

International Child Abduction Remedies Act (hereinafter referred to as ICARA). The Convention went into effect on July 1, 1988. A copy of the Convention and the ICARA are attached to this complaint as Exhibit "A" and are incorporated as though specifically rewritten herein.

2. The objectives of the convention are under Article 1(a) and are to secure the prompt return of children wrongfully removed to or retained in any Contracting State; and under Article 1(b) to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.
3. The United States of America has been a Contracting State under the Convention since July 1, 1988. France has been a Contracting State under the Convention since December 1, 1983.
4. This court has jurisdiction pursuant to 42 U.S.C. 11601 et seq.

COUNT TWO - PETITIONER'S RIGHT TO CUSTODY

5. Petitioner incorporates as though specifically rewritten herein all of the allegations contained in Petitioner's complaint paragraphs one (1) through four (4).
6. Petitioner has a right to custody of the children within the meaning of Articles Three and Five of the Convention in that Petitioner is the natural father of the children and enjoys full rights of custody under the French Civil Code. Petitioner and Respondent were lawfully married by the Registrar de la _____ in _____, France, on _____. All four children were born of the marriage. Pursuant to Article 372 of the French

Civil Code, the parental authority is jointly exercised by both parents if they are married. (Exhibit B)

7. The Petitioner at the time of the wrongful removal or retention by Respondent *Defendant Mother* was exercising custody within the meaning of Articles Three and Five of the Convention. The children resided in the marital home with both parents pending divorce proceedings.

8. The Petitioner at the time of the application to the French Central Authority on _____, and the Central Authority of the United States of America, National Center for Missing and Exploited Children was located in France. Petitioner is and continues to be located in France.

9. There are four minor children born of the parties' marriage, to wit:
_____, born _____; _____, born _____;
_____ born _____;
_____ and _____ born _____.
_____ will attain sixteen (16) years of age on _____, approximately ____ () years from the date of this application;
_____ will attain sixteen (16) years of age on _____, approximately ____ () years from the date of this application;
_____ will attain sixteen (16) years of age on _____, approximately ____ () years from the date of this application;
_____ will attain sixteen (16) years of age on _____, approximately ____ () years from the date of this application;

10. The children were all born in France and continually resided since the time of their births in _____, France. The children were habitually resident in France within the meaning of Article Three of the Convention immediately before the removal of the children from France by Respondent. Attached hereto as Exhibit C is the Certification of the Petitioner with Exhibits one (1) through nine (9) in support hereof. Same is attached as a Declaration Under Uniform Child Custody Jurisdiction Act, (DUUCCJA).

COUNT THREE - RESPONDENT'S REMOVAL AND RETENTION OF THE CHILD

11. Petitioner incorporates the allegations contained in Petitioner's complaint paragraphs one (1) through ten (10) as though specifically rewritten herein.

12. On August 22, 1996, Respondent wrongfully removed the children from France within the meaning of Article Three of the Convention and continues to wrongfully retain the children in the United States of America despite diligent efforts on the part of the Petitioner to have the children returned.

13. The children are is presently in the State of New Jersey, Salem County, Country of the United States of America and within the territorial jurisdiction of this Court.

14. The Respondent, at the time of the application by the Petitioner for the Request for Return of the Children to the Central Authority of France and Central Authority of the United States of America, was a habitual resident of (as that term is defined by the Convention) of _____, France.

COUNT FOUR - CUSTODY PROCEEDINGS IN FRANCE

15. Petitioner incorporates as though specifically rewritten herein all of the allegations contained in Petitioner's complaint paragraphs one (1) through fourteen (14).
16. The status of custody proceedings in _____, France are set forth in the Certification of Petitioner and attached exhibits Declaration Under Uniform Child Custody Jurisdiction Act (DUUCCJA) as Exhibit "C".
17. The Respondent has filed a *Requete en Divorce Pour Faute*, a request for divorce in the French court, *Tribunal Grande Instance en* _____ on _____ which was subsequently abandoned by the Respondent. The Respondent filed a second *Requete en Divorce Pour Faute* in the past month. A copy of these requests are attached to Exhibit C at Exhibit 1 and 9.
18. Petitioner submits that France is the Country having exclusive subject matter jurisdiction to consider the issues of custody and access of the minor children.

COUNT FIVE - WARRANT IN LIEU OF A WRIT OF HABEAS CORPUS

20. Petitioner incorporates as though specifically rewritten herein all of the allegations contained the previous paragraphs of the Petitioner's complaint.
21. Petitioner is a person as defined by 42 USC 11602 (5) who has a right of custody of the children _____, _____, _____, and _____ (see Paragraph 9 above) for whom this Complaint has been filed. Such right of custody has been breached within the meaning of Article 3 of the Convention.

22. The children herein are being illegally held in custody, confinement or restraint by *Defendant Mother*..

23. The parents of the subject children were married on _____ by _____ in _____, France.

24. On _____, the Respondent wrongfully removed the children within meaning of Article 3 of the Convention and has since failed to return the children to the Petitioner.

25. Respondent has violated Article 372 of the French Civil Code in that Respondent brought the children to the United States in contravention of the law of France and interim order of the *Tribunal de Grande Instance de* _____ dated _____, without the knowledge or consent of the Petitioner. Respondent failed to comply with the _____ order and failed to return the children for the court ordered social services evaluation. Despite having received notice of the petitioner's application under the Hague Convention on Civil Aspects of International Child Abduction by the National Center for Missing and Exploited Children, the respondent has refused to return the children to their habitual residence in France. The Petitioner believes that the Respondent will further conceal the child unless the child is taken into immediate custody by the court.

26. Petitioner believes that the children will be carried out of the jurisdiction of the court.

27. No other application for a writ of habeas corpus or a warrant in lieu of writ has been made by or on behalf of the children in regard to the said restraint.

28. Attached as previous Exhibit C is a completed DUUCCJA.

WHEREFORE, the Petitioner requests that the court issue the following orders:

(A) For an order delivering the minor children _____, _____, _____, and _____ to the custody of the Petitioner or his agent, _____, Esquire.

(B) For an order pursuant to 42 U.S.C. 11604 and pending further hearing in this court, Petitioner requests that this court issue an instant order prohibiting the removal by Respondent or respondent's agents of the minor children _____ born _____; _____, born _____; _____, born _____ and _____, born _____ from the jurisdiction of this court.

(C) For an order pursuant to 42 USC 11604(a) and N.J.S.A. 2A:34-28 *et seq.* Uniform Child Custody Jurisdiction Act (U.C.C.J.A.) and N.J.S.A. 2C:13-4 of the State of New Jersey requiring the Respondent to deliver to the Custody of the United States Marshall or his authorized agent the possession of the minor children named herein pending a hearing upon this complaint.

(D) For an order requiring the Respondent to post a bond in an amount determined by the court necessary to secure Respondent's compliance with the orders of this Court pending further disposition of this matter. Said bond to remain in effect until further ordered by the court.

(E) Pursuant to Article 26 of the Convention and the mandatory provisions contained in 42 USC 11607, Petitioner has attached as Exhibit D a copy of all expenditures and costs to date incurred by Petitioner as a result of the wrongful removal of the children by the Respondent. Petitioner requests that this court award all costs and fees incurred to date, reserving jurisdiction over further costs and fees.

(F) For a Warrant in Lieu of a Writ of Habeas corpus be issued, directing any peace officer in the State of New Jersey to take the children into custody and forthwith bring the children before this court.

(G) For such further relief as the court may deem equitable and just.

Respectfully submitted,

Address _____, ESQUIRE