

Family Law in the World Community

*Carolina Academic Press
Law Advisory Board*



Gary J. Simson, Chairman
Mercer University School of Law

Raj Bhala
University of Kansas School of Law

Davison M. Douglas
Dean, William and Mary Law School

Paul Finkelman
Albany Law School

Robert M. Jarvis
*Shepard Broad Law Center
Nova Southeastern University*

Vincent R. Johnson
St. Mary's University School of Law

Peter Nicolas
University of Washington School of Law

Michael A. Olivas
University of Houston Law Center

Kenneth L. Port
William Mitchell College of Law

H. Jefferson Powell
Duke University School of Law

Michael P. Scharf
Case Western Reserve University School of Law

Michael Hunter Schwartz
*Dean, William H. Bowen School of Law
University of Arkansas at Little Rock*

Peter M. Shane
*Michael E. Moritz College of Law
The Ohio State University*

Family Law in the World Community

Cases, Materials, and Problems in Comparative and International Family Law

THIRD EDITION

D. Marianne Blair

PROFESSOR OF LAW
UNIVERSITY OF TULSA

Merle H. Weiner

PHILIP H. KNIGHT PROFESSOR OF LAW
UNIVERSITY OF OREGON

Barbara Stark

PROFESSOR OF LAW
JOHN DEWITT GREGORY RESEARCH SCHOLAR
HOFSTRA LAW SCHOOL

Solangel Maldonado

JOSEPH M. LYNCH PROFESSOR OF LAW
SETON HALL LAW SCHOOL



CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2015
D. Marianne Blair
Merle H. Weiner
Barbara Stark
Solangel Maldonado
All Rights Reserved

ISBN 978-1-61163-458-7
LCCN 2015939948

Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

For Chris, Sean, Seth, and Meagan.

—Marianne

For my parents, Marilyn and Joel.

—Merle

For Karl and Sam.

—Barbara

For Carlos.

—Solangel

Contents

Table of Cases	xxiii
Preface for Instructors	xli
Acknowledgments	xliii

PART ONE · FAMILY FORMATION, REGULATION, AND DISSOLUTION

Chapter 1 · Introduction to the Study of Family Law in the World Community	3
A. An Introduction to Comparative Law	3
1. Why Study Comparative Law?	4
Nora V. Demleitner, Combating Legal Ethnocentrism	8
Problem 1-1	10
2. What Is Comparative Family Law?	11
John C. Reitz, How to Do Comparative Law	11
Shirley S. Abrahamson & Michael J. Fischer, All the World's a Courtroom: Judging in the New Millennium	18
3. Being Savvy about Comparative Family Law	19
Problem 1-2	19
<i>Marckx v. Belgium</i>	20
Notes and Questions	20
4. A Brief Look at Some Comparative Family Law Topics	25
Hague Conference on Private International Law, A Study of Legal Parentage and the Issues Arising from International Surrogacy Arrangements	27
Johan Meeusen, Judicial Disapproval of Discrimination against Illegitimate Children	34
B. An Introduction to International Law	36
1. Overview of International Law	37
a. Sources of International Law	38
b. Explicit Agreements	38
i. Designations and Purposes	38
ii. Treaty-Making	40
iii. Effect and Interpretation of Treaties	44
iv. Invalidating, Terminating, and Suspending Treaties	45
v. International Agreements under Domestic Law	46
Frederic L. Kirgis, International Agreements and U.S. Law	47
Notes	48
c. Customary International Law	49
d. General Principles of International Law	51
Notes and Questions	52

Problem 1-3	54
Notes	56
e. Enforcing Human Rights Norms in U.S. Courts	57
Kenneth Roth, <i>The Charade of U.S. Ratification of International Human Rights Treaties</i>	57
Note	59
Jack Goldsmith, <i>Should International Human Rights Law Trump U.S. Domestic Law</i>	60
Problem 1-4	62
Notes	63
2. International Institutions	66
a. United Nations	66
b. The Hague Conference on Private International Law	69
c. Council of Europe	70
<i>L. v. Finland</i>	74
Notes and Questions	80
d. European Union	86
e. Organization of American States	90
f. African Union	93
Problem 1-5	96
Notes and Questions	97
Problem 1-6	98
Chapter 2 · Regulation of Marriage	101
A. The Importance of Marriage	101
Claude Levi-Strauss, <i>The Family, in Man, Culture, and Society</i>	101
Joan A. Metge, <i>Marriage in Modern Māori Society</i>	102
B. The Power to Regulate Marriage	104
1. Customary Law	105
David L. Chambers, <i>Civilizing the Natives: Customary Marriage in Post-Apartheid South Africa</i>	105
Notes and Questions	108
<i>Suen Toi Lee v. Yau Yee Ping</i>	111
Problem 2-1	112
<i>Motsoatsoa v. Roro</i>	113
Notes and Questions	115
2. Religious Law	117
<i>In re Marriage of Vryonis</i>	120
Notes and Questions	123
The International Council on Human Rights Policy, <i>When Legal Worlds Overlap: Human Rights, State and Non-State Law</i>	127
3. Constitutional Law	128
a. Constitutional Allocation of Power between the Legislative Branches	129
b. Constitutional Allocation of Power between the Judiciaries	130
Notes and Questions	131
4. International Law	132
Universal Declaration of Human Rights [UDHR]	132
a. Consent to Marry	133

1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery	133
Frances Simmons & Jennifer Burn, Without Consent: Forced Marriage in Australia	134
b. Child Marriage	136
Convention on the Elimination of All Forms of Discrimination against Women	136
Fact Sheet No. 23, Harmful Traditional Practices Affecting the Health of Women and Children, Office of the High Commission for Human Rights	136
c. Gender Equality in Marriage	138
Concluding Observations of the Committee on the Elimination of Discrimination against Women: Indonesia	138
Concluding Observations of the Committee on the Elimination of Discrimination against Women: New Zealand	139
Report of the Committee on Progress Achieved in the Implementation of the Convention: Note by the Secretariat	140
Notes and Questions	141
Problem 2-2	143
C. Procedural Requirements for Entry into Marriage	143
The French Civil Code (1804)	143
Civil Code of Québec, Book Two: The Family	145
Notes and Questions	145
Karl August Prinz Von Sachsen-Gessaphe, Concubinage in Mexico	147
D. Mail-Order Marriages	147
1. The Factual Background	148
Robert J. Scholes & Anchalee Phataralaoha, The “Mail-Order Bride” Industry and Its Impact on U.S. Immigration	148
Suzanne H. Jackson, Marriages of Convenience: International Marriage Brokers, “Mail-Order Brides,” and Domestic Servitude	149
Notes and Questions	150
Kerry Abrams, Immigration Law and the Regulation of Marriage	150
2. Legal Responses of Countries of Destination	152
Suzanne H. Jackson, Marriages of Convenience: International Marriage Brokers, “Mail-Order Brides,” and Domestic Servitude	152
3. Legal Responses of Countries of Origin	154
Republic Act No. 6955 (1990)	154
Republic Act No. 9208 (2003)	155
Notes and Questions	156
4. International Legal Responses	157
a. Discrimination against Women	158
CEDAW General Recommendation No. 21, ¶ 16	158
b. Trafficking	158
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime	158

Notes and Questions	159
c. Slavery	159
Problem 2-4	160
Chapter Three · Dissolution of Marriage: A Continuing Conundrum	161
A. Historical Origins of Western Law of Dissolution: From Customary to Religious to State Control	162
Mary Ann Glendon, <i>The Transformation of Family Law</i>	162
Notes and Questions	167
Notes and Questions	169
B. Contemporary Divorce Reform	170
1. Modern Divorce Reform in the United States	170
<i>Riley v. Riley</i>	172
Mo. Ann. Stat. § 452.320	174
Problem 3-1	177
2. Divorce Reform in England	178
Matrimonial Causes Act, 1973, c.18	179
Problem 3-2	182
Notes and Questions	183
3. Divorce Reform in the Republic of Ireland	184
Article 41 — The Family	186
<i>McA v. McA</i>	187
Problem 3-3	189
Notes and Questions	190
4. A Glimpse of Divorce Reform Around Europe — And Around the World	194
a. Western Europe	194
Notes and Questions	197
b. East Asia	199
Notes and Questions	203
c. Africa	204
5. The Debate Continues	205
C. The Intersection of Religion and the State in Contemporary Regulation of Divorce	207
1. Nations Delegating Exclusive Control of Civil Marital Status to the State	207
<i>Williams v. Williams</i>	207
Note	209
<i>Avitzur v. Avitzur</i>	210
Notes and Questions	211
<i>Marcovitz v. Bruker</i>	214
Notes and Questions	218
2. Nations Regulating Termination of Marriage through Religious Norms or Institutions	220
a. Unitary Systems and Islamic Law	220
b. Pluralistic Personal Law Systems	223
Notes and Questions	224
Problem 3-4	227
Chapter 4 · LGBTQ Relationships	229
A. Civil Unions	229

Kelly Kollman, Same-Sex Unions: The Globalization of an Idea	229
1. In Europe	230
a. German Partnerships	230
Notes and Questions	232
b. The French Pacte Civil de Solidarité (PACS)	232
Notes and Questions	233
Case of <i>Vallianatos and Others v. Greece</i>	235
<i>Boeckel and Gessner-Boeckel v. Germany</i>	238
In the case of <i>X and Others v. Austria</i>	239
<i>Jürgen Römer v. Freie und Hansestadt Hamburg</i>	240
Problem 4-1	240
B. Same-Sex Marriage	241
Notes and Questions	243
<i>Minister of Home Affairs and Another v. Fourie and Another,</i> with Doctors for Life International (first amicus curiae), John Jackson Smyth (second amicus curiae) and Marriage Alliance of South Africa (third amicus curiae)	245
<i>In re</i> Marriage Cases	250
Notes and Questions	253
<i>U.S. v. Windsor</i>	255
Notes and Questions	257
Civil Marriage Act	258
Government Gazette, Republic of South Africa	259
Problem 4-2	261
Notes and Questions	261
C. International Human Rights and Relationships Involving Bisexual, Transgendered and Questioning People	262
1. The Issues	263
Elizabeth M. Glazer, Sexual Reorientation	263
Leigh Goodmark, Transgender People, Intimate Partner Abuse, and the Legal System	266
Anthony R. Enriquez, Assuming Responsibility for Who You Are: The Right to Choose “Immutable” Identity Characteristics	267
Laura Grenfell & Anne Hewitt, Gender Regulation: Restrictive, Facilitative or Transformative Laws?	267
Problem 4-3	269
Notes and Questions	269
2. The Yogyakarta Principles	270
Introduction to the Yogyakarta Principles	270
<i>National Legal Ser. Auth. v. Union of India</i>	272
<i>NSW Registrar of Births, Deaths and Marriages v. Norrie</i>	275
Notes and Questions	277
Chapter 5 · Recognition of Foreign Marriages and Divorces	279
A. Recognition of Marriages and Alternative Partnerships	279
<i>Leszinske v. Poole</i>	280
<i>People v. Ezeonu</i>	282
<i>Ponorovskaya v. Stecklow</i>	283
Notes and Questions	289

<i>American Airlines, Inc. v. Mejia</i>	299
Notes and Questions	301
Problems	302
B. Recognition of Foreign Marriage Dissolutions and Related Orders	304
1. Status Termination	304
<i>Maklad v. Maklad</i>	304
<i>In the Matter of the Estate of Ian A. Pringle</i>	306
Notes and Questions	308
<i>T.T. v. K.A.</i>	314
2. Property Division and Alimony	315
<i>Aleem v. Aleem</i>	315
Notes and Questions	317
Problems	327
Chapter 6 · Violence between Family Members	329
A. Violence and Context	329
1. Differences	330
2. Similarities	333
Jeffrey Fagan & Angela Brown, Violence between Spouses and Intimates: Physical Aggression between Women and Men in Intimate Relationships	334
INS Asylum and Withholding Definitions	334
World Health Organization, The World Report on Violence and Health	335
Report of the Secretary General, In-Depth Study on All Forms of Violence against Women	335
World Health Organization, Preventing Violence: A Guide to Implementing the Recommendations of the World Report on Violence and Health	335
B. Family Violence as a Human Rights Issue in the United Nations' System	335
1. Traditional Human Rights Approaches	336
Dorothy Q. Thomas & Michele E. Beasley, Domestic Violence as a Human Rights Issue	336
Committee on the Elimination of Discrimination against Women	338
Jan Arno Hessbruegge, Human Rights Violations Arising From Conduct of Non-State Actors	338
Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Rashida Manjoo	340
Notes and Questions	342
2. Convention on the Elimination of All Forms of Discrimination against Women	344
Sally Engle Merry, Constructing a Global Law — Violence against Women and the Human Rights System	345
<i>Goekce v. Austria</i>	346
Notes and Questions	352
San Francisco, Ca., 1 Admin. Code ch. 12K, § 12K.3(b)	354
3. Convention against Torture	354
a. State Responsibility for Private Acts	354

<i>Ali v. Reno</i>	354
Notes and Questions	357
b. Torture	359
Rhonda Copelon, Recognizing the Egregious in the Everyday: Domestic Violence as Torture	359
Notes and Questions	359
4. Platforms for Action, Declarations, and Reports of the Special Rapporteur	362
Berta Esperanza Hernandez-Truyol, Sex, Culture, and Rights: A Re/Conceptualization of Violence for the Twenty-First Century	363
Notes and Questions	363
C. Regional Approaches	365
1. Organization of American States	365
Notes and Questions	369
<i>Lenahan (Gonzales) v. United States</i>	372
Notes and Questions	386
2. Council of Europe	387
<i>Z and Others v. United Kingdom</i>	387
<i>Bevacqua and S. v. Bulgaria</i>	388
Notes and Questions	392
3. Maputo Protocol	396
4. Arab Charter on Human Rights	397
D. Customary International Law	397
Rhonda Copelon, Recognizing the Egregious in the Everyday: Domestic Violence as Torture	398
Notes and Questions	399
Problem 6-1	400
E. Expanding the Analysis	401
1. Female Genital Mutilation: The Practice	401
Fact Sheet No. 23, Harmful Traditional Practices Affecting the Health of Women and Children	401
2. The Universality of Human Rights	404
Katherine Brennan, Note, The Influence of Cultural Relativism on International Human Rights Law: Female Circumcision as a Case Study	405
Makau Mutua, Savages, Victims, and Saviors: The Metaphor of Human Rights	405
Douglas Lee Donoho, Relativism Versus Universalism in Human Rights: The Search for Meaningful Standards	406
Justice Albie Sachs, Introduction to The Changing Family: International Perspectives on the Family and Family Law	407
Sally Engle Merry, Constructing a Global Law — Violence against Women and the Human Rights System	408
Notes and Questions	408
3. National Legal Responses	412
a. Egypt's Approach	412
Susan A. Dillon, Comment, Yoni in the Land of Isis: Female Genital Mutilation Is Banned (Again) in Egypt	412

Notes and Questions	414
b. The United States' Approach	417
i. Foreign Policy	417
ii. Criminal Law	418
iii. Education	419
Problem 6-2	419
iv. Child Protection Laws	420
<i>Adoption of Peggy</i>	420
Notes and Questions	421
v. Immigration Law	421
<i>Matter of A-R-C-G-</i>	422
<i>Islam v. Secretary of State for the Home Dep't</i>	427
Notes and Questions	429
Hon. Mimi E. Tsankov, Domestic Violence and the Plight of the Unauthorized Migrant	433
Problem 6-3	436
PART TWO · RIGHTS AND RESPONSIBILITIES OF PARENTS, CHILDREN, AND THE STATE	
Chapter 7 · Custody: A Comparative Prologue	441
A. Decision-Makers and Private Ordering	442
Notes and Questions	448
B. Determining “Best Interests” — Permissible Factors and Considerations	448
1. Shared Parenting	449
Patrick Parkinson, Violence, Abuse and the Limits of Shared Parental Responsibility	449
D. Marianne Blair & Merle H. Weiner, Resolving Parental Custody Disputes — A Comparative Exploration	453
Notes and Questions	454
2. Gender	455
Bolaji Owasanoye, The Regulation of Child Custody and Access in Nigeria	459
Notes	461
Problem 7-1	462
Problem 7-2	462
Notes and Questions	464
3. Religion	465
<i>Hoffmann v. Austria</i>	466
Notes and Questions	469
4. Culture	473
<i>Marsden v. Koop</i>	475
Notes and Questions	478
5. Race	481
<i>Van de Perre v. Edwards</i>	482
Notes and Questions	487
6. Children's Preferences	488
<i>B.J.G. (Plaintiff) and D.L.G. (Defendant)</i>	489
Notes and Questions	494

<i>C. v. Finland</i>	498
Notes and Questions	500
Problem 7-3	502
Chapter 8 · Child Abduction, Jurisdiction, and Enforcement in International Custody Disputes	505
A. The Hague Convention on the Civil Aspectsof International Child Abduction	506
1. Wrongful Removal and Retention	507
a. Habitual Residence	507
<i>Mozes v. Mozes</i>	507
Notes and Questions	513
Problem 8-1	516
Problem 8-2	516
b. Rights of Custody	522
<i>Whallon v. Lynn</i>	522
Notes and Questions	525
<i>Abbott v. Abbott</i>	528
Notes and Questions	534
Problem 8-3	537
c. Actual Exercise	537
<i>Friedrich v. Friedrich</i>	537
Notes and Questions	540
2. The Defenses (also known as “Exceptions”)	540
a. Grave Risk of Harm	540
<i>Blondin v. Dubois</i>	540
<i>Blondin v. Dubois</i>	544
<i>Blondin v. Dubois</i>	548
Notes and Questions	551
b. Children’s Objection to Return	560
<i>England v. England</i>	560
Notes and Questions	563
c. Protection of Human Rights and Fundamental Freedoms	566
<i>Freier v. Freier</i>	567
Notes and Questions	568
d. Consent or Acquiescence to the Removal	569
<i>In re Ponath</i>	569
Notes and Questions	570
e. One Year Elapsed from the Date of Wrongful Removal	572
<i>Lozano v. Lozano</i>	572
Notes and Questions	579
Problems	581
B. Jurisdiction in International Custody Disputes and Enforcement of Foreign Orders	582
1. U.S. Domestic Law	583
a. Jurisdictional Bases, Forum Non Conveniens, and Simultaneous Proceedings	584
<i>In re Marriage of Reeman and Vikas Sareen</i>	584
Notes and Questions	588

