

Name of Case

One Member Court of First Instance of Thessaloniki (Monomeles Protodikeio Thessalonikis) Decision No. 881/1995

Date of Decision

1995

Requesting State

GERMANY

Requested State

GREECE

Name of Court

One Member Court of First Instance Thessaloniki (Monomeles Protodikeio Thessalonikis)

Status of Case

First Instance

Level of Court

Court of First Instance

Published / where available

Legal Database "Nomos"; Armenopoulos 1995

Articles considered

1, 2, 3, 13

Articles or provision upon which disposition of case based

12, 13

Order

Return of the child to the mother was refused.

Facts

The mother, German, and the father, Greek, were divorced in 1992. Custody of the child was granted to the mother by Court decision. The mother remarried and had a new child from her second marriage. In 1994 the couple agreed that the child should be transferred to Greece, in order to stay with its father and its grandparents from its father's side. The mother transferred rights of custody to the father and reserved for herself the right to visit the child at any time.

Ruling

Despite the fact that less than a year has elapsed since the removal of the child from Germany, the child has already settled in its new environment. It goes to a Greek school and its father and grandparents are taking good care of it. Given that the mother had agreed on the removal of the child, the request of the mother for return of the child in Germany has to be refused.

Cases and authorities referred to

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Judges

Victoria Sevda

Legal basis for decision**art. 12, 13**

Despite the fact that less than a year had elapsed since the removal of the child from its mother's home, the Court concluded that it was not forced to order the return of the child to its mother, since the mother had agreed on the removal and the child had already settled in its new environment

Procedural Matters

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Comments

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