

Commentary: Appellate Court Cases

Tann v. Bennett, 648 F. App'x 146 (2d Cir. 2016) (unpublished opinion)

Other Second Circuit Cases

Marks v. Hochhauser,
876 F.3d 416 (2d Cir. 2017)

Ermini v. Vittori,
758 F.3d 153 (2d Cir. 2014)

Hollis v. O'Driscoll,
739 F.3d 108 (2d Cir. 2014)

Souratgar v. Lee,
720 F.3d 96 (2d Cir. 2013)

Guzzo v. Cristofano,
719 F.3d 100 (2d Cir. 2013)

Hofmann v. Sender,
716 F.3d 282 (2d Cir. 2013)

Ozaltin v. Ozaltin,
708 F.3d 355 (2d Cir. 2013)

Mota v. Castillo,
692 F.3d 108 (2d Cir. 2012)

Duran v. Beaumont,
622 F.3d 97 (2d Cir. 2012)

Gitter v. Gitter,
396 F.3d 124 (2d Cir. 2005)

Grieve v. Tamerin,
269 F.3d 149 (2d Cir. 2001)

Blondin v. Dubois (*Blondin II*),
238 F.3d 153 (2d Cir. 2001)

Diorinou v. Mezitis,
237 F.3d 133 (2d Cir. 2001)

Blondin v. Dubois (*Blondin I*),
189 F.3d 240 (2d Cir. 1999)

Child's Objection to Return

This case deals with whether the in camera testimony of a thirteen-year-old boy can sustain the child's objection to return.

Facts

Mother petitioned for the return of her thirteen-year-old son to Northern Ireland. The district court conducted an in camera interview of the child and concluded that the child was "very intelligent and decent" and that the child's "desire to remain in New York should be respected."¹ The young man also testified that he did not always feel safe in Northern Ireland, would feel badly if ordered to be returned, and might hurt himself or others if he were forced to return.

Discussion

The Second Circuit affirmed, holding that the district court's findings of fact implied that the child was sufficiently mature to object to return. When the findings of the trial court rely upon personal observations of the child, its determinations are entitled to considerable deference.² The circuit court reiterated that a court "may refuse repatriation *solely* on the basis of a considered objection to returning by a sufficiently mature child."³

1. Tann v. Bennett, 648 F. App'x 146, 149 (2d Cir. 2016) (unpublished opinion) (citing Tann v. Bennett, No. 1:13-cv-00823 (JJM) (W.D.N.Y. Nov. 24, 2014), ECF No. 55).

2. Tann, 648 F. App'x at 149 (citing Blondin v. Dubois (*Blondin II*), 238 F.3d 153, 167 (2d Cir. 2001)).

3. *Id.* (citing *Blondin II*, 238 F.3d at 167).