Problems	598
b. Modification and Enforcement Proceedings	599
<i>White v. Harrison-White</i>	599
Note and Questions	602
<i>Susan L. v. Steven L.</i>	604
Notes and Questions	607
<i>In the Matter of Ismail Yaman and Linda Yaman</i>	609
Notes and Questions	616
Problems	621
2. International Conventions	622
a. 1996 Convention for the Protection of Children	623
Problems	625
Notes	627
b. Regional Conventions and Regulations	628
Notes	630
C. Other Remedies to Prevent or Respond to Abduction	632
1. Preventative Measures and Immediate Deterrence	632
<i>Al-Silham v. Al-Silham</i>	632
Notes and Questions	634
<i>Long v. Ardestani</i>	636
Notes and Questions	643
Patricia E. Apy, Managing Child Custody Cases Involving Non-Hague Contracting States	647
Notes	649
2. Sanctions and Tort Liability	651
a. International Parental Kidnaping Crime Act and Other Federal Sanctions	651
<i>United States v. Fazal-Ur-Raheman-Fazal</i>	651
Notes and Questions	655
b. Additional Remedies under State Law	661
<i>Anyanwu v. Anyanwu</i>	661
Notes and Questions	667
c. Self Help and Other Options	670
Patricia E. Apy, Managing Child Custody Cases Involving Non-Hague Contracting States	670
Notes and Questions	671
Chapter 9 · Financial Support of Children	675
A. Who Must Support Children?	676
<i>Chartier v. Chartier</i>	676
John Eekelaar, Are Parents Morally Obligated to Care for Their Children?	680
Notes and Questions	681
Problem 9-1	685
B. Parent-State Relationship for the Support of Children	685
1. Income Transfers/Family Allowances	686
Notes and Questions	689
Problem 9-2	693
2. Child Support Assurance	693
Notes and Questions	694

Problem 9-3	696
3. Departing from the Guidelines	696
a. Parents' Ability to Opt-Out of the Child Support Guidelines	697
i. Absence of a Child Support Order or Agreement	697
<i>Close v. Close</i>	698
Notes and Questions	699
Solangel Maldonado, Deadbeat or Deadbroke: Redefining Child Support for Poor Fathers	699
ii. Private Agreements and Child Support Guidelines	701
Notes and Questions	702
<i>Hyde v. Commissioner of Inland Revenue</i>	704
b. Courts' Discretion to Depart from the Guidelines	706
<i>Lyon v. Wilcox</i>	706
Notes and Questions	709
Chapter 10 · Establishing and Enforcing Child Support Orders Transnationally	711
A. U.S. Participation in International Agreements	712
1. Foreign Reciprocating Countries	712
2. State Reciprocity Arrangements	713
3. 2007 Hague Maintenance Convention	715
B. Establishing, Enforcing, and Modifying Child Support Orders in U.S. Tribunals on Behalf of Residents of Foreign Nations	716
1. Establishing an Initial Support Order	719
<i>Gladis v. Gladisova</i>	719
Notes	724
2. Simultaneous Proceedings	725
3. Enforcing a Foreign Order in a U.S. Tribunal	726
<i>Country of Luxembourg, on Behalf of Ana Ribeiro v. Canderas</i>	727
Notes and Questions	730
4. Modification Restrictions	739
<i>Grave v. Shubert</i>	739
Notes and Questions	741
C. Enforcing U.S. Support Orders Abroad	746
Problems	749
Chapter 11 · Adoption: A Comparative Exploration	753
A. A Glimpse of Adoption across Time and Culture	754
Laura J. Schwartz, Models for Parenthood in Adoption Law: The French Conception	758
Note and Questions	759
B. Severing Parental Bonds	761
1. Giving and Revoking Voluntary Consent	762
<i>N v. Health Service Executive</i>	763
Notes and Questions	769
2. Rights of Putative Fathers and Parents Involuntarily Terminated	770
<i>Lehr v. Robertson</i>	771
<i>Keegan v. Ireland</i>	775
Notes and Questions	777
Problem 11-1	780
C. Maintaining Links with the Family of Origin	781

<i>Cheskes v. Ontario</i>	788
<i>I.O'T. v. B.</i>	790
Notes and Questions	794
<i>Odièvre v. France</i>	796
Notes and Questions	798
Problem 11-2	800
Problem 11-3	801
Chapter 12 · International Adoption	803
A. Intercountry Adoption: Benevolent Option or Last Resort?	804
Problem 12-1	806
Elizabeth Bartholet, International Adoption: Propriety, Prospects and Pragmatics	807
Sara Dillon, Making Legal Regimes for Intercountry Adoption Reflect Human Rights Principles: Transforming the United Nations Convention on the Rights of the Child with the Hague Convention on Intercountry Adoption	810
David M. Smolin, The Corrupting Influence of the United States on a Vulnerable Intercountry Adoption System: A Guide for Stakeholders, Hague and Non-Hague Nations, NGOs, and Concerned Parties	812
Twila Perry, Transracial and International Adoption: Mothers, Hierarchy, Race, and Feminist Legal Theory	813
David M. Smolin, Intercountry Adoption and Poverty: A Human Rights Analysis	815
Susan R. Harris, Race, Search, and My Baby-Self: Reflections of a Transracial Adoptee	815
Susan Soon-Keum Cox, Ritual	816
Notes and Questions	818
D. Marianne Blair, Safeguarding the Interests of Children in Intercountry Adoption: Assessing the Gatekeepers	825
Notes and Questions	826
Problem 12-2	834
B. Regulation of International Adoption by International Conventions	834
1. U.N. Conventions	835
2. The Hague Intercountry Adoption Convention	836
a. Central Authorities	837
b. Accredited Agencies and Approved Persons	838
c. Convention Requirements for the Adoption Process	842
d. Recognition of Convention Adoptions and U.S. Certification Procedures	846
Notes and Questions	847
Problems	854
C. Adopting a Child from Abroad — The Process	856
1. Role of Adoption Agencies and Lawyers	856
2. U.S. Immigration Requirements	858
a. Eligibility for Immediate Relative Status for an Orphan	859
<i>Rogan v. Reno</i>	860
Notes and Questions	863

b. Eligibility for Immediate Relative Status for a Hague Convention Adoption	865
Problem 12-6	866
Notes and Questions	866
c. Process for Obtaining Orphan and Convention Visas	867
Note	872
i. Home Studies	867
ii. Predetermination of Adopters' Suitability	868
iii. Determination of Child's Eligibility for a Visa	869
d. Eligibility and Process for Obtaining Immediate Relative Status as an Adopted Child	872
<i>Kaho v. Ilchert</i>	873
Notes and Questions	876
3. Citizenship	879
4. Adoption, Readoption, and Recognition of Foreign Orders in U.S. Courts	880
a. Initial Adoption in U.S. Court	880
b. Readoption in a U.S. Court	881
c. Recognition of Foreign Adoption Decrees by U.S. Courts	881
Problems	882
Chapter 13 · Reproductive Rights	885
A. Reproductive Rights and Human Rights	885
1. International Population Issues	886
Population Size, Growth and Age Structure	886
Population Size and Growth	886
Realizing Population and Development Commitments beyond 2014	889
2. An Overview of Reproductive Rights	890
Barbara Stark, Reproductive Rights and Abortion	890
Barbara Stark, The Women's Convention, Reproductive Rights, and the Reproduction of Gender	891
Simone Cusack & Lisa Pusey, CEDAW and the Rights to Non-Discrimination and Equality	894
Notes and Questions	896
Problem 13-1	897
B. State Natalist Policies	898
1. Pro-Natalist Policies	898
Notes and Questions	899
2. Anti-Natalist Policies	900
a. Iran	900
Janet Larsen, Iran's Birth Rate Plummeting at Record Pace: Success Provides a Model for Other Developing Countries	900
b. The People's Republic of China	901
Population and Family Planning Law of the People's Republic of China (2002)	902
Information Office of The State Council of the People's Republic of China, Human Rights in China	903
Notes and Questions	905

c. Unforeseen Consequences	906
i. Eugenics and an Aging Population	906
ii. A Shortage of Women	906
iii. A Shortage of People	907
Notes and Questions	908
Problem 13-2	910
Problem 13-3	910
C. International Surrogacy	911
Barbara Stark, Transnational Surrogacy and International Human Rights Law	911
Daniel Gruenbaum, Foreign Surrogate Motherhood: Mater Semper Certa ERAT	912
Hague Conference on Private International Law, A Study of Legal Parentage and the Issues Arising from International Surrogacy Arrangements	915
Problem 13-4	918
Notes and Questions	919
Chapter 14 · Children's Human Rights within the Family	923
A. Convention on the Rights of the Child	923
Jaap E. Doek, What Does the Children's Convention Require?	934
Notes and Questions	929
Michael King, Against Children's Rights	931
B. Children's Rights in Two States	932
1. Children's Rights in the United States	932
Barbara Bennett Woodhouse, The Constitutionalization of Children's Rights: Incorporating Emerging Human Rights into Constitutional Doctrine	932
Martin Guggenheim, Ratify the U.N. Convention on the Rights of the Child, But Don't Expect Any Miracles	933
Notes and Questions	936
2. Children's Rights in South Africa	936
Constitution of the Republic of South Africa	937
Julia Sloth-Nielsen, Chicken Soup or Chainsaws: Some Implications of the Constitutionalisation of Children's Rights in South Africa	938
Concluding Observations of the Committee on the Rights of the Child: South Africa	939
UNICEF, The Global Economic Recession and Child Well-Being in South Africa	940
Notes and Questions	940
Problem 14-1	942
C. Corporal Punishment	942
1. The Committee's General Comment	943
Committee on the Rights of the Child, General Comment No. 8, The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment	943
2. The Special Expert's Report	949

Paulo Sérgio Penheiro, World Report on Violence against Children	949
Note and Questions	949
3. Domestic Law and Law Reform Efforts	950
Penny Booth, The United Nations Convention on the Rights of the Child and the Punishment of Children under English Law — Public and Private Vices?	950
Statement Submitted by Defence for Children International, a Non-Governmental Organization in Consultative Status with the Economic and Social Council	951
Murray A. Straus, Prevalence, Societal Causes, and Trends in Corporal Punishment by Parents in World Perspective	952
Alison Dundes Renteln, Corporal Punishment and the Cultural Defense	959
Jennifer E. Lansford & et.al, Corporal Punishment of Children in Nine Countries as a Function of Child Gender and Parent Gender	963
Michael D.A. Freeman, Upholding the Dignity and Best Interests of Children: International Law and the Corporal Punishment of Children	968
Adam J. Zolotor & Megan E. Puzia, Bans against Corporal Punishment: A Systematic Review of the Laws, Changes in Attitudes and Behaviors	970
Problem 14-2	971
Notes & Questions	971
Index	973

Table of Cases

Principal cases are set in bold, while cases cited in the text and in the authors' notes are set in roman type. Where a principal case is also referenced elsewhere in the text, the principal pages are also bolded.

- A. v. R., [1999] N.Z.F.L.R. 249, 683
A. v. United Kingdom, 27 Eur. H.R. Rep. 611 (1999), 392, 972
A.D. & Another v. D.W. & Others, 2008 (3) SA 183 (CC)(S. Afr.), 819, 848
A.M.R.I. v. K.E.R., 2011 ONCA 417 (Ont. C.A.), 569
Abargil v. Abargil, 131 Cal. Rptr. 2d 429 (Cal. Ct. App. 2003), 645
Abbott v. Abbott, 560 U.S. 1 (2010), 528–34, 553
Abdullahi v. Pfizer, Inc., 562 F.3d 163 (2d Cir. 2009), 65
Abdul-Rahmen Omar Adra v. Clift, 195 F. Supp. 857 (D. Md. 1961), 65
Abouzahr v. Matera-Abouzahr, 824 A.2d 268 (N.J. Super. Ct. App. Div. 2003), 644
Adams v. Adams, 869 A.2d 124 (Vt. 2005), 311
Atkins v. Virginia, 536 U.S. 304 (2002), 5
Adoption of Christian A., 2004 WL 729071 (Cal. Ct. App. April 6, 2004), 616
Adoption of Luis A.L.W., 620 N.Y.S.2d 219 (N.Y. Surr. Ct. 1994), 881
Adoption of Peggy, 767 N.E.2d 29 (Mass. 2002), 420–21
Adoption of W.A.T. v. Fischer, 808 P.2d 1083 (Utah 1991), 112
Adoteye v. Adoteye, 527 S.E.2d 453 (Va. Ct. App. 2000), 325
Aflalo v. Aflalo, 658 A.2d 523 (N.J. Super. Ct. Ch. Div. 1996), 214
Agostini v. Felton, 521 U.S. 203 (1997), 465
Aguilar v. Schulte, 848 N.W.2d 644 (Neb. Ct. App. 2014), 645
Aguirre-Cervantes v. INS, 242 F.3d 1169 (9th Cir. 2001), 432
Ahmad v. Ahmad, 2001 WL 1518116 (Ohio Ct. App. Nov. 30, 2001), 318
Ahmad v. Naviwala, 762 N.Y.S.2d 125 (N.Y. App. Div. 2003), 668
Ahmed v. Ahmed, 261 S.W.3d 190 (Tex. App. 2008), 318
Airey v. Ireland, 32 Eur. Ct. H.R. (ser. A) (1979), 393–94
Aker Verdal A/S v. Lampson, 828 P.2d 610 (Wash. Ct. App. 1992), 736
Akileh v. Elchahal, 666 So. 2d 246 (Fla. Dist. Ct. App. 1996), 318
Akinci-Unal v. Unal, 832 N.E.2d 1 (Mass. App. Ct. 2005), 321
Al Fassi v. Al Fassi, 433 So. 2d 664 (Fla. Dist. Ct. App. 1983), 620
Al Silham v. Al Silham, 1994 WL 102480 (Ohio Ct. App. Mar. 25, 1994), 632–34, 636
Al Silham v. Al Silham, 1995 WL 803–808 (Ohio Ct. App. Nov. 24, 1995), 634–35
Aleem v. Aleem, 947 A.2d 489 (Md. 2008), 308–09, 311, 315–17, 318, 321, 323
Ali v. Ali, 652 A.2d 253 (N.J. Super. Ct. Ch. Div. 1994), 596, 620
Ali v. Reno, 237 F.3d 591 (6th Cir. 2001), 354–56, 357
Alma Society v. Mellon, 601 F.2d 1225 (2d Cir. 1979), 784–85, 795

- Alonzo v. Claudino, 2007 WL 475340 (M.D. N.C. Feb. 7, 2007), 517
- Alton v. Alton, 207 F.2d 667 (3d Cir. 1953), *vacated as moot*, 347 U.S. 610 (1954), 310
- Alyne da Silva Pimentel Teixeira (deceased) v. Brazill (Communication No. 17/2008), 895
- American Airlines v. Mejia**, 766 So. 2d 305 (Fla. Dist. Ct. App. 2000), 299–301, 302
- American Online Dating Ass'n v. Gonzalez, NO. 3-06-cv-123 (S.D. Ohio May 25, 2006), 157
- Amin v. Bakhaty, 798 So. 2d 75 (La. 2001), 596
- Ammini Ej v. UOI, 82 AIR Ker 252 (Kerala H.C. 1995) (India), 191
- Amsellem v. Amsellem, 730 N.Y.S.2d 212 (N.Y. Sup. Ct. 2001), 294
- Ananor v. Ashcroft, 364 F.3d 1013 (9th Cir. 2004), 317
- Ankenbrandt v. Richards, 504 U.S. 689 (1992), 131
- Anyanwu v. Anyanwu**, 771 A.2d 672 (N.J. Super. Ct. App. Div. 2001), *cert. denied*, 788 A.2d 773 (N.J. 2001), 462–63, 661–67, 668
- Apthorp v. Shearing, [1998] 42 R.F.L.4th 287 (Ont. Div. Ct. 1998), 682
- Armstrong v. Manzo, 380 U.S. 545 (1965), 762
- Arnell v. Arnell, 416 S.W.3d 188, 199 (Tex. Ct. App. 2013), 718, 738
- Arnholt v. Arnholt, 2010 WL 374435 (Minn. App. Sept. 28, 2010), 481
- Arnold v. Harari, 772 N.Y.S.2d 727 (N.Y. App. Div. 2004), 590
- Arteaga v. Tex. Dept. of Prot. & Reg. Serv., 924 S.W.2d 756 (Tex. App. 1996), 597
- Areyan v. Areyan, 2010 WL 1753257 (N.J. Super. Ct. Apr. 28, 2010), 478
- AS v. Hungary, Communication No. 4/2004, CEDAW/C/36/D/4/2004, 896
- Atala Riffo and Daughters v. Chile (Merits, Reparations and Costs), Judgment, Inter-Am. Ct. H.R. (ser. C) No. 239 (Feb. 24, 2012), 480, 488
- Attorney General v. X, [1992] I.R. 1, 16 (Ir. S.C.), 825
- Att'y Gen. v. Yehya & Ora Avraham, C.A.220/67, 22(1) P.D. 29 (Isr.), 226
- Avitzur v. Avitzur**, 459 N.Y.S.2d 572 (N.Y. 1983), 210–11, 213, 225
- Awad v. Ziriach, 670 F.3d 1111 (10th Cir. 2012), 57, 219
- Azanor v. Ashcroft, 364 F.3d 1013 (9th Cir. 2004), 357
- B & L v. United Kingdom, 39 Eur. Ct. H.R. SE19 227 (2004), 142
- B v. K (Child Abduction), 1 Fam. Ct. Rep. 382 (Eng. Fam. 1993), 558
- B.J.G. and D.L.G. 2010 YKSC 44 (2010)**, 489–94, 495
- Bajrami v. Albania, 47 Eur. H.R. Rep. 22 (2008), 628
- Baker v. State, 744 A.2d 864 (Vt. 1999), 23, 103
- Baldwin v. Iowa State Traveling Men's Ass'n, 283 U.S. 522 (1931), 732
- Baran v. Beaty, 526 F. 3d 1340 (11th Cir. 2008), 557
- Baskin v. Bogan, 766 F.3d 648 (7th Cir. 2014), 292
- Baxter v. Baxter, 423 F.3d 363 (3d Cir. 2005), 571
- Belilos v. Switzerland, 132 Eur. Ct. H.R. (ser. A) (1988), 42, 43
- Bellew v. Larese, 706 S.E.2d 78 (Ga. 2011), 589
- Ben-Haim v. Neeman, 543 Fed. Appx. 152 (3d Cir. 2013), 65
- Berezowsky v. Ojeda, 765 F3d 456 (5th Cir. 2014), 514–15
- Bergeris v. Bergeris, 90A.3d 553 (Md. Ct. Spec. App. 2014), 190
- Bernal v. Gonzales, 923 F. Supp. 2d 907 (W.D. Tex. 2012), 560
- Bevacqua and S. v. Bulgaria**, App. No. 71127/01, Eur. Ct. H.R. (2008), 388–92, 398
- Blackwell v. Helb, 2011 WL 346504 (D. N.J. Jan. 31, 2011), 787
- Blair v. Blair, 643 N.E.2d 933 (Ind. Ct. App. 1995), 311
- Bloch v. Bloch, 688 So. 2d 945 (Fla. Dist. Ct. App. 1997), 214

