 9 ULA 3 (a)(2)

- and/or 28 U.S.C. 1738 (c)(2)(B).
34. Such significant connections in New Jersey include, but are not limited to, peer relationships, school and educational systems.
 35. Contact with family and friends of both parents and established medical and dental routines.
 36. New Jersey is the convenient forum for any litigation concerning these children per 28 U.S.C. 1738A(c)(2)(D).
 37. No other state or country has significant contacts with these children specifically Thailand does not.
 38. All three children are living in a stable, healthy and wholesome environment. They do not have any significant physical or emotional problems.
 39. The home environment of these children does not expose them to physical or psychological harm or otherwise place them in an intolerable situation within the meaning of Article 13(b) of The Convention.
 40. The United States is the habitual residence of all three children within the meaning of Article 3 of the Convention.
 41. Any modifications of this order shall be in accordance with State and Federal laws specifically U.S.C. 1738A(f) and analogous provisions.
 42. Any absence of any of these three children from the State of New Jersey shall be a "temporary absence" within the meaning of N.J.S.A. 28 U.S.C. 1738A(b)(4).
 43. Any absence of any of these children from the United States shall not cause the United States to lose its status as the "Habitual Residence" of these children within the meaning of Article 3 of The Convention.
 44. The Superior Court of New Jersey, Family Part, County of _____, State of New Jersey, United States of America retains jurisdiction to make orders and determinations which are necessary and/or appropriate to do any of the following:
 - (A) To resolve any dispute which may arise concerning any of the terms and provisions of this order;
 - (B) To enforce any of the terms and provisions of this order;

(C) To resolve any matter subject to the jurisdiction of the Superior Court of New Jersey which has not otherwise been resolved by the terms of any agreement and/or order;

45. Any future litigation concerning any order shall be governed by applicable New Jersey and American Federal law and shall take place in the place where the proceeding for custody of these children has been filed. Any change in the choice of New Jersey law or venue shall be in writing and signed by both parents. Should either parent bring any action to change the choice of venue of New Jersey law without the written consent of the other, the parent initiating the action shall be liable to the other for reasonable attorney fees, Court costs and travel expenses incurred as result of that action, whether successful or not.
46. *Defendant Father* specifically understands that New Jersey, County of _____, State of New Jersey, retains the exclusive right to modify its own decrees under the same circumstances pursuant to the terms of 28 U.S. 1738A, the Parental Kidnapping Prevention Act.

INTERNATIONAL APPLICATION

47. Any order entered by this court for custody and/or access must also be entered as an order in the appropriate court of Thailand or any other alternative international location where *Defendant Father* may be physically residing.
48. The parties agree that, for all purposes, the place where these children may be found, shall be considered a "Contracting State" to The Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 25, 1980 [The Convention].
49. All terms and conditions of The Convention shall apply between the United States of America and the place where these children may be found, whether Thailand or otherwise as if The Convention were in full force and effect between the two countries.
50. The parties agree that if in fact that place where these children may be found becomes a Contracting State to The Convention for all purposes, The Convention shall be fully

retroactive in its application.

SCOPE

- 51. The signature of either party to any document in this proceeding may be made by use of Facsimile transmission (FAX).
- 52. The provisions shall and hereby are incorporated by reference into any agreement, stipulation, order or other decree or judgment of this court. Enforcement of any such agreement, stipulation, order or other decree or judgment of the Superior Court of New Jersey, County of _____, State of New Jersey, United States of America shall be governed by the terms of this document unless specific exception is made in that agreement, stipulation, order or other decree.
- 53. The Court, after reviewing the terms of the consent and in consultation with both parents finds as a matter of fact and law that each parent understands and freely and voluntarily agrees to and will abide by all the terms of this order, no translation, or explanation was needed for either parent to understand any of the terms of this order and each fully understands all the terms of this order and its consequences.

_____, J.S.C.

We hereby consent to the form and entry of the within Order.

, Plaintiff
Dated:

, Defendant
Dated:

, ESQ.
Attorney for the Plaintiff
Dated:

, ESQ.
Attorney for the Defendant
Dated