

FAMILY LAW REVIEW

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LETTER TO THE EDITORS 189

ARTICLES

The “grave risk” or “intolerable situation” defence in cases of domestic violence under the Hague Child Abduction Convention: When will risk to a parent amount to risk to a child? – *Suzanne Christie*

The international jurisprudence which interprets and implements the Hague Child Abduction Convention is an evolving body of law, responsive to the changes in demographics of its participants while remaining loyal to its stated aims. The issue of abduction following domestic violence (or allegations of same) is an increasingly common one. This article considers the issue from the Australian perspective. It is clear that judicial decision-making must occur on a case-by-case basis but guidance can be drawn from the Australian and international jurisprudence in advising clients and preparing cases for settlement or trial. 191

A study of outcomes post-return to Australia under the Hague Child Abduction Convention for abducting primary-carer mothers and their children – *Danielle Bozin-Odhiambo*

This article reports the findings of an empirical study of outcomes experienced by abducting primary-carer mothers and their children post-return to Australia under the Hague Child Abduction Convention. The study specifically focused on legal and factual outcomes post-return to Australia as the child’s habitual residence. The study contributes an original critique of the Convention’s operation by examining the collective operation of Convention return proceedings and Pt VII proceedings under the *Family Law Act 1975* (Cth) post-return. Convention return proceedings, and the resolution of the substantive parenting dispute post-return to Australia, are not distinct stages operating in isolation. Viewing them as such is a purely theoretical exercise divorced from the reality of the lives of transnational families. Arguably, a better measure of the Convention’s success is the outcomes it produces as part of the entire system designed to address the contemporary problem of international parental child abduction. When a child is returned to Australia this system includes the operation of Australian family law. 201

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