- Blondin v. Dubois**, 189 F.3d 240 (2d Cir. 1999), 540–43
- Blondin v. Dubois**, 238 F.3d 153 (2d Cir. 2001), 548–51, 554
- Blondin v. Dubois**, 78 F. Supp. 2d 283 (S.D.N.Y. 2000), 544–48
- Boddie v. Connecticut**, 401 U.S. 371 (1971), 191
- Boeckel and Gessner-Boeckel v. Germany**, App. No. 8017/11 (Eur. Ct. H.R. May 7, 2013), 238
- Bokel v. United States**, 2007 WL 1052482 (W.D. Va. April 4, 2007), 655
- Bond v. United States**, 134 U.S. 2077 (2014), 400
- Borisovs v. Kubiles**, 2013 ONCJ 85 (Ont. C.J.), 569
- Bostic v. Shafer**, 760 F.3d 352 (4th Cir. 2014), 292
- Bounds v. O'Brien**, 134 S.W.3d 666 (Mo. Ct. App. 2004), 591
- Bouquety v. Bouquety**, 2006 WL 1751752 (Fla. Dist. Ct. App. June 28, 2006), 718, 730, 745
- Bower v. EgyptAir Airlines Co.**, 731 F.3d 85 (1st Cir. 2013), 670
- Branko Tumašić v. Croatia**, App. No. 45698/06, Eur. Ct. H.R. (2009), 395
- Brannan v. Smith**, 2001 WL 950216 (Wash. App. Aug. 20, 2001), 733
- Brett v. Brett**, [1969] 1 All. E.R. 1007 (Eng.), 214
- Brooks v. Sanders**, 190 P.3d 357 (Okla. Civ. App. 2008), 113
- Brown v. Brown**, 621 N.W.2d 70 (Neb. 2000), 482
- Brown v. Buhman**, 947 F. Supp. 2d 1170 (D. Utah 2013), 126
- Brown v. United States**, 12 U.S. (8 Cranch), 400
- Buchs v. Switzerland**, App. No. 9929/12, Eur. Ct. H.R. (2014), 454
- Buck v. Stankovic**, 485 F. Supp.2d 576 (M.D. Pa. 2007), 296
- Butterfield v. Abou-Shaabani**, 2006 WL 2987713 (D. Or. Oct. 16, 2006), 670
- C. v. Finland**, 46 Eur. H.R. Rep. 24 (2008), 498–500, 501–02
- C.R. v. An Bord Uchtala**, [1993] 3 I.R. 535 (Ir. H. Ct.), 790
- Caban v. Mohammed**, 441 U.S. 380 (1979), 771
- Campbell v. Campbell**, 917 A.2d 302 (N.J. Super. Ct. App. Div. 2007), 734
- Cantor v. Cohen**, 442 F. 3d 195 (4th Cir. 2006), 535
- Carr v. Carr**, 724 So. 2d 937 (Miss. Ct. App. 1998), 311
- Carter v. Carter**, 758 N.W.2d 1 (Neb. 2008), 589–90
- Carlwig v. Carlwig**, No. 14-55671 (9th Cir. Apr. 17, 2015), 515
- Case of Vallianatos and Others v. Greece**, App. No. 293801/09 and 326804/09, (Eur. Ct. H.R. Nov. 11, 2013) 235–238, 257
- Case of Mennesson v. France**, ECHR, Application no. 65192/11(2014), 914
- Ceja v. Rudolph & Sletten, Inc.**, 158 Cal. Rptr. 3d 21 (2013), 123–24, 302
- Chafin v. Chafin**, 133 S. Ct. 1017 (2013), 540
- Chang v. Crabill**, 2011 WL 2471745 (N.D. Ind., June 21, 2011), 322
- Charara v. Yatim**, 78 Mass. App. Ct. 325 (App. Ct. 2010), 124
- Chartier v. Chartier**, [1999] 1 S.C.R. 242 (Can.), 676–80, 682, 684
- Chaudry v. Chaudry**, 388 A.2d 1000 (N.J. Sup. Ct. App. Div. 1978), 317–18
- Chen v. INS**, 195 F.3d 198 (4th Cir. 1999), 812–13
- Chen v. INS**, 95 F.3d 801 (9th Cir. 1996), 909
- Cheskes v. Ontario**, 87 O.R.(3d) 581 (Ont. Sup. Ct. Just. 2007), 788–90, 795, 799
- Chbihi Loudoudi and Others v. Belgium**, App. No. 52265/10 (Eur. Ct. Hum. Rts. Dec. 16, 2014), 761
- Cherichel v. Holder**, 591 F.3d 1002 (8th Cir. 2010), 358
- Cho v. Jeong**, 1997 WL 306017 (Tenn. Ct. App. June 6, 1997), 324
- Choi v. Kim**, 404 F. Supp. 2d 495 (S.D.N.Y. 2005), 572
- Christiansen v. Christiansen**, 253 P.3d 153 (Wyo. 2011), 292

- Church of the Lukumi Babalu Aye, Inc. v. Hialeah, 508 U.S. 520 (1993), 465
- CIBC Mellon Trust Co. v. Mora Hotel Corp., 762 N.Y.S.2d 5 (N.Y. 2003), 732
- Cisneros v. Aragon, 485 F.3d 1226 (10th Cir. 2007), 66
- Close v. Close**, [1999] 50 R.F.L.4th 342 (N.B.Q.B.), 698–99
- Coachman v. Gould, 470 S.E.2d 560 (N.C. Ct. App. 1996), 190
- Coe v. Coe, 334 U.S. 378 (1948), 310, 732
- Cook v. Cook, 342 U.S. 126 (1951), 310
- Cosulich Societa Triestina Di Navigazione v. Elting, 66 F.2d 534 (2d Cir. 1933), 5
- Cotter v. Cotter, 648 S.E.2d 552 (N.C. App. 2007), 321
- Country of Luxembourg, on behalf of Ana Ribeiro v. Canderas**, 768 A.2d 283 (N.J. Super. Ct. Ch. Div. 2000), 727–29, 730, 732–33
- Cox v. Cox, 776 P.2d 1045 (Alaska 1989), 701
- Cozen O'Connor, P.C. v. Tobits, 2013 WL 3878688 (E.D. Pa. 2013), 291
- C.R. v. An Bord Uchtala, [1993] 3 I.R. 535 (Ir. H. Ct.), 790
- Cresenzi v. Cresenzi, 2004 WL 2668272 (Conn. Super. Ct. Oct. 26, 2004), 733, 737
- Crouch v. Crouch, 566 F.2d 486 (5th Cir. 1978), 131
- Cucuzzella v. Keliikoa, 638 F.2d 105 (9th Cir. 1981), 660
- Currier v. Currier, 845 F. Supp. 916 (D.N.H. 1994), 538, 571
- Curtis v. Kline, 542 Pa. 249 (1995), 706
- Cvitanovich-Dubie v. Dubie, 231 P.3d 983 (Haw. Ct. App. 2010), 310, 313
- Damien v. J.G. & C.G., 39 Misc. 3d 243 (N.Y. Fam. Ct. 2013), 482
- Danaipour v. McLarey, 286 F.3d 1 (1st Cir. 2002), 551, 556, 609
- Dart v. Dart, 579 N.W.2d 82 (Mich. 1999), 319–20
- DeBoer v. Snyder, 772 F.3d 388 (6th Cir. 2014), 292
- De I v. De I, 2010 WL 1328197 (Del. Fam. Ct. 2010), 724, 725
- Dennis v. Dennis, [2000] 3 W.L.R. 1443, 192
- Dep't of Human Serv. v. Shelnut, 777 So. 2d 1041 (Miss. 2000), 718, 732
- Derr v. Swarek, 766 F.3d 430 (5th Cir. 2014), 732
- Desselberg v. Peele, 523 S.E.2d 125 (N.C. Ct. App. 1999), 717
- Detiček v. Sgueglia, Case C 403/ 09 PPU, 2009 ECR I- 12193, 631
- Dia v. Oakley, 217 P.3d 1010 (Kan. Ct. App. 2010), 717–18, 733
- Diamond v. Diamond, 461 A.2d 1227 (Pa. 1983), 312
- Diehl v. United States, 438 F.2d 705 (5th Cir. 1971), 312
- Dion v. Reiser, 285 P.3d 678 (N.M. Ct. App. 2012), 302
- Diorinou v. Mezitis, 237 F.3d 133 (2d Cir. 2001), 619, 726
- Distler v. Distler, 26 F. Supp. 2d 723 (D.N.J. 1998), 580
- Doe v. Sundquist, 2 S.W.3d 919 (Tenn. 1999), 787, 795
- Domingues v. United States, Merits Case No. 12.285, Inter-Am. Comm'n Hum. Rts. Report No. 62/02 (2002), 51, 57
- Donlann v. Macgurn, 55 P.3d 74 (Ariz. Ct. App. 2002), 293
- Downs v. Yuen, 748 N.Y.S.2d 131 (N.Y.App. Div. 2002), 321, 738
- Dresser v. Cradle of Hope, 358 F. Supp. 2d 620 (E.D. Mich. 2005), 852
- Dumpson v. Daniel M. (unpublished opinion, reported at N.Y.L.J., Ot. 16, 1974, at 17.), 962
- E.B. v. France, 47 Eur. H.R. Rep. 21 (2008), 480
- E.S. and Others v. Slovakia, App. No. 8227/04, Eur. Ct. H.R. (2009), 393
- E. Sussex Children Servs. v. Morris, 919 F. Supp. 2d 721 (N.D. W. Va. 2013), 527
- Egyptian Initiative for Personal Rights & INTERIGHTS v. Egypt, App. No 323/06, Afr. Comm'n Hum. & People's Rights (2011), 396
- Edwards v. Dominick, 815 So. 2d 236 (La. Ct. App. 2002), 719, 724

- Eisenstadt v. Baird, 405 U.S. 438 (1972), 891
- Elisa B. v. Superior Court, 117 P.3d 660 (Cal. 2005), 683
- El Universal, Compañía Periodística Nacional, S.A. de C.V. v. Phoenician Imports, Inc., 802 S.W.2d 799 (Tex. App. 1991), 736
- Elsholz v. Germany, 2000 VIII Eur. Ct. H. R. 345, 502
- Elyashiv v. Elyashiv, 353 F. Supp.2d 394 (E.D.N.Y. 2005), 551
- England v. England, 234 F.3d 268 (5th Cir. 2000), 560–63**
- Eremia & Others v. Republic of Moldova, App. No. 3564/11, Eur. Ct. H.R. (2013), 393, 395
- Estate of Roccamonte, 175 N.J. 381 (N.J. 2002), 110
- Estin v. Estin, 334 U.S. 541 (1948), 247
- European Connections & Tours, Inc. v. Gonzalez, 480 F. Supp. 2d 1355 (N.D. Ga. 2007), 152, 157
- Exxon Shipping Co. v. Baker, 128 S. Ct. 2601 (2008), 5
- F v. G, [2014] I.E.H.C. 153 (Ir. High Ct. 2014), 536
- F. v. Switzerland, 128 Eur. Ct. H.R. (Ser. A) at 7 (1987), 192
- Fabris v. France, App. No. 16574/08, Eur. Ct. H. R. (2013), 31–32
- Fantony v. Fantony, 122 A.2d 593 (N.J. 1956), 620
- Farag v. Farag, 772 N.Y.S.2d 368 (N.Y. App. Div. 2004), 311
- Farid v. Farid, 2010 WL 4070228 (Conn. Super. Ct. Sept. 10, 2010), 311
- Fawcett v. McRoberts, 326 F. 3d 491 (4th Cir. 2003), 527
- Feder v. Evans-Feder, 63 F.3d 217 (3d Cir. 1995), 514
- Ferenc v. World Child, Inc., 977 F. Supp. 56 (D. D.C. 1997), *aff'd*, 1998 U.S. App. Lexis 25743 (D. C. Cir. 1998), 852
- Ferguson v. Director of Child Welfare, 44 O.R.(2d) 78 (Ont. Sup. Ct., Ct. of App. 1983), 787
- Filartiga v. Peña Irala, 630 F.2d 876 (2d Cir. 1980), 65
- Finizio v. Scoppio-Finizio, [1999] 124 O.A.C. 308 (Can.), 551, 553
- Flomo v. Firestone Natural Rubber Co., 643 F.3d 1013 (7th Cir. 2011), 65
- Forbes v. Alliance for Children, C.A. No. 97004860 (Suffolk Sup. Ct. Dec. 16, 1998), 852
- Fox v. Fox, 904 P.2d 66 (Okla. 1995), 479
- Freier v. Freier, 969 F. Supp. 436 (E.D. Mich. 1996), 559, 567–68, 580**
- Freier v. Freier, 985 F. Supp. 710 (E.D. Mich. 1997), 580
- Frette v. France, 2002-I Eur. Ct. H.R. 345, 480
- Friedrich v. Friedrich, 78 F.3d 1060 (6th Cir. 1996), 537–40, 551–52, 570–71**
- Fuller v. Fuller, 93 So.3d 961 (Ala. Civ. App. 2012), 730
- Furnes v. Reeves, 362 F. 3d 702 (11th Cir. 2004), 526, 579
- Garcia v. Texas, 131 S.Ct. 2866 (2011), 49
- Garden State Equality v. Dow, 82 A.3d 336 (N.J. Super. Ct. 2013), 298
- Gardner v. Gardner, 2000 WL 1838744 (Wash. Ct. App. Dec. 14, 2000), 209
- Gaskin v. United Kingdom, 160 Eur. Ct. H.R. (ser. A.) 2 (1989), 798–99
- Gaudreau v. Kelly, 826 N.W.2d 164 (Mich. Ct. App. 2012), 717
- Ghassemi v. Ghassemi, 998 So. 2d 731 (La. Ct. App. 2008), 290, 295
- Gitelman v. Gitelman, 2001 WL 128927 (Conn. Super. Ct. Jan. 22, 2001), 312
- Gladis v. Gladisova, 856 A.2d 703 (Md. 2004), 719–23, 724**
- Glaser v. United Kingdom, 33 Eur. H.R. Rep. 1 (2001), 502
- Godelli v. Italy, App. No. 33783/ 09 (Eur. Ct. Hum. Rts. March 18, 2013), 26, 799
- Goekce v. Austria, Communication No. 5/ 2005, U.N. CEDAW, 39th Sess., U.N. Doc. No. CEDAW/C/39/D/5/2005 (2007), 346–51. 353**
- Golan v. Louise Wise Servs., 507 N.E.2d 275 (N.Y. 1987), 784
- Goldman v. Goldman, 554 N.E.2d 1016 (Ill. App. Ct. 1990), *cert. den.* 555 N.E.2d 376 (Ill. 1990) 213

- Gonzales-Alpizar v. Griffith, 317 P.3d 820 (Nev. 2014), 717
- Gonzalez v. Reno, 86 F. Supp. 2d 1167 (S.D. Fla. 2000), *aff'd*, 212 F.3d 1338 (11th Cir. 2000), 672–73
- Goode v. Goode, 997 P.2d 244 (Or. Ct. App. 2000), 309
- Goodridge v. Dept. of Public Health, 798 N.E.2d 941 (Mass. 2003), 254
- Gorham v. Gorham, 692 P.2d 1375 (Okla. 1984), 479
- Grave v. Shubert**, 2000 WL 1221343 (Minn. Ct. App. Aug. 23, 2000), 739–41, 742, 744
- Greenberg v. Greenberg, 656 N.Y.S.2d 369 (N.Y. App. 1997), 218
- Greenspan v. Slate, 97 A.2d 390 (N.J. 1953), 5
- Griswold v. Connecticut, 381 U.S. 479 (1965), 786, 891
- Grutter v. Bollinger, 529 U.S. 306 (2003), 5
- Guzman v. Alvarez, 205 S.W.3d 375 (Tenn. 2006), 295
- Guzzo v. Cristofano, 719 F.3d 100 (2nd Cir. 2013), 514
- H.I. v. M.G., [1999] 2 I.L.R.M. 1 (Ir. S.C.), 527
- Haase v. Germany, 40 Eur. H.R. Rep. 19 (2005), 84
- Haase v. Germany, 46 Eur. H.R. Rep. 242 (2008), 72, 83
- Hadjimilitis (Tsavlis) v. Tsavlis, [2003] 1 F.L.R. 81 (Eng.), 180
- Hajduová v. Slovakia, App. No. 2660/03, Eur. Ct. H.R. (2010), 393
- Haker Volkening v. Haker, 547 S.E.2d 127 (N.C. Ct. App. 2001), 718
- Hamdan v. Rumsfeld, 548 U.S. 557 (2006), 64
- Hamprecht v. Hamprecht, No. 12-cv-125, 2012 U.S. Dist. LEXIS 72558 (M.D. Fla. May 24, 2012), 517
- Hanano v. Alassar, 2001 WL 876399 (Va. Cir. Ct. Jan. 23, 2001), 324
- Hanley v. Roy, 485 F. 3d 641 (11th Cir. 2007), 528
- Hargrave v. Duval-Couetil (In re Estate of Duval), 777 N.W.2d 380 (S.C. 2010), 116
- Harrison v. Abouelseoud, 2012 WL 753761 (Conn. Super. Ct., Feb. 17, 2012), 318
- Harroudj v. France, App. No. 43631/ 09, (Eur. Ct. Hum. Rts. April 1, 2013), at [http:// www.echr.coe.int](http://www.echr.coe.int), 761
- Harshaw v. Bethany Christian Services, 714 F. Supp. 2d 771 (W.D. Mich. 2010), 851
- Hassan v. Gonzales, 484 F.3d 513, 518 (8th Cir. 2007), 429–30
- Hilton v. Guyot, 159 U.S. 113 (1895), 619–20
- Hirai v. Superior Court, 2008 WL 4216323 (Cal. Ct. App. Sept. 16, 2008), 592–94
- Hirschhorn v. Hait, 2008 WL 695892 (N.J. Super. Ct. App. Div. Mar.17, 2008), 594
- Hixson v. Sarkesian, 123 P.3d 1072 (Ak. 2005), 746
- Hoffmann v. Austria**, 225 Eur. Ct. H.R. (ser. A) 45 (1993), 466–69, 471
- Hokkanon v. Finland, 299 Eur. Ct. H.R. (ser. A) (1994), 501–02
- Hollingsworth v. Perry, 133 S. Ct. 2652 (2013), 132
- Hosain v. Malik, 671 A.2d 988 (Md. Ct. Spec. App. 1996), 617, 620
- Huaman-Cornelio v. Board of Immigr. Appeals, 979 F.2d 995 (4th Cir. 1992), 909
- Huynh Thi Anh v. Levi, 586 F.2d 625 (6th Cir. 1978), 65
- Hyde v. Commissioner of Inland Revenue**, [2000] N.Z.F.L.R. 385, 704–05
- I.O'T. v. B**, [1998] 2 I.R. 321 (Ir.), 790–94, 795
- Ibarra v. Garcia, 476 F. Supp. 2d 630 (S.D. Tex. 2007), 526
- Ibrahim v. Aziz, 953 A.2d 508 (N.J. Super. Ct. App. Div. 2008), 724–25
- Ignaccolo-Zenide v. Romania, 31 Eur. H.R. Rep. 7 (2001), 519, 629–30
- In re A.K., 72 P.3d 402 (Colo. Ct. App. 2003), 724
- In re Adoption of Baby S., 705 A.2d 822 (N.J. Super. Ct. Ch. Div. 1997), 799
- In re Adoption of D.J.F.M., 643 S.E.2d 879 (Ga. App. 2007), 880–81
- In re Adoption of Sherman, 2007 WL 703498 (V.I. Super. Feb. 6, 2007), 799
- In re Adoption of W.J., 942 P.2d 37 (Kan. 1997), 880, 881

