

# Commentary: Appellate Court Cases

**Rizvi v. Dep't of Soc. Servs., No. 20-2136, 2020 U.S. App. LEXIS 30614 (3d Cir. Sep. 25, 2020)**

## Other Third Circuit Cases

**Monzon v. De La Roca,**  
918 F.3d 92 (3d Cir. 2018)

**Didon v. Castillo,**  
838 F.3d 313 (3d Cir. 2016)

**Karpenko v. Leendertz,**  
619 F.3d 259 (3d Cir. 2010)

**Tsai-Yi Yang v. Fu-Chiang Tsui (Yang II),**  
499 F.3d 259 (3d Cir. 2007)

**Karkkainen v. Kovalchuk,**  
445 F.3d 280 (3d Cir. 2006)

**In re Application of Adan,**  
437 F.3d 381 (3d Cir. 2006)

**Baxter v. Baxter,**  
423 F.3d 363 (3d Cir. 2005)

**Yang v. Tsui (Yang I),**  
416 F.3d 199 (2005)

**Whiting v. Krassner,**  
391 F.3d 540 (3d Cir. 2004)

**Delvoye v. Lee,**  
329 F.3d 330 (3d Cir. 2003)

**Feder v. Evans-Feder,**  
63 F.3d 217 (1995)

## Jurisdiction

A father petitioned for the return of his children from Switzerland to the United States and for injunctive relief and damages. He argued that one of his daughters suffered from an eating disorder that was being treated in Massachusetts. A state juvenile court had granted the mother temporary custody of the children, after which she removed them from the United States to Switzerland. The father alleged that the Massachusetts Department of Children and Families had colluded with the Swiss Department of Social Services to interfere with his parental rights, resulting in the children's subsequent removal.

## Holding

A Hague Convention case must be filed with the court that has jurisdiction over the child or children.

## Facts

The father, a physician, filed a Hague petition for the return of his daughters from Switzerland to the United States. The underlying facts showed that his two daughters lived in Switzerland with his estranged wife. He alleged that his older daughter was committed to a Swiss psychiatric facility for an eating disorder that she had been receiving treatment for in the United States. When the older daughter was living with her father, a Massachusetts juvenile court had awarded the mother custody of the child, and she was returned to her mother in Switzerland. The father alleged that the Massachusetts authorities had colluded with the Swiss authorities to interfere with his parental rights, alleging child abuse because he disagreed with the medical treatment recommendations for his daughter. The Third Circuit affirmed the magistrate judge's dismissal of the father's petition.

## Discussion

Citing *Monzon v. De La Roca*,<sup>1</sup> the court held that Hague Convention cases can only be initiated in a court that has jurisdiction in the place where the child is located.

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1. 910 F.3d 92, 99 (3d Cir. 2018) (citing 22 U.S.C.A. 9003(b) (“Any person seeking to initiate judicial proceedings under the Convention for the return of a child or for arrangements for organizing or securing the effective exercise of rights of access to a child may do so by commencing a civil action by filing a petition for the relief sought in any court which has jurisdiction of such action and which is authorized to exercise its jurisdiction in the place where the child is located at the time the petition is filed.”)).