- In re Alicia Z., 784 N.E.2d 240 (Ill. Ct. App. 2002), 597
- In re Al-Zhouhayli, 486 N.W.2d 10 (Minn. Ct. App. 1992), 635
- In re Application of Adams ex rel. Naik v. Naik, 363 F. Supp. 2d 1025 (N.D. Ill. 2005), 527
- In re Application of George, 625 S.W.2d 151 (Mo. Ct. App. 1981), 784
- In re B. Del C.S.B. (minor), 525 F. Supp. 2d 1182 (C.D. Cal. 2007), 580
- In Re: CJ A Female Infant of C/ O P.O. Box 30871, Chichiri, Blantyre 3 (MSCA Adoption Appeal No. 28 of 2009), available at: <http://www.malawilii.org/mw/judgment/supreme-court-appeal/2009/>, 819
- In re C.T., 121 Cal. Rptr. 897 (Cal. Ct. App. 2002), 608
- In re Calderon-Garza, 81 S.W.3d 899 (Tex. App. 2002), 590, 594, 596
- In re Certification of the Constitution of the Republic of South Africa, 1996 (10) BCLR 1253 (CC), 844
- In re Chang, Interim Decision 3107, 1989 WL 247513 (B.I.A. 1989), 909
- In re Christine, 397 A.2d 511 (R.I. 1979), 799
- In re D.W., Jr., 2008 WL 5423586 (Cal. Ct. App. Dec. 31, 2008), 592
- In re Dalip Singh Bir's Estate, 188 P.2d 499 (Cal. Ct. App. 1948), 290
- In re Dixon, 323 N.W.2d 549 (Mich. Ct. App. 1982), 784
- In re E (Children)(Abduction: Custody Appeal) [2011] UKSC 27, 553
- In re E.H., 450 S.W.3d 166 (Tex. Ct. App. 2014), 732, 734
- In re Estate of Gernold, 800 N.Y.S.2d 329 (N.Y. Surr. Ct. 2005), 302
- In re Estate of Ian A. Pringle, 2000 WL 1349231 (Terr. Ct. V.I. July 25, 2000), 306–08, 309–12**
- In re Estate of Robert Huyot, 645 N.Y.S.2d 979 (N.Y. Surr. Ct. 1996), *aff'd*, 666 N.Y.S.2d 697 (N.Y. App. Div. 1997), 302
- In re Estate of Rodriguez, 160 P.3d 679 (Ariz. Ct. App. 2007), 290
- In re Extradition of Cheung, 968 F. Supp. 791 (D. Conn. 1997), 49
- In re Fauziya Kasinga, 21 I. & N. Dec. 357 (B.I.A. 1996), 421–22, 429–32, 437
- In re Gino, 169 Cal. Rptr. 3d 193 (Cal. Ct. App. 2014), 591
- In re Gonzalez, 2000 WL 492102 (Fla. Cir. Ct. Apr. 13, 2000), 673
- In re Gustavo, 2014 WL 4784138 (Cal. Ct. App., Sept. 26, 2014), 591
- In re H., [2000] 1 FLR 374, 1999 WL 1319095, 527
- In re Hegney, 158 P.3d 1193 (Wash. Ct. App. 2007), 49
- In re Interest of Antonio O., 784 N.W.2d 457 (Neb. Ct. App. 2010), 597
- In re Interest of J.J.L.-P, 256 S.W. 3d 363 (Tex. Ct. App. 2008), 572
- In re Iqbal and Khan, 11 N.E.3d 1 (Ill. Ct. App. 2014), 318
- In re Jawad, 759 N.E.2d 1002 (Ill. Ct. App. 2001), 635
- In re Kohl, 778 N.E.2d 1169 (Ill. App. Ct. 2002), 734
- In re Kowalewski, 182 P.3d 959 (Wash. 2008), 325
- In re L.A.M. & R.K.M., 996 P.2d 839 (Kan. 2000), 597
- In re Lasota and Luterek, 17 N.E. 3d 690 (Ill. App. Ct. 2014), 320
- In re Lewin, 149 S.W.3d 727 (Tex. App. 2004), 590, 595, 621
- In re Manuel P., 215 Cal. App. 3d 48, *cert. denied*, 498 U.S. 832 (1990), 40
- In re Maples, 563 S.W.2d 760 (Mo. 1978), 784
- In re Marino, 737 N.Y.S.2d 496 (N.Y. App. Div. 2002), 784
- In re Marriage Cases, 43 Cal. 4th 757, 183 P.3d. 384 (2008), 250–54, 264**
- In re Marriage of Akon, 248 P.3d 94 (Wash. App. 2011), 293
- In re Marriage of Akula, 935 N.E.2d 1070 (Ill. App. Ct. 2010), 607
- In re Marriage of Brown, 587 N.E.2d 648 (Ill. App. Ct. 1992), 321
- In re Marriage of Condon, 73 Cal. Rptr.2d 33 (Cal. Ct. App. 1998), 578
- In re Marriage of Donboli, 128 Wash. Ct. App. 1039 (2005), 590

- In re Marriage of Galante, 2003 WL 22719326 (Cal. Ct. App. Nov. 14, 2003), 313, 321
- In re Marriage of Gambia, 853 N.E.2d 847 (Ill. Ct. App. 2006), 478, 580
- In re Marriage of Gur, 2005 WL 3409379 (Cal Ct. App. Dec. 13, 2005), 717, 735
- In re Marriage of Handeland, 564 N.W.2d 445 (Iowa Ct. App. 1997), 701
- In re Marriage of Khan, 332 P.3d 1016 (Wash. App. 2014), 323
- In re Marriage of Kimura, 471 N.W.2d 869 (Iowa 1991), 324–25
- In re Marriage of Lyustiger, 99 Cal. Rptr. 3d 922 (Cal. Ct. App. 2009), 321
- In re Marriage of Medill, 40 P.3d 1087 (Or. Ct. App. 2002), 600–602
- In re Marriage of Murugesh and Kasilingam, 993 N.E.2d 1109 (Ill. Ct. App. 2013), 313
- In re Marriage of Obaidi v. Qayoum, 226 P.3d 787 (Wash. Ct. App. 2010), 318
- In re Marriage of Popa and Garcia, 995 N.E.2d 521 (Ill. App. Ct. 2013), 668–69
- In re Marriage of Popack, 998 P.2d 464 (Colo. App. 2000), 218
- In re Marriage of Reeman and Vikes Saareen, 62 Cal. Rptr. 3d 687 (Cal. Ct. App. 2007), 584–88, 589, 595–96**
- In re Marriage of Ricard and Sahut, 975 N.E.2d 1220 (Ill. App. Ct. 2012), 313
- In re Marriage of Saheeb and Khazal, 880 N.E.2d 537 (Ill. App. Ct. 2007), 645
- In re Marriage of Shaban, 105 Cal. Rptr. 2d 863 (Cal. Ct. App. 2001), 119
- In re Marriage of Steinmetz (1980) 6 F.L.R. 554 (Austl.), 214
- In re Marriage of Vryonis, 248 Cal. Rptr. 807 (Cal. Ct. App. 1988), 120–23, 302**
- In re Marriage of Winegard, 278 N.W.2d 505, 510 (Iowa, 1979), 113, 116
- In re Matson, 509 B.R. 860 (E.D. Wis. 2014), 291
- In re M (A Minor), [1996] EWCA Civ 1320, 473–75
- In re May, [1959] I.R. 74 (Ir. H. Ct.), 469
- In re Nada R., 108 Cal. Rptr. 2d 493 (Cal. Ct. App. 2001), 608
- In re [Name Redacted], 2008 WL 5651986 (INS) (OAA Nov. 6, 2008), 864
- In re [Name Redacted], 2008 WL 5745332 (INS) (AAO Dec. 2, 2008), 864
- In re [Name Redacted], 2010 WL 6527418 (INS) (AAO June 18, 2010), 864
- In re P-S (Children) (Family Proceedings: Evidence), [2013] EWCA Civ 223, 496
- In re Ponath, 829 F. Supp. 363 (D. Utah 1993), 516–17, 569–70, 571**
- In re R (Child Abduction: Acquiescence), 1 Fam. 716 (Eng. C.A. 1995), 564
- In re R-A, 22 I. & N. Dec. 906 (B.I.A. 1999), 430–31
- In re R.W. and N.W., 39 A.3d 682 (Vt. 2011), 596, 597
- In re Ramadan, 891 A.2d 1186 (N.H. 2006), 309
- In re Rix, 20 A.3d 326 (N.H. 2011), 644
- In re Robinson, 983 F. Supp. 1339 (D. Colo. 1997), 565
- In re Roger B., 418 N.W.2d 751 (Ill. 1981), 784
- In re S. (Minors) (Abduction: Acquiescence), 1 Fam. 819 (Eng. Fam. 1994), 563
- In re S., A.C. 750 (Eng. H.L. 1998), 537
- In re S (a Child), [2012] UK 10, 553
- In re S-A, 22 I. & N. Dec. 1328 (B.I.A. 2000), 430
- In re Schenck, 568 N.W.2d 567 (Neb. Ct. App. 1997), 116
- In re Schweidenback, 3 F. Supp. 2d 118 (D. Mass. 1998), 660
- In re Sigmar, 270 S.W.3d 289 (Tex. App. 2008), 634, 635, 646
- In re Skrodski, 2007 WL 1965391 (E.D.N.Y. July 2, 2007), 565
- In re South African Apartheid Litigation, 15 F. Supp. 3d 454 (S.D. N.Y. 2014), 65
- In re Stephanie M., 867 P.2d 706 (Cal. 1994), 596–97
- In re T.L.B., 272 P.3d 1148 (Colo. App. 2012), 608–09, 618, 621
- In re Texas Dept. of Family and Protective Services, 255 S.W.3d 613 (Tex. 2008), 126
- In re V.L.C. 225 S.W.3d 221 (Tex. App. 2006), 718, 744

- In re Yaman and Yaman**, 105 A.3d 600 (N.H. 2014), 609–16, 617–18, 620–21
- In re Zappa, 197 P.3d 905 (Kan. Ct. App. 2008), 635, 646
- In the case of X and Others v. Austria**, App. No. 19010/07, Eur. Ct. H.R. 057 (2013), 239–240, 257
- Infant No. 10968 v. Ontario, 88 O.R.(3d) 600 (Ont. Ct. App. 2007), 787
- Innes v. Carrascosa, 918 A.2d 686 (N.J. Super. Ct. App. Div. 2007), 668, 669–70
- Innes v. Marzano-Lesnevich, 87 A.3d 775 (N.J. Ct. App. 2014), 669–70
- INS v. Aguirre-Aguirres, 119 S. Ct. 1439 (1999), 432–33
- INS v. Cardoza-Fonseca, 480 U.S. 421, 430–31 (1987), 433, 909,
- Inze v. Austria, 10 Eur. H.R. Rep. 394 (1988), 31
- Irwin v. Irwin, [1997] O.J. 3892 (Ont. Div. Ct.), 682
- Islam v. Sec’y of State for the Home Dep’t; Regina v. Immigration Appeal Tribunal ex parte Shah (conjoined appeals)** 38 I.L.M. 827 (Eng. H.L. 1999), 427–28
- Ivaldi v. Ivaldi, 685 A.2d 1319 (N.J. 1996), 505, 620
- Ivanov and Petrova v. Bulgaria, No.15001/04 (Eur. Ct. H.R. June 14, 2011), English summary at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-10515>, 192
- Jackson v. Sonomi, 742 S.E.2d 717 (Ga. 2013), 591
- Jaggi v. Switzerland, 47 Eur. H.R. Rep. 30 (2008), 799
- Jahed v. Acri, 468 F.3d 230 (4th Cir. 2006), 309
- James v. James, 45 S.W.3d 458 (Mo. Ct. App. 2001), 294, 295
- Jane Does v. State, 993 P.2d 822 (Or. Ct. App. 1999), *rev. denied*, 6 P.3d 1098 (Or. 2000), 787
- Jasen v. Karassik, 956 N.Y.S.2d 92 (N.Y. App. Div. 2012), 736, 737
- Jenkins v. Jenkins, 2014 WL 4953550 (Ohio Ct. App. Oct. 3, 2014), 737
- Jenkins v. Miller, No. 2:12- CV-184, 2014 WL 3530365 (D. Vt. July 15, 2014), 670
- Joel v. Roohi, 2012 WL 3127305 (Colo. App., August 2, 2012), 296
- Johnson v. Calvert, 851 P.2d 776 (1993), 912
- Johnson v. Johnson, 493 S.E.2d 668 (Va. Ct. App. 1997), 603–04
- Johnson v. Johnson, 676 So. 2d 458 (Fla. Dist. Ct. App. 1996), 320
- Johnston v. Ireland, 112 Eur. Ct. H.R. (ser. A) (1987), 31, 34, 191–92
- Jose Alberto Perez, Meza, Report No. 96/01 (2001), 242
- Journe v. Journe, 911 F. Supp. 43 (D.P.R. 1995), 572
- Juma v. Aomo, 68 A.3d 148 (Conn. App. 2013), 309
- Jürgen Römer v. Freie und Hansestadt Hamburg, Case C-147/08, 2011 E.C.R. I-03591 (European Union)**, 240
- K. & T. v. Finland, 31 Eur. H.R. Rep. 484 (2000), 84
- K. & T. v. Finland, 36 Eur. H.R. Rep. 18 (2003), 84–86
- Kadic v. Karadzic, 70 F.3d 232 (2d Cir.1995), 65
- Kaho v. Ilchert**, 765 F.2d 877 (9th Cir. 1985), 873–76, 877, 878
- Kalia v. Kalia, 783 N.E.2d 623 (Ohio Ct. App. 2002), 322, 718
- Karam v. Karam, 2009 WL 605401 (Fla. Dist. Ct. App. Mar. 11, 2009), 590
- Karner v. Austria, Application No. 40016/98 24.7.2003, 239–40**
- Katare v. Katere, 283 P.3d 546, 555 (Wash. 2012), 644, 647
- Katjtazi v. Kajtazi, 288 F. Supp. 15 (E.D. N.Y. 1978), 669
- Katz v. Katz, 986 N.Y.S.2d 611 (N.Y. App. Div. 2014), 589
- Kautzor v. Germany, App. No. 23338/09, Eur. Ct. H.R. (2012), 22, 30
- Kearns v. France, No. 35991/04 (Eur. Ct. H.R. Jan. 10, 2008), 763, 769–70
- Keegan v. Ireland, 290 Eur. Ct. H.R. (ser. A) (1994), 29, 775–77, 778–79**
- Kerrigan v. Commissioner of Public Health, 957 A.2d 407 (Conn. 2008), 233

- Keita v. Keita, 823 N.W.2d 726 (N.D.2012), 634
- Khalifa v. Shannon, 945 A.2d 1244 (Md. 2008), 669
- Kijowska v. Haines, 463 F. 3d 583 (7th Cir. 2006), 514
- Kiobel v. Royal Dutch Petroleum, 621 F.3d 1303 (2d Cir. 2010), *aff'd* 133 S. Ct. 1659 (2013), 65
- Kitchen v. Herbert, 755 F.3d 1193 (10th Cir. 2014), 209–10, 292
- Knothe v. Rose, 392 S.E.2d 570 (Ga. Ct. App. 1990), 737
- Kopf and Liberda v. Austria, No. 1598/ 06 (Eur. Ct. H.R, January 17, 2012), at [http:// hudoc.echr.coe.int/ sites/ eng/ pages/ search. aspx?i=001-108686](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-108686), 82
- Kovacs v. Kovacs, 633 A.2d 425 (Md. Ct. Spec. App. 1993), 124, 218
- Krausser v. Austria, Comm. No. 890/1999, CCPR (Oct. 23, 2002), 344
- Krishna v. Krishna, 1997 WL 195439 (N.D. Cal. Apr. 11, 1997), 571
- Kulko v. Super. Ct. of Cal., 436 U.S. 84 (1976), 320, 730–31
- Kushnik v. Kushnik, 763 N.Y.S.2d 889 (N.Y. Sup. Ct. 2003), 311, 320
- Kuznetsov v. Kuznetsov, 971 N.Y.S.2d 72 (N.Y. Sup. Ct. 2013), 311
- Kwongyuen Hangkee Co. Ltd. v. Starr Fireworks, Inc., 634 N.W.2d 95 (S.D. 2001), 732
- L. v. Finland**, 31 Eur. H.R. Rep. 737 (2000), 74–80, 82, 83, 85, 86
- L. v. S., 691 M.L.J.U. 1 (Malay. High Ct., Sibu 2001), 456
- Lajeunesse v. State Dep't of Soc. Serv., 350 S.W.3d 842 (Mo. Ct. App. 2011), 719
- Lackshmi Kant Pandey v. Union of India, AIR 1984 SC 469 (India). 819
- Lalli v. Lalli, 439 U.S. 259 (1978), 34
- Latta v. Otter, 771 F.3d 456 (9th Cir. 2014), 292
- Lau v. Kiley, 563 F.2d 543 (2d Cir. 1977), 5
- Lawrence v. Texas, 539 U.S. 558 (2003), 5, 37
- Lazaridus v. Wehmer, 288 F. App'x 800 (3rd Cir. 2008), 670
- LC v. Peru, CEDAW, U.N. Doc. CEDAW/ C/50/D/22/2009 (2011), 894–95
- LeClair v. LeClair, 137 N.H. 213 (1993), 706
- Lehr v. Robertson**, 463 U.S. 248 (1983), 526, 771–74, 777–78, 780
- Lemm v. Salamey, 2005 WL 1880200 (Mich. Ct. App. Aug. 9, 2005), 608
- Lenahan (Gonzales) v. United States, Case No. 12.626 (Merits), Inter-Am. Comm'n H.R. 80/11 (2011)**, 372–86, 488
- Leslie v Noble, 377 F. Supp. 2d 1232 (S.D. Fla. 2005), 527
- Leszinske v. Poole**, 798 P.2d 1049 (N.M. Ct. App. 1990), 280–282, 289–90
- Levy v. Louisiana, 391 U.S. 68 (1968), 35
- Lieverman v. Tabachnik, 2008 WL 1744353 (D. Colo. April 10, 2008), 526
- Light v. Light, No. NNHFA124051863S, 2012 WL 6743605 (Conn. Super. Dec. 6, 2012), 213
- Lily Thomas v. Union of India, [2000] 2 L.R.I. 623 (India), 225
- Liu v. Mund, 686 F.3d 418, 423 (7th Cir. 2012), 322
- Liuksila v. Stoll, 887 A.2d 501 (D.C. 2005), 734
- Livingstone-Stallard v. Livingstone-Stallard, [1974] Fam. 47 (Eng.), 180
- Long v. Ardestani**, 624 N.W.2d 405 (Wisc. Ct. App. 2001), 636–43, 644
- Lopes v. Lopes, 852 So. 2d 402 (Fla. Dist. Ct. App. 2003), 295, 310, 313, 738
- López Guió v. Slovakia, App. No. 10280/ 12, Eur. Ct. H.R. (Jan. 7, 2014), 628
- Lord v. Living Bridges, 1999 WL 562713 (E.D. Pa. July 30, 1999), 851–52
- Loike v. Kletenik, 957 N.Y.S.2d 264 (N.Y. Sup. 2012), 218
- Loizidou v. Turkey, 310 Eur. Ct. H. R. (ser. A) (1995), 42, 43
- Love v. Love, 33 A.3d 1268, 1273–75 (Pa. Super. Ct. 2011), 323
- Loving v. Virginia, 388 U.S. 1 (1967), 157
- Lozano v. Lozano** 134 S.Ct. 1224 (2014), 572–79
- Lwin v. INS, 144 F.3d 505 (7th Cir. 1998), 429
- Lyon v. Wilcox**, [1994] N.Z.F.L.R. 422 (C.A.), 706–09

- M.A. v. INS, 899 F.2d 304, 311 (4th Cir. 1990), 909
- M.C. v. Bulgaria, 40 Eur. H.R. Rep. 20 (2005), 390, 393–94
- Ma v. Ma (In re Marriage of Yi Ning Ma), 483 N.W.2d 732 (Minn. Ct. App. 1992), 293
- Madireddy v. Madireddy, 886 N.Y.S.2d 495 (N.Y. App. 2009), 294
- Magaya v. Magaya, S.C. No. 210–98 (Zimb. 1999), 109
- Maklad v. Maklad, 2001 WL 51662 (Conn. Super. Ct. Jan. 3, 2001), 304–06, 309, 311–13**
- March v. Levine, 136 F. Supp. 2d 831 (M.D. Tenn. 2000), *aff'd*, 249 F.3d 462 (6th Cir. 2001), 524
- Marckx v. Belgium, 2 Eur. H.R. Rep. 330 (1979), , 20, 23–25, 31, 34, 192,276**
- Marcotte v. Marcotte, 886 So.2d 671 (La. Ct. App. 2004), 190
- Marcovitz v. Bruker, [2007] 3 S.C.R. 607 (Can.), 214–217, 218, 225**
- Marfo v. Hagan, 2003 WL 21404692 (Conn. Super. Ct. June 6, 2003), 293
- Maria da Penha Maia Fernandes, Case No. 12.051, Inter-Am C.H.R. 54-1 (2001), 366–69, 379
- Maria Eugenia Morales De Sierra, Case No. 11.625, Inter-Am C.H.R. 4-01 (2001), 369
- Marriage of Crocker, 332 Or. 42 (2001), 706
- Marsden v. Koop, 789 N.W.2d 531 (N.D. 2010) 475–78, 479, 481**
- Marta Lucia Alvarez Giraldo, Case 11.656, Report No. 71/99 (1999), 242
- Martian v. Martian, 328 N.W.2d 844 (N.D. 1983), 209
- Martinez v. County of Monroe, 850 N.Y.S.2d 740 (N.Y. App. Div. 2008), 292
- Maruko v. Versorgungsanstalt der deutschen Buhen, Case C-267/06 (ECJ, Grand Chamber, April 1, 2008), 241–42**
- Mathews v. Lucas, 427 U.S. 495 (1976), 34
- Mathieson v. Mathieson, 2011 WL 1565529 (W.D. Pa. April 25, 2011), 323
- Matloob v. Farhan, 2014 WL 1401924 (D. Md., April 9, 2014), 322
- Matsumoto v. Matsumoto, 762 A.2d 224 (N.J. Super. Ct. App. Div. 2000), 669
- Mattenklott v. Germany, 44 Eur. H.R. Rep. SE12 (2007), 629
- Matter of Acosta, 19 I. & N. Dec. (B.I.A. 1985), 421, 425, 433
- Matter of A-R-C-G 26 I. & N. Dec. 388 (B.I.A. 2014), 422–27, 429–31**
- Matter of A-T-, 24 I. & N. Dec. 296 (B.I.A. 2007), 429
- Matter of Cabucana, 16 I. & N. Dec. 217 (B.I.A. 1977), 878
- Matter of Cho, 16 I. & N. Dec. 188 (B.I.A.1977), 878, 879
- Matter of Farraj, 23 Misc.3d 1109(A). (Surr.Ct., Kings County 2009), 286–87, 294
- Matter of Khatoon, 19 I. & N. Dec. 153 (B.I.A. 1984), 877
- Matter of Kwok, 14 I. & N. Dec. 127 (B.I.A. 1972), 877
- Matter of M-E-V-G, 26 I. & N. Dec. 227 (B.I.A. 2014), 424–26, 429
- Matter of Ng, 14 I. & N. Dec.135 (B.I.A. 1972), 877
- Matter of Patel, 17 I. & N. Dec. 414 (B.I.A. 1980), 879
- Matter of Reputan, 19 I. & N. Dec. 199 (B.I.A. 1984), 879
- Matura v. Griffith, 135 So. 3d 377 (Fla. Ct. App. 2014), 644
- Maumousseau and Washington v. France, No. 39388/05 (Eur. Ct. H.R. Dec. 6, 2007), (Press Release, HUDOC, at [http:// cmiskp.echr.coe.int/ tkp197/ search. asp? skin=hudoc-en](http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en)), 629
- Maurizio R.v. L.C., 135 Cal. Rptr. 3d 93 (Cal. Ct. App. 2011), 551
- Maxwell v. Maxwell, 588 F.3d 245 (4th Cir. 2009), 514
- May v. Anderson, 345 U.S. 528 (1953), 596
- Mayelane v. Ngwenyama, 2013 (8) BCLR 918 (CC), (S. Afr.), 109
- Mayer v. Mayer, 311 S.E.2d 659 (N.C. Ct. App. 1984), 312
- Mayer- Kolker v. Kolker, 819 A.2d 17 (N.J. Super. Ct. App. Div. 2003), 214
- Maynard v. Hill, 125 U.S. 190 (1888), 103

- Mazurek v. France, App. No. 34406/97 (Eur. Ct. H.R. Feb. 1, 2000), 31, 32
- McA v. McA, 1 I.R. 457 (Ir. H. Ct. 2000), 187–89
- McArthur v. McArthur, [1998] 235 A.R. 297 (Alta. Q.B.), 735
- McBride v. McBride, [2001] N.W.T.S.C. 59 (N.W.T. Sup. Ct.), 682
- McCarthy v. McCarthy, 280 N.E.2d 151 (Mass. 1972), 310
- McDonald v. Wrigley, 870 P.2d 777 (Okla. 1994), 501
- McMichael v. United Kingdom, 307 Eur. Ct. H.R. 27 (ser. A) (1995), 780
- McMullen v. European Adoption Consultants, Inc. 129 F. Supp. 2d 805 (W.D. Pa. 2001), 852
- Medellin v. Texas, 552 U.S. 491 (2008), 49
- Mesfun v. Hagos, 2005 WL 5956612 (C.D. Cal. Feb. 16, 2005), 5
- Michie v. Michie, 1997 Carswell Sask 608, 48 C.R.R. (2d) 333 (Sask Q.B.), 706
- Mila v. Dist. Dir. of the Denver, Col. Dist. of the INS, 678 F.2d 123 (10th Cir. 1982), 877
- Miller v. Albright, 523 U.S. 420 (1998), 34
- Miller v. Miller, 97 N.J. 154 (1984), 682
- Minister for Welfare and Population Development v. Fitzpatrick, 2000 (3) SA 422 (CC) (S. Afr.), 819
- Minister of Health v. Treatment Action Campaign, 2002 (5) SA 703 (CC) (S. Afr.), 863
- Minister of Home Affairs and Another v. Fourie and Another, Constitutional Court? — [1] CCT 60/04 Judgment date: 1 December 2005, 245–50**
- Minkin v. Minkin, 434 A.2d 665 (N.J. Super. Ct. Ch. Div. 1981), 214
- Minot v. Eckardt Minot, 13 F.3d 590 (2d Cir. 1994), 669
- Mir v. Birjandi, 2007 WL 4170868 (Ohio Ct. App. Nov. 21, 2007), 318
- Mirjavadi v. Vakilzadeh, 18 A.3d 591 (Conn. Ct. App. 2011), 670
- Miron v. Trudel, [1995] 2 S.C.R. 418 (Can.), 298
- Missouri v. Holland, 22 U.S. 416 (1920), 399
- Mohamad v. Palestinian Authority, 132 S.Ct. 1702 (2012), 66
- Mohamed v. Canada, [1997] F.C. IMM-4742-96 (Fed. Ct.), 437
- Mohammed v. Gonzales, 400 F.3d 785, 797 (9th Cir. 2005), 430
- Monory v. Romania & Hungary, 41 Eur. H.R. Rep. 37 (2005), 519
- Montenegro v. Avila, 365 S.W.3d 822 (Tex. App. 2012), 296
- Morabu Chacha v. Marwa Wambura (Mwanza High Ct., Matr. Civ. App. Nov. 25, 1976) (Tanzania), 458
- Moreno v. Moreno, 481 S.E.2d 482 (Va. Ct. App. 1997), 701
- Moretti and Benedetti v. Italy, No. 16318/07 (Eur. Ct. H.R. April 27, 2010), English summary at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=002-992>, 82
- Moser v. Austria, No. 12643/02 (Eur. Ct. H.R. Sept. 21, 2006), at <http://www.echr.coe.int/eng>, 84
- Moshen v. Moshen, 5 So.3d 218 (La. App. 2008), 644, 646
- Mozes v. Mozes, 239 F.3d 1067 (9th Cir. 2001), 507–13**
- Motsoatsoa v Roro, 2010 (2) All SA 324 (South Gauteng High Court) (S.Afr.), 113–15**
- Mthembu v. Letsela, 2000 (3) SA 867 (A), (S. Afr.), 109
- Murphy v. Sloan, 764 F.3d 1144 (9th Cir. 2014), 514
- Muscarella v. Muscarella, No. 2010–T–0091, 2011 WL 861153 (Ohio Ct. App. March 11, 2011), 645
- Mwani v. Laden, 947 F. Supp. 2d 1 (D. D.C. 2013), 65
- N. v. Health Service Executive, [2006] 3 I.R. 449 (Ir.), 763–69, 770**
- Naseer v. Moghal, 2012 WL 3288117 (Va. Ct. App. Aug. 14, 2012), 311
- National Legal Ser. Auth. V. Union of India, (2014) 5 S.C.C. 438 (India), 272–275**
- Native Village of Tununak v. State, Dep’t of Health & Soc. Servs., 303 P.3d 431 (Alaska 2013), 480

- Navas v. INS, 217 F.3d 646 (9th Cir. 2000), 421
- Nerghes v. Mukasey, 274 Fed. Appx. 417 (6th Cir. 2008), 357
- Nezat v. Guzman, No. 2010 CU 1833, 2011 WL 2616830 (La. Ct. App. May 6, 2011), 718
- Nicolson v. Pappalardo, 605 F.3d 100 (1st Cir. 2010), 514
- Nguyen v. Dean, 2011 WL 130241 (D. Or. Jan. 14, 2011), 323
- Nguyen v. INS, 121 S. Ct. 2053 (2001), 33, 34
- Nicaragua v. Reagan, 859 F.2d 929 (D.C. Cir. 1988), 144
- Niergarten v. Lutheran Social Services, 563 N.W.2d 181 (Wis. Ct. App. 1997), *rev'd on other grounds*, 580 N.W.2d 320 (Wis. 1998), 852
- Nippon Emo Trans Co., Ltd. v. Emo Trans, Inc., 744 F. Supp. 1215 (E.D.N.Y. 1990), 732
- Nischal v. Nischal, 879 A.2d 813 (Pa. Super. Ct. 2005), 719, 724
- Nova Scotia (Attorney General) v. Walsh, 2002 SCC 83, 299, 302
- No she po v. Wa win ta, 65 P. 15 (Or. 1900), 755
- Noordin v. Abdulla (In re Custody of R), 947 P.2d 745 (Wash. Ct. App. 1997), 616, 620
- Neulinger & Shuruk v. Switzerland, No. 41615/07, Eur. Ct. H. R. (2010), 519–21
- NSW Registrar of Births, Deaths and Marriages v. Norrie**, (2014) 244 CLR 390 (Austl.), 275–77
- O v. H, [1998] N.Z.F.L.R. 673, 684
- Obergefell v. Hodges, 135 S. Ct 1039 (2015), 254, 292–93
- O'Darling v. O'Darling, 188 P.3d 137 (Okla. 2008), 292
- Odatalla v. Odatalla, 810 A.2d 93 (N.J. Super. Ct. Ch. Div. 2002), 318
- Odièvre v. France**, 2003-III Eur. Ct. H.R. 51, 22, 23, 26, 796–98, 799
- Office of Child Support v. Sholan, 782 A.2d 1199 (Vt. 2001), 737
- Ogawa v. Ogawa, 221 P.3d 699 (Nev. 2009), 590
- Oforji v. Ashcroft, 354 F.3d 609 (7th Cir. 2003), 358
- Opuz v. Turkey, App. No. 33401/02, Eur. Ct. H.R. (2009), 360
- Osman v. United Kingdom, 29 Eur. Ct. H.R. (ser. A) 245 (1998), 390, 394–95
- Ostevoll v. Ostevoll, 2000 WL 1611123 (S.D. Ohio Aug. 16, 2000), 563
- Oyten v. David-Oyten, 288 P.3d 57 (Wash. Ct. App. 2012), 325
- Ozaltin v. Ozaltin, 708 F.3d 355 (2d Cir. 2013), 535
- P.C. & S. v. United Kingdom, 35 Eur. H.R. Rep. 31 (2002), 84
- Padron v. Padron, 641 S.E.2d 542 (Ga. 2007), 324
- Palau-Martinez v. France, 2003-XII Eur. Ct. H.R. 321, 470–71
- Palmore v. Sidoti, 466 U.S. 429 (1984), 481–82, 487
- Papakosmas v. Papakosmas, 483 F. 3d 617 (9th Cir. 2007), 517
- Paradis and Others v. Germany, No. 4065/04 (Eur. Ct. H.R. Sept. 4, 2007), at <http://www.coe.int/eng>, 668
- Pascual v. O'Shea, 421 F. Supp. 80 (D. Haw. 1976), 878
- Pater v. Pater, 588 N.E.2d 794 (Ohio 1992), 465
- Patrawke v. Liebes, 285 P.3d 268 (Alaska 2012), 645
- Payne v. Payne, 1 F.L.R 1052 (Eng. C.A. 2001), 580
- Pennoyer v. Neff, 95 U.S. 714 (1877), 596
- People v. Ezeonu**, 588 N.Y.S.2d 116 (N.Y. Sup. Ct. 1992), 282–83, 290
- People v. McKown, 924 N.E.2d 941 (Ill. 2010), 478, 482
- People v. Wu, 286 Cal. Rptr. 868 (Cal. Ct. App. 1991), 5
- Perrin v. Perrin, 408 F.2d 107 (3d Cir. 1969), 310
- Pfeifer v. Cutshall, 851 A.2d 983 (Pa. Super. Ct. 2004), 736, 738
- Phinikaridou v. Cyprus, No. 23890/02 (Eur. Ct. H.R. Dec. 20, 2007), 799
- Pierce v. Society of Sisters, 269 U.S. 510 (1925), 932

- Pignoloni v. Gallagher, No. 12-CV-3305, 2012 U.S. Dist. LEXIS 166952 (E.D.N.Y. Nov. 25, 2012), 526
- Pini v. Romania, 40 Eur. H.R. Rep. 13 (2005), 823
- Pirayesh v. Pirayesh, 596 S.E.2d 505 (S.C. App. 2004), 644
- Pollastro v. Pollastro, [1999] 118 O.A.C. 169 (Can.), 553
- Polovchak v. Meese, 744 F.2d 731 (7th Cir. 1985), 673
- Ponorovskaya v. Stecklow, 987 N.Y.S.2d 543 (N.Y. Sup. 2014), 283–89, 293, 294, 295, 302**
- Poor v. Poor, 409 N.E.2d 758 (Mass. 1980), 313
- Povse v. Alpagó, Case C-211/ 10 PPU, 2011 Fam 254 (EU Ct. Justice), 631
- Port v. Cowan, 44 A.3d 970 (Md. 2012), 292
- Presbyterian Church in the United States v. Hull Memorial Presbyterian Church, 393 U.S. 440 (1969), 294
- Prizzia v. Prizzia, 707 S.E.2d 461 (Va. Ct. App. 2011), 594
- Promise Doe v. Sundquist, 106 F.3d 702 (6th Cir. 1997), 785–87
- Quarto v. Adams, 929 A.2d 1111 (N.J. Super. Ct. App. Div. 2007), 292
- Quebec (Attorney General) v. A, 2013 SCC 5, 299
- Quilloin v. Walcott, 434 U.S. 246 (1978), 771, 778, 785
- Quiner v. Quiner, 59 Cal. Rptr. 503 (Cal. Ct. App. 1967), 465
- R. and H. v. United Kingdom, No. 35348/06 (Eur. Ct. H.R. May 31, 2011), at <http://www.echr.coe.int/eng>, 85
- Rabbani v. Rabbani, 578 N.Y.S.2d 213 (N.Y. App. Div. 1991), 310
- Rahawangi v. Alsamman, 2004 WL 1752957 (Ohio Ct. App. Aug. 5, 2004), 311, 324
- Rahman v. Hossain, 2010 WL 4075316 (N.J. App. June 17, 2010), 318
- Re A (Fact-Finding Hearing: Judge Meeting with Child), [2012] EWCA (Civ.) 185, 496
- Re A (Jurisdiction: Return of Child), [2013] UKSC 60, 518
- Re C (Abduction: Grave Risk of Physical or Psychological Harm), 2 Fam. 478 (Eng. C.A. 1998), 559
- Re HB (Abduction: Children Objections), (No. 2), 1 Fam. 564 (Eng. Fam. 1998), 559
- Re HB (Abduction: Children Objections), 1 Fam. 392 (Eng. Fam. 1997), 558
- Re HB (Abduction: Children Objections), 1 Fam. 422 (Eng. C.A. 1997), 559
- Re J, 2 F.C.R. 34, 2 Fam. 678 (Eng. Fam. 1999), *aff'd*, 1 Fam. 571 (Eng. C.A. 1999), 472
- Re K (Children), [2011] EWCA Civ 793, 580
- Re KL (A Child), [2013] UKSC 75, 518, 540
- Re LC (Reunite: International Child Abduction Centre Intervening), [2014] UKSC 1, 518
- Re R (Child Abduction: Acquiescence), 1 Fam. 716 (Eng. C.A. 1995), 564
- Re T. (Abduction: Child's Objection to Return), 2 Fam. Ct. Rep. 159 (Eng. Fam. 2000), 558, 564
- Redmond v. Redmond, 724 F.3d 729 (7th Cir. 2013), 514, 527
- Reference re: Section 293 of the Criminal Code of Canada, 2011 BCSC 1588 (Can.), 127
- Regensburger v. China Adoption Consultants, Ltd., 138 F.3d 1201 (7th Cir. 1998), 852
- Republic of Ireland v. United Kingdom, 25 Eur. Ct. H.R. (ser. A) (1978), 359, 392
- Reyes Valenzuela v. Michel, 2013 U.S. App. LEXIS 23092 (9th Cir. Nov. 15, 2013), 515
- Reynolds v. United States, 98 U.S. 145 (1878), 126
- Richardson v. Richardson, [1987] 1 S.R.C. 857, 703
- Riley v. Riley, 271 So. 2d 181 (Fla. Dist. Ct. App. 1972), 172–74**
- Robert v. Tesson, 507 F. 3d 981 (6th Cir. 2007), 514
- Roe v. Roe, 324 S.E.2d 691 (Va. 1985), 479
- Rogan v. Reno, 75 F. Supp. 2d 63 (E.D.N.Y. 1999), 860–63, 864, 865, 866**

- Romero v. Drummond Co., Inc. 552 F.3d 1303 (11th Cir. 2008), 65
- Roper v. Simmons, 543 U.S. 551 (2005), 5, 37, 56–57
- Rosales v. Battle, 113 Cal. App.4th 1178 (Cal. App. 2004), 146, 302
- Rreshpja v. Gonzales, 420 F.3d 551 (6th Cir. 2005), 429
- Rudel v. Rudel, 111 So. 3d 285 (Fla. Dist. Ct. App. 2013), 324, 594
- Ruffier v. Ruffier, 190 S.W.3d 884 (Tex. App. 2006), 591
- Ruiz v. Tenorio, 392 F. 3d 1247 (11th Cir. 2007), 514–15
- Russell v. Russell, (1976) 134 C.L.R. 495, 130
- S. v. The Adoption Board, [2009] IEHC 429, 779
- Sagar v. Sagar, 781 N.E.2d 54 (Mass. App. Ct. 2003), 473
- Saldivar v. Rodela, 879 F. Supp. 2d 610 (W.D. Tex. 2012), 526
- Salguiero da Silva Mouta v. Portugal, 1999 IX Eur. Ct. H.R. 309, 480
- Saltarelli v. Saltarelli, 670 S.W.2d 785 (Tex. App. 1984), 209
- Salvatierra v. Calderon, 836 So. 2d 149 (La. Ct. App. 2002), 325
- Sanchez v. R.G.L., 761 F.3d 495 (5th Cir. 2014), 569
- Sanchez-Trujillo v. INS, 801 F.2d 1571 (9th Cir. 1986), 430
- Sanderson v. Tryon, 739 P.2d 623 (Utah 1987), 112
- Sangha v. INS, 103 F.3d 1482 (9th Cir. 1997), 421
- Sarei v. Rio Tinto, PLC, 671 F.3d 736 (9th Cir. 2011), vacated, 133 S. Ct. 1995 (2013), 65
- Sasson v. Shenhar, 667 S.E.2d 555 (Va. 2008), 668, 670
- Savoie v. Savoie, 583 A.2d 762 (N.J. Super. Ct. 1990), 684
- Sazonov v. Karpova, No. 3D13-1192, 2013 WL 6800981 (Fla. Ct. App. 2013), 726
- S.B. v. W.A., 959 N.Y.S.2d 802 (N.Y. Super. Ct. 2012), 318
- S.K.C. v. J.L.C., 94 A.3d 402 (Pa. Super. Ct. 2014), 602
- Schaeffer v. Schaeffer, 741 N.Y.S.2d 895 (N.Y. App. Div. 2002), 312
- Schechter v. Boren, 535 F. Supp. 1 (W.D. Okla. 1980), 784
- Scholl v. Scholl, 621 A.2d 808 (Del. Fam. Ct. 1992), 213
- Schwartz v. Schwartz, 652 N.Y.S.2d 616 (N.Y. App. Div. 1997), 213
- Schwartz v. Schwartz, 913 N.Y.S.2d 313 (N.Y. App. Div. 2010), 213
- Seewald v. Seewald, 22 P.3d 580 (Colo. Ct. App. 2001) 295, 311
- Seirafi-Pour v. Bagherinassab, 197 P.3d 1097, 1100 (Okla. App. 2008), 296
- Sexual Minorities Uganda v. Lively, 960 F. Supp. 2d 304 (D. Mass. 2013), 65
- Shaffer v. Heitner, 433 U.S. 186 (1977), 310
- Shaheen v. Kahn, 142 So. 3d 257 (La. Ct. App. 2014), 318
- Shalit v. Coppe, 182 F.3d 1124 (9th Cir. 1999), 525–26
- Sharma v. Sharma, 667 P.2d 395 (Kan. Ct. App. 1983), 209
- Shephard v. Lopez-Barcenas, 116 P.3d 254 (Or. Ct. App. 2005), 590
- Sherman v. Adoption Center of Washington, Inc., 741 A.2d 1031 (D. D.C. 1999), 852
- Sherrer v. Sherrer, 334 U.S. 343 (1948), 310–11, 732
- Shikoh v. Murff, 257 F.2d 306 (2d Cir. 1958), 124
- Siddiqui v. Siddiqui, 968 N.Y.S.2d 145 (N.Y. App. Div. 2013), 309
- Siderman de Blake v. Argentina, 965 F.2d 699 (9th Cir. 1992), 52
- Silverman v. Silverman, 338 F. 3d 886 (8th Cir. 2003), 560
- Simcox v. Simcox, 511 F.3d 594 (6th Cir. 2007), 551
- Sinha v. Sinha, 834 A.2d 600 (Pa. Super. Ct. 2003), 313
- Smith v. Org. of Foster Families for Equal. & Reform, 431 U.S. 816 (1977), 82–83
- Söderbäck v. Sweden, 1998 VII Eur. Ct. H.R. 3086, 779–80

- Sommerfeld v. Germany, 2003-VIII Eur. Ct. H.R. 137, 502
- Sosa v. Alvarez-Machain, 542 U.S. 692 (2004), 49, 52, 64–65, 670
- Sosna v. Iowa, 419 U.S. 393 (1975), 129, 191
- Spindler v. Mayol, 849 So. 2d 1102 (Fla. Dist. Ct. App. 2003), 596
- Stancuna v. Stancuna, 41 A.3d 1156 (Conn. App. Ct. 2012), 644
- Stanley v. Illinois, 405 U.S. 645 (1972), 771
- State (Nicolaou) v. An Bord Uchtala, [1996] I.R. 567 (Ir. S.C.), 778
- State *ex rel.* La Selva v. Ziomek, 2006 WL 433635 (Tenn. Ct. App. Feb. 23, 2006), 734
- State of Ohio *ex rel.* Popovici v. Agler, 280 U.S. 379 (1930), 325
- State v. Baxter, 141 P.3d 92 (2006), 419
- State v. Rivera, 977 P.2d 1247 (Wash. Ct. App. 1999), 294–95, 738
- State v. Vakilzaden, 742 A.2d 767 (Conn. 1999), 669
- State v. Villasenor Del Castillo, 2005 WL 1331220 (Minn. Ct. App. June 7, 2005) 725
- Stein v. Stein, 707 N.Y.S.2d 754 (N.Y. Sup. 1999), 218
- Steinberg v. Steinberg, 1982 WL 2446 (Ohio Ct. App., June 24, 1982), 214
- Stern v. Stern, 639 F.3d 449 (8th Cir. 2011), 514
- Stone v. Wall, 734 So. 2d 1038 (Fla. 1999), 669
- Succession of Bacot, 502 So.2d 1118 (La. Ct. App. 1987), 112
- Suen Toi Lee v. Yau Yee Ping, [2001] 4 H.K.C.F.A.R 474 (C.F.A.), 111–12**
- Summerfield v. Galante, 2003 WL 22719326 (Cal. Ct. App. Nov. 14, 2003) 726, 738
- Susan L. v. Steven L., 729 N.W.2d 35 (Neb. 2007), 604–07, 608–09, 616**
- Sylvester v. Austria, 37 Eur. H.R. Rep. 417 (2003), 519, 628
- TC, Apr. 16, 2007 (S.T.C. No. 69), 116
- T.M. and C.M. v. Republic of Moldova, App. No. 26608/11, Eur. Ct. H.R. (2014), 395
- T.T. v. K.A., 2008 WL 2468525 (N.Y. Sup. Ct. June 18, 2008), 314–15, 320–21**
- Tabacchi v. Harrison, No., 2000 WL 190576 (N.D. Ill. Feb. 10, 2000), 571
- Tarikonda v. Pinjari, 2009 WL 930007 (Mich. Ct. App.), 309, 320
- Tatham v. Tatham, 60 A.3d 522 (N.J. Super. Ct. App. Div. 2013), 325
- Taveras v. Taveraz, 477 F.3d 767 (6th Cir. 2007), 52, 65, 670
- Taylor v. Rossu, [1998] 216 A.R. 348 (Alta. C.A.), 24
- Teijeiro Fernandez v. Yeager, 121 F. Supp. 2d 1118 (W.D. Mich. 2000), 535
- Temlock v. Temlock, 898 A.2d 209 (Conn. App. Ct. 2006), 588, 592
- Terrell v. Terrell, 578 S.W.2d 637 (Tenn. 1979), 310
- The Paquete Habana, 175 U.S. 677 (1900), 400
- Therriault v. Therriault, (1994), 149 A.R. 210 (C.A.), 682
- Thompson v. Oklahoma, 487 U.S. 815 (1988), 55
- Toland v. Futagi, 40 A.3d 1051, 1061 (Md. 2012), 595
- Toonen v. Australia, Communication No. 488/1992, CCPR/C/50/D/488/1992 (April 4, 1994), 244
- Torrice v. Smithson, 2006 WL 334032 (Tenn. Ct. App. Feb. 13, 2006), 717, 719, 726
- Tostado v. Tostado, 151 P.3d 1060 (Wash. Ct. App. 2007), 618
- Toure-Davis v. Davis, 2014 WL 1292228 (D. Md., March 28, 2014), 322
- Town of Castle Rock v. Gonzales, 545 U.S. 748 (2005), 340
- Trimble v. Gordon, 430 U.S. 762 (1977), 34
- Trinidad & Tobago v. Ramjattan, Case 11837, Report No. 92/98, Inter-Am. C.H.R., OEA/ser.L/V/II.95, doc. 7 rev. at 259 (1998), 366
- Trop v. Dulles, 356 U.S. 86 (1958), 360
- Troxel v. Granville, 530 U.S. 57 (2000), 501, 762
- Tsai-Yi Yang v. Fu-Chang Tsui, 449 F. 3d 259 (3d Cir. 2007), 514
- Tshiani v. Tshiani, 81 A.3d 414 (Md. 2013), 293
- Tsirlin v. Tsirlin, 2008 WL 2052492 (N.Y. Sup. Ct. May 14, 2008), 295, 313

- Turner v. Turner, 192 So. 2d 787 (Fla. Dist. Ct. App. 1967), 214
- Ugochukwu v. Ugochukwu, 627 S.E.2d 625 (N.C. Ct. App. 2006), 735, 738
- United States v. Alahmad, 211 F.3d 538 (10th Cir. 2000), 655–56
- United States v. Amer, 110 F.3d 873 (2d Cir. 1997), 656–57, 658
- United States v. Amer, 163 F.3d 1149 (2d Cir. 1998), 659
- United States v. Bandu, 479 F. Supp. 2d 195 (D. Mass. 2007), 655
- United States v. Cummings, 281 F.3d 1046 (9th Cir. 2002), 580
- United States v. Fazal-Ur-Raheman Fazal, 355 F.3d 40 (1st Cir. 2004), 651–55, 656–57, 659**
- United States v. Hasan, 586 F.3d 161 (2d Cir. 2009), 659
- United States v. Homaune, 898 F. Supp. 2d 153 (D.D.C. 2012), 657, 659
- United States v. Horton, 497 Fed. Appx. 302 (4th Cir. 2012), 659
- United States v. Huong Thi Kim Ly, 798 F. Supp. 2d 467 (E.D. N.Y. 2011), 658, 659
- United States v. Maddox, 2006 WL 1207964 (D. Or. May 2, 2006), 655
- United States v. Miller, 626 F.3d 682 (2nd Cir. 2010), 655, 656
- United States v. Morrison, 120 S. Ct. 1740 (2000), 385, 399
- United States v. Saliba, 489 Fed. Appx. 501 (2d Cir. 2012), 656–57
- United States v. Shahani-Jahrami, 286 F. Supp. 2d 723 (E.D. Va. 2003), 656, 657
- United States v. Smith, 18 U.S. (5 Wheat.) 153 (1820), 50
- United States v. Tabaja, 91 F.App'x 405 (6th Cir. 2004), 656
- United States v. Tomaskovic, 275 F. App'x 884 (11th Cir. 2008), 656
- United States v. Ventre, 228 F.3d 1047 (9th Cir. 2003), 657–58
- United States v. Windsor, 133 S. Ct. 2675 (2013), 255–57, 103, 129, 132, 191, 254, 262, 290–91, 292**
- Uyanik v. Turkey, App. No. 60328/09, Eur. Ct. H.R. (May 3, 2012), 628
- Van de Perre v. Edwards, [2001] 2 S.C.R. 1014 (Can.), 482–87**
- Van De Sande v. Van De Sande, 431 F. 3d 567 (7th Cir. 2005), 557
- Vang v. Toyed, 944 F.2d 476 (9th Cir. 1991), 5
- Vermeire v. Belgium, 15 Eur. H.R. Rep. 488 (1993), 25
- Victor v. Victor, 866 P.2d 899 (Ariz. Ct. App. 1993), 214
- Virginia v. Tennessee, 148 U.S. 503 (1893), 40
- Vojnity v. Hungary, App. No. 29617/07, Eur. Ct. H. R. (2013), 470
- W.O'R v. E.H. & An Bord Uchtala, [1996] 2 I.R. 248 (Ir.), 778–79
- Waite v. Waite, 64 S.W.3d 217 (Tex. App. 2001), 209
- Walsh v. Walsh, 221 F.3d 204 (1st Cir. 2002), 609
- Watson v. Watson, 2008 WL 287812 (Cal. Ct. App. Feb. 4, 2008), 635–36
- Weber v. Weber, 929 So. 2d 1165 (Fla. Dist. Ct. App. 2006), 324
- Welstead v. Bainbridge, [1994] 2 R.F.L. 4th 419, 684
- Wentworth v. Wentworth, 2001 WL 1301535 (Wash. Ct. App. Oct. 26, 2001), 745
- Whallon v. Lynn, 230 F.3d 450 (1st Cir. 2000), 522–25**
- White v. Harrison-White, 760 N.W.2d 691 (Mich. Ct. Ap. 2008), 599–602**
- White v. White, [2001] 1 A.C. 596 (H.L.) (Eng.), 320
- White v. White, 718 F.3d 300 (4th Cir. 2013), 527
- Wikoski v. Wikoski, 513 A.2d 986 (Pa. Super. 1986), 209
- Williams v. North Carolina, 325 U.S. 226 (1945), 309, 310, 320, 324, 732
- Williams v. Williams, 543 P.2d 1401 (Okla. 1975), cert. denied, 426 U.S. 901 (1976), 207–09**
- Windsor v. U.S., 833 F. Supp. 2d 394 (S.D.N.Y. 2012)
- Wojcik v. Wojcik, 959 F. Supp. 413 (E.D. Mich. 1997), 579
- Woodall v. Woodall, 471 S.E.2d 154 (S.C. 1996), 568
- X v. Latvia, App. No. 27853/09, Eur. Ct. H.R. (Nov. 26, 2013), 519–21

- X & Y v. The Netherlands, 8 Eur. Ct. H.R. 235 (1985), 393
- X” & “Z” v. Argentina, Case No. 11.676, Rep. No. 71/00, Inter-Am. C.H.R., OEA/ser.L/V/II.111 doc. 20 rev. 582 (2000), 521
- Yaguil v. Lee, 2014 WL 1400959 (E.D. Cal. April 10, 2014), 323
- Y.C. v. United Kingdom, No. 4547/ 10 (Eur. Ct. H.R. March 13, 2012), at <http://www.echr.coe.int/eng>, 85
- Yousuf v. Samantar, 699 F.3d 763 (4th Cir. 2012), 52
- Z & Others v. United Kingdom, 34 Eur. H.R. Rep. 3 (2002), 387, 392, 394**
- Z v. Finland, 1997-I Eur. Ct. H.R. 323, 798
- Zablocki v. Redhail, 434 U.S. 374 (1978), 103, 157
- Zarraga v. Pelz, Case C 491/ 10 PPU, 2010 ECR I-14247, 631
- Zawahiri v. Alwattar, 2008 WL 2698679 (Ohio Ct. App. July 10, 2008), 318
- Zenide v. Superior Court, 27 Cal. Rptr. 2d 703 (Cal. Ct. App. 1994), 629
- Zhou v. Italy, App. No. 33773/ 11 (Eur. Ct. Hum. Rts. January 1, 2014), 759
- Zivot v. London, 981 N.E.2d 129 (Ind. Ct. App. 2012), 733, 743
- Zubeda v. Ashcroft, 333 F.3d 463 (3rd Cir. 2003), 358
- Zummo v. Zummo, 574 A.2d 1130 (Pa. Super. Ct. 1990), 465, 469

Preface for Instructors

Before we began writing this book in 1999, we surveyed the courses in comparative and/or international family law offered by American law schools, both on campus and in their overseas programs. Our examination confirmed our suspicion that the courses were extremely diverse, both in structure and content. Some of these courses were two credit hours, others were three; some of these courses were seminars, others were not. The instructors' pedagogical goals and coverage fell along a continuum: some focused almost exclusively on training students for the practice of transnational family law; others concentrated mostly on examining discrete family law issues from a comparative perspective; some emphasized international human rights conventions affecting the family. Notwithstanding this variety, it was evident that the majority of the instructors utilized a combination of public international law, private international law, and comparative law sources. Our interaction with the many instructors who have used our casebook since 1999 suggests that this continues to be true.

Because this was the first casebook created for American law students in the field of comparative and international family law, we tried to create a book that could be used flexibly in many types of courses. We include more material than could be taught in a course of two- or three-credit hours in order to ensure sufficient content to meet each instructor's interests and goals. We use recurring themes throughout the book to try to provide coherence regardless of the material chosen. In the second and third editions, we have trimmed some materials and enhanced other sections, while attempting to keep the book useful for instructors with a wide range of teaching objectives and interests.

The first chapter presents an overview of the comparative and international law disciplines. We have presumed that students have not had either an international or comparative law course. Therefore, we use family law topics not covered elsewhere in the book to introduce the skills and information necessary to explore effectively the topical chapters that follow.

The remaining chapters are divided into two parts. Chapters Two through Six focus primarily on relationships between adult partners. Chapters Seven through Fourteen concentrate largely upon the relationships between children and their parents and other caregivers.

For those instructors who want to teach a mixture of comparative, international, and transnational law, and consequently will seek material by topic rather than by discipline, Chapters Two through Fourteen offer a range of options. The book is organized topically because we believe that the study of family law is particularly rich and exciting when one explores a particular topic through a combination of comparative law, public international law, and private international law. However, for those instructors who want to organize materials around a specific discipline, we offer the following suggestions. Instructors who want to emphasize transnational family law will find most useful Chapters One (section B), Two (section D), Five, Eight, Ten, and Twelve. Instructors who wish to concen-

trate mostly on comparative family law might want to select Chapters One (section A), Two (sections A, B, and C), Three, Four, Seven, Nine, Eleven, Thirteen, and Fourteen. Chapter Eight might also be usefully included in such a course, as certain portions take a comparative approach to examining the topics of child abduction and custody jurisdiction, and many of the cases provide significant insight into the substantive custody law of the nations involved. Instructors who seek to focus on the intersection of international human rights law and family law will find most relevant Chapters One (section B), Two (sections B.4 and D), Four (section B), Six, Seven, Eleven, Thirteen, and Fourteen.

The book incorporates a broad range of materials, including judgments from international tribunals and domestic courts of many nations, statutes from around the world, and excerpts from professional journals in law and related fields. Each chapter includes problems and exercises that permit instruction through problem-solving and role-playing. Each chapter also contains both specific and open-ended questions to facilitate policy discussions and Socratic dialogue.

Earlier editions of this text were accompanied by a separate paperback, entitled *International Family Law: Conventions, Statutes, and Regulatory Materials*, that was available for purchase from Carolina Academic Press, containing edited texts of global and regional international conventions relevant to the field of family law, selected U.S. federal statutes and regulations, and the text of the Uniform Interstate Family Support Act, the Uniform Child Custody Jurisdiction and Enforcement Act, and the Uniform Child Abduction Prevention Act. For this edition, an updated version of this supplement will be available free of charge to all instructors adopting this casebook on the Carolina Academic Press website page for this text, in a link to *International Family Law: Conventions, Statutes, and Regulatory Materials*. Instructors may then make the supplement available electronically free of charge to their students. We place these materials in a separate supplement because they are lengthy and referenced throughout the book. An instructor certainly could make these treaties and statutory materials available through other means; we have only sought to eliminate that inconvenience for those who would prefer not to have it.

This book was not created for the basic domestic Family Law course taught in most U.S. law schools, and it is not well-suited for that purpose. Although the book contains some U.S. cases, legislative materials, and summaries of legal doctrine, this material is provided solely for comparative purposes or to contextualize a discussion of transnational or public international law. Rather, our goals were to create a book that would allow students to explore family law issues from a global or comparative perspective, to understand the influence and limitations of international law in resolving familial conflicts, and to prepare for the practice of transnational family law. To those of you who share these goals, we hope that this book provides you a useful tool for exploring this fascinating and rapidly expanding field of law with students. We welcome your comments and suggestions. Please direct comments about Chapters 1.B, 3, 5, 8.B, 8.C, and 10–12 to Marianne Blair, Chapters 1.A, 6, 7, and 8.A to Merle Weiner, Chapters 2 and 9 to Solangel Maldonado, and Chapters 4, 13, and 14 to Barbara Stark.

Acknowledgments

We gratefully acknowledge and appreciate the many individuals who made this book possible, including our research assistants, our support staff, our colleagues, and others who have shared their expertise with us about various substantive issues. In particular, we wish to acknowledge Professor Carl. H. Coleman, Seton Hall University School of Law, who created and generously shared with us an earlier version of Problem 1-6 in Chapter 1.

We also want to thank our respective institutions and deans for making the project possible through the provision of sabbatical and other support.

1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 18 U.S.T. 3201, 266 U.N.T.S. 3 (Sept. 7, 1956). Reproduced with the permission of the United Nations.

Abrahamson, Shirley S. & Michael J. Fischer, *All the World's a Courtroom: Judging in the New Millennium*, 26 Hofstra L. Rev. 273 (1997). Reprinted with permission of Hofstra Law Review and the authors.

Abrams, Kerry, *Immigration Law and the Regulation of Marriage*, 91 Minn. L. Rev. 1625 (2007). Reprinted with permission of the author and the Minnesota Law Review.

Abrams, Paula, *Population Politics: Reproductive Rights and U.S. Asylum Policy*, 14 Geo. Immigr. L.J. 881 (2000). Reprinted with permission of the Georgetown Immigration Law Journal and the author.

Al-Hibri, Azizah Y., *Marriage Laws in Muslim Countries: A Comparative Study of Certain Egyptian, Syrian, Moroccan, and Tunisian Marriage Laws*, 4 Int'l Rev. of Comp. Pub. Pol'y 227 (1992). Reprinted with permission of the International Review of Comparative Public Policy, Michigan State University, and the author.

Apy, Patricia E., *Managing Child Custody Cases Involving Non-Hague Contracting States*, 14 J. Am. Acad. Matrim. Law. 77 (1997). Reprinted with permission of the copyright holder, Journal of the American Academy of Matrimonial Lawyers.

Australian Law Reform Commission, *Multiculturalism and the Law, Report No. 57* (1992). Copyright Commonwealth of Australia, reproduced by permission.

Baker, Maureen, *Canadian Family Policies: Cross-National Comparisons*. Reprinted with permission of the University of Toronto Press, Inc.

B & L v. United Kingdom, 39 Eur. Ct. H.R. SE 19 227 (2004). Reprinted with permission of the Council of Europe.

Bartholet, Elizabeth, *International Adoption: Propriety, Prospects, and Pragmatics*, 13 J. Amer. Acad. Matrim. Law. 181 (1996). Reprinted with permission of the copyright holder, Journal of the American Academy of Matrimonial Lawyers.

Bennett, T.W., *Human Rights and African Customary Law* 48 (1995). Reprinted with permission of Juta & Co., Ltd.

- Bevacqua and S. v. Bulgaria, App. No. 71127/01, Eur. Ct. H.R. (2008), *available at* HUDOC, <http://www.echr.coe.int>. Reprinted with permission of the copyright holder, the Council of Europe: © *Council of Europe*.
- Blair, Marianne D., & Merle Weiner, *Resolving Parental Custody Disputes—A Comparative Exploration*, 39 *Fam. L. Q.* 247 (2005). Copyright 2005 © by the American Bar Association. Reprinted with permission. This information or any portion thereof may not be copied or disseminated in any form or by any means or downloaded or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.
- Blair, Marianne D., *Safeguarding the Interests of Children in Intercountry Adoption: Assessing the Gatekeepers*, 34 *Cap. U.L. Rev.* 349 (2005). Reprinted with permission of the Capital University Law Review.
- Boeckel & Gessner-Boeckel v. Germany, App. No. 8017/11 (Eur. Ct. H.R. May 7, 2013), Information Note on Court's Case Law No. 163, *available at* HUDOC, <http://www.echr.coe.int>. Reprinted with permission of the copyright holder, the Council of Europe: © *Council of Europe*.
- Boland, Reed, *Symposium on Population Law: The Environment, Population, and Women's Human Rights*, 27 *Envtl. L.* 1137 (1997). Reprinted by permission of Environmental Law, Northwestern School of Law at Lewis & Clark College and the author.
- Bott, Sarah, Andrew Morrison & Mary Ellsberg, *Preventing and Responding to Gender-Based Violence in Middle and Low-Income Countries: A Global Review and Analysis*, World Bank Policy Research Working Paper 3618, June 2005. Reprinted with permission of the copyright holder, World Bank.
- Booth, Penny, *The United Nations Convention on the Rights of the Child and the Punishment of Children Under English Law—Public v. Private Vices?*, 27 *Liverpool L. Rev.* 395 (2006). Reprinted with permission of the author and the publisher.
- Brauch, Jeffrey A., *The Margin of Appreciation and the Jurisprudence of the European Court of Human Rights: Threat to the Rule of Law*, 11 *Colum. J. Eur. L.* 113 (2004/5). Reprinted with permission of the Columbia Journal of European Law and the Copyright Clearance Center.
- Brennan, Katherine, Note, *The Influence of Cultural Relativism on International Human Rights Law: Female Circumcision as a Case Study*, 7 *Law & Ineq. J.* 367 (1989). Reprinted with permission from the Journal of Law and Inequality.
- Burwick, Andrew, Idea Brief, *Child Support Assurance* (The Century Foundation, 2004). Reprinted with permission.
- Butler, William E., *International Law in Comparative Perspective* 5. Copyright © 1980. Reprinted with the kind permission of Kluwer Law International, Kluwer Academic Plenum Publishers, and with the permission of the author, William E. Butler.
- C. v. Finland, 46 *Eur. H.R. Rep.* 24 (2008). Reprinted with permission of the copyright holder, the Council of Europe: © *Council of Europe*.
- Case of Vallianatos and Other v. Greece, App. Nos. 293801/09 and 326804/09 (Eur. Ct. H.R. Nov. 11, 2013), *available at* HUDOC, <http://www.echr.coe.int>. Reprinted with permission of the copyright holder, the Council of Europe: © *Council of Europe*.
- CEDAW General Recommendation No. 21, ¶ 16, General Recommendations made by the Committee on the Elimination of Discrimination against Women. Reproduced with the permission of the United Nations..
- Chambers, David L., "Civilizing the Natives: Customary Marriage in Post-Apartheid South Africa," in *Engaging Cultural Differences: The Multicultural Challenge in Liberal Democ-*

- racies* (Richard Shweder et al., eds.) © 2002 Russell Sage Foundation, 112 East 64th Street, New York, NY 10021. Reprinted with permission.
- Cheskes v. Ontario, 87 O.R. (3d) 581 (Ont. Sup. Ct. Just. 2007). Available at CanLII, Canadian Legal Information Institute, <http://www.canlii.org/en/on/onsc/doc/2007/2007canlii38387/2007canlii38387.html> and reproduced consistently with its terms at <http://www.canlii.org/en/info/terms.html>. Reproduced with the knowledge of the Law Society of Upper Canada and the Minister of Public Works and Government Services Canada, 2009.
- Chiu, Elaine M., *The Cultural Differential in Parental Autonomy*, 41 U.C. Davis L. Rev. 1773 (2008). This work, copyright 2008 by Elaine M. Chiu, was originally published in the UC Davis Law Review, vol. 41, pp. 1773-1828, copyright 2008 by The Regents of the University of California. All rights reserved. Reprinted with permission.
- Civil Code of Québec (1993). Copy authorized by Centre de services partagés du Québec.
- Clearinghouse on International Developments on Child, Youth, and Family Policies at Columbia University: Sweden (2005). Reprinted with permission.
- Close v. Close (1999), 1999 Carswell NB 265, 50 R.F.L. (4th) 342 (N.B. Q.B.), available on WestlawNext® Canada. Reprinted by permission of Carswell, a division of Thomson Reuters Canada Limited.
- Committee on the CRC—Comments on State Reports Regarding Corporal Punishment 50th Session: 12-30 January 2009. Reprinted with permission of the United Nations.
- Committee on the Rights of the Child Consideration of Reports Submitted by States Parties, Second Periodic Report of the United Kingdom (1999). Reprinted with permission of the United Nations.
- Concluding Observations of the Committee on the Elimination of Discrimination against Women: Indonesia*, CEDAW/C/IDN/CO/6-7 (considering the combined sixth and seventh periodic reports of Indonesia) (August 7, 2012). Reprinted with the permission of the United Nations.
- Concluding Observations of the Committee on the Elimination of Discrimination against Women: New Zealand*, CEDAW/C/IDN/CO/6-7 (considering the seventh periodic report of New Zealand) (August 6, 2012). Reprinted with the permission of the United Nations.
- Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46 (Sept. 3, 1981). Reproduced with the permission of the United Nations.
- Copelon, Rhonda, *International Human Rights Dimensions of Intimate Violence: Another Strand in the Dialectic of Feminist Law Making*, 11 Am. U. J. Gender Soc. Pol'y & L. 865 (2003). Reprinted with permission of the author.
- Copelon, Rhonda, *Recognizing the Egregious in the Everyday: Domestic Violence as Torture*, 25 Colum. Hum. Rts. L. Rev. 291 (1994). Reprinted by permission of the Columbia Human Rights Law Review and the author.
- Cox, Susan Soon-Keum, *Ritual*, 9 Yale J. L. & Feminism 17 (1997). Reprinted by permission of The Yale Journal of Law and Feminism, Inc., from The Yale Journal of Law and Feminism Vol. 9, No.1.
- Demleitner, Nora V., *Combating Ethnocentrism*, 31 Ariz. St. L.J. 737 (1999). Reprinted with permission of Arizona State Law Journal and the author.
- Dillon, Sara, *Making Legal Regimes for Intercountry Adoption Reflect Human Rights Principles: Transforming the United Nations Convention on the Rights of the Child with the Hague Convention on Intercountry Adoption*, 21 B.U. Int'l. L.J. 179 (2003). Reprinted with permission of Boston University International Law Journal and the author.

- Dillon, Susan A., Comment, *Yoni in the Land of Isis: Female Genital Mutilation is Banned (Again) in Egypt*, 22 Hous. J. Int'l L. 289 (2000). Reprinted with permission from Houston Journal of International Law and the author.
- Doek, Jaap E., *What Does the Children's Convention Require?*, 20 Emory Int'l L. Rev. 199 (2006). Reprinted with permission of the author.
- Donoho, Douglas Lee, *Relativism Versus Universalism in Human Rights: The Search For Meaningful Standards*, 27 Stan. J. Int'l L. 345 (1991). Reprinted with permission of the Stanford Journal of International Law. Copyright © 2002 by the Board of Trustees of the Leland Stanford Junior University.
- Eekelaar, John, *Are Parents Morally Obligated to Care for Their Children?*, 11 Oxford J. Leg. Stud. 340 (1991). Reprinted with permission of Oxford University Press and the author.
- Enriquez, Anthony, *Assuming Responsibility for Who You Are: The Right to Choose (Immutable) Identity Characteristics*, 88 N.Y.U. L. Rev. 373 (2013). Reprinted with permission of the author.
- Ertürk, Yakin, *The Due Diligence Standard as a Tool for the Elimination of Violence Against Women*, Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, U.N. Hum. Rts. Comm., 62d Sess., Agenda Item 12(a), U.N. Doc. E/CN.4/2006/61 (2006). Reprinted with permission of the United Nations Publications Board.
- Fact Sheet No. 23, Harmful Traditional Practices Affecting the Health of Women and Children, Office for the High Commissioner for Human Rights (1995). Reproduced with the permission of the United Nations.
- Fagan, Jeffrey & Angela Browne, *Violence Between Spouses and Intimates: Physical Aggression Between Women and Men in Intimate Relationships*, in 3 Understanding and Preventing Violence: Panel on the Understanding and Control of Violent Behavior, (Albert J. Reiss, Jr. & Jeffrey A. Roth eds., 1994). Reprinted with permission from Understanding and Preventing Violence, copyright 1994 by the National Academy Press, Washington, D.C.
- French Civil Code (1804). Reprinted with permission from Claitor Publishing.
- Garrison, Marsha, *The Goals and Limits of Child Support Policy*, in Child Support: The Next Frontier 16 (J. Thomas Oldham & Marygold S. Melli eds., 2000). Reprinted with permission of the University of Michigan Press.
- Glazer, Elizabeth, *Sexual Reorientation*, 100 Geo. L. J. 997 (2012). Reprinted with permission of the author.
- Glendon, Mary Ann, *The Transformation of Family Law* (1989). Reprinted with permission of the publisher and copyright holder, The University of Chicago Press. © 1989 by The University of Chicago.
- Goekce v. Austria, Comm. No. 5/2005, U.N. CEDAW, 39th Sess., U.N. Doc. No. CEDAW/C/39/D/5/2005 (2007). Reproduced with permission of the United Nations Publications Board.
- Goldsmith, Jack, *Should International Human Rights Law Trump U.S. Domestic Law*, 1 Chi. J. Int'l L. 327 (2000). Reprinted with permission of the copyright holder, The Chicago Journal of International Law.
- Goodmark, Leigh, *Transgender People, Intimate Partner Abuse, and the Legal System*, 48 Harv. C.R.-C.L.L. Rev. (2013). Reprinted with permission of the author.
- Grenfell, Laura & Hewitt, Anne, *Gender Regulation: Restrictive, Facilitative or Transformative Laws?*, 34 Sydney Law Review 761(2006). Reprinted with permission of the authors.

- Guggenheim, Martin, *Ratify the U.N. Convention on the Rights of Child But Don't Expect Any Miracles*, 20 Emory Int'l L. Rev. 42 (2006). Reprinted with permission of the author.
- Gunning, Isabelle R., *Arrogant Perception, World-Travelling and Multicultural Feminism*, 23 Colum. Hum. Rts. L. Rev. 189 (1992). Reprinted by permission of the *Columbia Human Rights Law Review* and the author.
- Gunning, Isabelle R., *Global Feminism at the Local Level: Criminal and Asylum Laws Regarding Female Genital Surgeries*, 3 J. Gender Race & Just. 45 (1999). Reprinted with permission from the *Journal of Gender, Race and Justice*, University of Iowa College of Law, and the author.
- Harris, Susan R., *Race, Search, and My Baby-Self: Reflections of a Transracial Adoptee*, 9 Yale J. L. & Feminism 5 (1997). Reprinted by permission of The Yale Journal Law & Feminism, Inc. from the *Yale Journal of Law & Feminism* Vol. 9, No. 1.
- Hathaway, Oona A., *Do Human Rights Treaties Make A Difference?*, 111 Yale L.J. 1935 (2002). Reprinted by permission of The Yale Law Journal Company, Inc., from *The Yale Law Journal*, Vol. 111, pp. 1935, William S. Hein Company and the author.
- Hernandez-Truyol, Berta Esperanza, *Latinas, Culture and Human Rights: A Model for Making Change, Saving Soul*, 23 Women's Rts. L. Rep. 21 (2001). Reprinted with permission from the *Women's Rights Law Reporter* and the author.
- Hernandez-Truyol, Berta Esperanza, *Law, Culture, and Equality—Human Rights' Influence on Domestic Norms: The Case of Women in the Americans*, 13 Fla. J. Int'l L. 33 (2000). Reprinted with permission by the *Florida Journal of International Law* © 2000 and the author.
- Hernandez-Truyol, Berta Esperanza, *Sex, Culture, and Rights: A Re/Conceptualization of Violence for the Twenty First Century*, 60 Alb. L. Rev. 629 (1997). Reprinted by permission of the *Albany Law Review* and the author.
- Hessbruegge, Jan Arno, *Human Rights Violations Arising From Conduct of Non-State Actors*, 11 Buff. Hum. Rts. L. Rev. 21 (2005). Reprinted with permission of the *Buffalo Human Rights Law Review*.
- Hoffman v. Austria, 225 Eur. Ct. H.R. (ser. A) at 45 (1993). Reprinted with permission of the copyright holder, the Council of Europe: © *Council of Europe*.
- Hyde v. Commissioner of Inland Revenue, [2000] N.Z.F.L.R. 385; 1999 N.Z.F.L.R. LEXIS 45. Reprinted with the permission of LexisNexis New Zealand.
- International Council on Human Rights Policy, *When Legal Worlds Overlap: Human Rights, State and Non-State Law* (2009). Permission to reproduce requested.
- Higgins, Tracy E., Fenrich, Jeanmarie, Tanzer, Ziona, *Gender Equality and Customary Marriage: Bargaining in the Shadow of Post-Apartheid Legal Pluralism*, 30 Fordham Int'l L.J. 1653 (2006). Reprinted with permission of the authors and the *Fordham International Law Journal*.
- In the Case of X and Others v. Austria, App. No. 19010/07 (ECHR 057 Feb. 9, 2013) Press Release issued by Registrar of the Court, *available at* HUDOC, <http://www.echr.coe.int>. Reprinted with permission of the copyright holder, the Council of Europe: © *Council of Europe*.
- I.O'T. v. B., [1998] 2 I.R. 321 (Ir. S.C.). Reprinted with permission of the publisher and copyright holder, Incorporated Council of Law Reporting for Ireland.
- Islam v. Secretary of State for the Home Dep't; Regina v. Immigration Appeal Tribunal and Another *ex parte* Shah (conjoined appeals), 38 I.L.M. 827 (Eng. H.L. 1999). Reprinted with the permission of the *American Society of International Law*.

- Jackson, Suzanne H., *Marriages of Convenience: International Marriage Brokers, "Mail-Order Brides," and Domestic Servitude*, 38 U. Tol. L. Rev. 895 (2007). Reprinted with permission of the University of Toledo Law Review and the author.
- Karner v. Austria, Application No. 40016/98, July 7, 2003. Reprinted with permission of the Council of Europe.
- Keegan v. Ireland, 290 Eur. Ct. H.R. (ser. A) (1994). Reprinted with permission of the copyright holder, the Council of Europe: © *Council of Europe*.
- King, Michael, *Against Children's Rights*, 1996 Acta Juridica 28. Reprinted by permission of Juta & Co., Ltd. and the author.
- Kirgis, Frederic L., *International Agreements and U.S. Law*, ASIL Insight, at <http://www.asil.org/insights/volume/1/issue/5/international-agreements-and-us-law>, May 1997. Reproduced with permission from ASIL Insight, <http://www.asil.org/insights/volume/1/issue/5/international-agreements-and-us-law> © The American Society of International Law.
- Kornhauser, Marjorie E., *A Legislator Named Sue: Re-Imagining the Income Tax*, 5 J. Gender, Race & Just. 289 (2002). Reprinted with permission of the Journal of Gender, Race and Justice.
- L. v. Finland, 31 Eur. Ct. H.R. Rep. 737 (2000). Reprinted with permission of the copyright holder, the Council of Europe: © *Council of Europe*.
- Larsen, Janet, *Iran's Birth Rate Plummeting at Record Pace: Success Provides a Model for Other Developing Countries* (December 28, 2001), available at http://www.earth-policy.org/Updates/Update4ss_printable.htm. Reprinted with permission.
- Leonard, Arthur S., *European Court Victory for Same-Sex Partners*, April 1, 2008, available at <http://newyorklawschool.typepad.com/leonardlink2008/04/european-court.html>. Reprinted with permission of the author.
- Levi-Strauss, Claude, *The Family*, in *Man, Culture, and Society*, Harry L. Shapiro (ed., Oxford University Press, Inc. 1956). Reprinted by permission of Oxford University Press, Inc.
- Li, Xiaorong, *License to Coerce: Violence Against Women, State Responsibility, and Legal Failures in China's Family Planning Program*, 8 Yale J. L. & Feminism 145 (1996). Reprinted with permission of the Yale Journal of Law and Feminism and the author.
- Lyon v. Wilcox, [1994] N.Z.L.R. 422. Reprinted with permission of the New Zealand Council of Law Reporting.
- Maldonado, Solangel, *Deadbeat or Deadbroke: Redefining Child Support For Poor Fathers*, 39 U.C. Davis L. Rev. 991 (2006). Reprinted with the permission of the author.
- Marckx v. Belgium, 31 Eur. Ct. H.R. (ser. A) at 19, 2 Eur. H.R. Rep. 330, 346–47 (1979). Reprinted with permission of the copyright holder, the Council of Europe: © *Council of Europe*.
- Marcovitz v. Bruker, [2007] 3 S.C.R. 607 (Can.). Reprinted for educational purposes with the knowledge and authorization of Crown Copyright and Licensing, Canadian Government Publishing. Reproduced with the permission of the Minister of Public Works and Government Services, Canada, 2009.
- Maria da Penha Maia Fernandes, Case No. 12.051, Inter-Am C.H.R. 54-1 (2001). Reprinted with permission of the Inter-American Commission on Human Rights.
- McA v. McA, [2000] 1 I.R. 457 (Ir. H. Ct.). Reprinted with permission of the publisher and copyright holder, Incorporated Council of Law Reporting for Ireland.
- Meeusen, Johan, *Judicial Disapproval of Determination Against Illegitimate Children*, 43 Am. J. Comp. L. 119 (1995). Reprinted with permission of the American Journal of

- Comparative Law, University of California at Berkeley School of Law (Boalt Hall) and the author.
- Merry, Sally E., *Constructing a Global Law—Violence Against Women and the Human Rights System*, 28 Law & Soc. Inquiry 941 (2003). Reprinted with permission of Blackwell Publishing and the American Bar Foundation.
- Mlyniec, Wallace J., *A Judge's Ethical Dilemma: Assessing a Child's Capacity to Choose*, 64 Fordham L. Rev. 1873 (1996). Reprinted with permission of the Fordham Law Review and the author.
- Mosikatsana, Tshepo, *Children's Rights and Family Autonomy in the South African Constitution: A Comment on Children's Rights under the Final Constitution*, 3 Mich. J. Race & L. 341 (1998). Reprinted with permission of the Michigan Journal of Race and Law and the author.
- Mutua, Makau, *Savages, Victims, and Saviors: The Metaphor of Human Rights*, 42 Harv. Int'l L.J. 201 (2000). Reprinted by permission © 2000 by the President and Fellows of Harvard College, the Harvard International Law Journal, and the author.
- N v. Health Service Executive, [2006] 3 I.R. 449 (Ir.), Incorporated Council of Law Reporting for Ireland.
- NSW Registrar of Births, Deaths and Marriages v. Norrie (2014). Reprinted with permission of the publisher and copyright holder the Commonwealth of Australia.
- Odièvre v. France, 2003-III Eur. Ct. H.R. 51. Reprinted with permission of the copyright holder, the Council of Europe: © Council of Europe.
- OECD Country Note, Early Childhood Education and Care Police in Sweden, December 1999. Reprinted with permission.
- OECD Country Note, Early Childhood Education and Care Policy in The United States of America, July 2000. Reprinted with permission.
- Owasanoye, Bolaji, *The Regulation of Child Custody and Access in Nigeria*, 39 Fam. L. Q. 405 (2005). Family Law Quarterly; 39:2, pp. 405-428. Copyright 2005 © by the American Bar Association. Reprinted with permission. This information or any portion thereof may not be copied or disseminated in any form or by any means or downloaded or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.
- Pinheiro, Paulo Sérgio, *World Report on Violence against Children* (published Nov. 21, 2006). Reprinted with permission of the United Nations.
- Perry, Twila, *Transracial and International Adoption: Mothers, Hierarchy, Race, and Feminist Legal Theory*, 10 Yale J. L. & Feminism 101 (1998). Reprinted by permission of the Yale Journal of Law & Feminism, Inc. from The Yale Journal of Law & Feminism Vol. 10, No. 1.
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime. Reproduced with the permission of the United Nations.
- Reitz, John C., *How to Do Comparative Law*, 46 Am. J. Comp. L. 617 (1998). Reprinted by permission of the American Society of Comparative Law. All rights reserved.
- Renteln, Alison Dundes, *Corporal Punishment and the Cultural Defense*, 73 Law & Contemp. Probs. Reprinted with permission of the author.
- Report of the Committee on the Elimination of Discrimination Against Women, U.N. GAOR, 56th Sess. Supp. No. 38, at 70, U.N. Doc. A/56/38 (2001). Reproduced with the permission of the United Nations.
- Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, U.N.Doc. A/HRC/23/49; U.N. Hum. Rts. Council. 23d Sess., Agenda Item

- 3, ¶¶ 70-75 (May 14, 2013) (by Rasida Manjoo). Reprinted with the permission of the United Nations.
- Report on the Committee on Progress Achieved in the Implementation of the Convention: Note by the Secretariat, CEDAW, 14th Sess., U.N. Doc. CEDAW/C/1995/7 (1995). Reproduced with the permission of the United Nations.
- Roth, Kenneth, *Domestic Violence as an International Human Rights Issue*, from *Human Rights of Women*, edited by Rebecca J. Cook. Copyright © 1994 University of Pennsylvania Press. Reprinted with permission of the University of Pennsylvania Press and the authors.
- Roth, Kenneth, *The Charade of U.S. Ratification of International Human Rights Treaties*, 1 Chi. J. Int'l L. 347 (2000). Reprinted with permission of the copyright holder, The Chicago Journal of International Law.
- Russell v. Russell, [1976] 134 C.L.R. 495. Reprinted with permission of Thomson Reuters.
- Sachs, Justice Albie, Introduction to *The Changing Family: International Perspectives on the Family and Family Law* xii (John Eekelaar & Thandabantu Nhlapo eds., 1998). Reprinted with permission of Hart Publishing, Ltd., and the author.
- Scholes, Robert J. & Anchalee Phataralaoha, *The "Mail-Order Bride" Industry and its Impact on U.S. Immigration* (1999), at http://www.uscis.gov/files/article/MobRept_AppendixA.pdf. Reprinted with permission.
- Schwartz, Laura J., *Models for Parenthood in Adoption Law: The French Conception*, 28 Vand. J. Transnat'l. L. 1069 (1995). Reprinted with permission of the copyright holder, Vanderbilt Journal of Transnational Law.
- Frances Simmons & Jennifer Burn, "Without Consent: Forced Marriage in Australia" (2013) 36 Melbourne University Law Review 970 (2013). Reprinted with permission of the Melbourne University Law Review Association, Inc.
- Sloth-Nielsen, Julia, *Chicken Soup or Chainsaws: Some Implications of the Constitutionalisation of Children's Rights in South Africa*, 1996 Acta Juridica 6. Reprinted by permission of Juta & Co., Ltd. and the author.
- Smolin, David M., *Intercountry Adoption and Poverty: A Human Rights Analysis*, 36 Cap. U.L. Rev. 413 (2007). Reprinted with permission of the Capital University Law Review.
- Smolin, David M., *The Corrupting Influence of the United States on a Vulnerable Intercountry Adoption System: A Guide for Stakeholders, Hague and Non-Hague Nations, NGOs, and Concerned Parties*, 2013 Utah L. Rev. 1065. Reprinted with permission of the author and copyright holder, David M. Smolin, and with the knowledge of Utah Law Review.
- Sorensen, Elaine & Chava Zibman, *Child Support Offers Some Protection Against Poverty, in New Federalism: National Survey of America's Families* (2000). Reprinted with permission of the Urban Institute.
- Stark, Barbara, *Crazy Jane Talks with the Bishop: Abortion in China, Germany, South Africa and International Human Rights*, 12 Tex. J. Women & L. 287 (2003) Reprinted with permission of the author.
- Stark, Barbara, *Reproductive Rights and Abortion*, in *International Family Law: An Introduction* 138-39, 148 (2005). Reprinted with permission of the author.
- Suen Toi Lee v. Yau Yee Ping, (2001) 4 H.K.C.F.A.R. 474 (C.F.A.). Reprinted with permission of Thomson Reuters.
- Sykes, Katie, *Bambi Meets Godzilla: Children's and Parent's Rights in Canadian Foundation for Children, Youth and the Law*, 51 McGill L.J. 131 (2006). Reprinted with the permission of the author.

- The Committee's General Comment on Corporal Punishment. Reprinted with permission of the United Nations.
- Thomas, Dorothy Q. and Michele E. Beasley, *Domestic Violence as a Human Rights Issue*, 58 Alb. L. Rev. 1119 (1995). Reprinted with permission of Albany Law Review.
- United Nations Publication Board, Population Division, Department for Economic and Social Policy, *Country Profiles: Canada, El Salvador, and Lebanon*. Reproduced with permission of the United Nations Publication Board.
- Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948). Reproduced with the permission of the United Nations.
- Van de Perre v. Edwards, [2001] 2 S.C.R. 1014 (Can.). Reprinted for educational purposes with the knowledge and authorization of Crown Copyright and Licensing, Canadian Government Publishing. Reproduced with the permission of the Minister of Public Works and Government Services, Canada, 2009.
- Von Sachsen-Gessaphe, Karl August Printz, *Concubinage in Mexico*, 3 Int'l J. L., Pol'y & the Fam. 40 (1989). Reprinted by permission of Oxford University Press.
- Weiner, Merle, *International Child Abduction and the Escape from Domestic Violence*, 69 Fordham L. Rev. 593 (2001). Reprinted with permission of the Fordham Law Review and the author.
- Wikeley, Nick, *Child Support: The Brave New World*, 38 Fam. L. 1024, 1026 (2008). Reprinted with permission of Jordan Publishing.
- Willekens, Harry, *Long Term Developments in Family Law in Eastern Europe: An Explanation, in The Changing Family: International Perspectives on the Family and Family Law* 55 (John Eekelaar & Thandabantu Nhlapo eds., 1998). Reprinted with permission of Hart Publishing, Ltd., used by permission of Bloomsbury Publishing Plc.
- Woodhouse, Barbara Bennett, *The Constitutionalization of Children's Rights: Incorporating Emerging Human Rights into Constitutional Doctrine*, 2 U. Pa. J. Const. L. 1 (1999). Reprinted with permission of the University of Pennsylvania Journal of Constitutional Law and the author.
- Wright v. Zaver, [2002] 211 D.L.R.4th 260 (Ont. C.A.). Reproduced with permission of Carswell Publishing, through *Access Copyright*, The Canadian Copyright Licensing Agency.
- Z and Others v. United Kingdom, 34 Eur. Hum. R. Rep. 97 (2002). Reprinted with permission of the copyright holder, the Council of Europe: © *Council of Europe*.
- Zolotor, Adam J., MD, Dr PH & Megan E. Puzia, *Bans Against Corporal Punishment: A Systematic Review of the Laws, Changes in Attitudes and Behaviors*. Reprinted with permission of the author.

Editorial Note: In many of the cases and materials that we have excerpted, citations and footnotes have been omitted. Footnotes, in particular, were frequently omitted without notes or symbols indicating their omission. When we have retained footnotes from cases or excerpted materials, we have retained the original footnote numbers. Excerpts herein from decisions of the European Court of Human Rights are reproduced from the HUDOC online database of the European Court of Human Rights of the Council of Europe. The Council of Europe advises that original versions reproduced online on HUDOC may undergo subsequent editorial revision, and that neither the European Court of Human Rights of the Council of Europe nor its Registry can be held responsible for any resulting differences with the versions reproduced from the HUDOC database.

