

WRITTEN QUESTION E-6379/09
by Konrad Szymański (ECR)
to the Commission

Subject: Challenging by Dutch authorities of lawful adoption decisions taken by Polish courts

In April 2009, two children who had been legally adopted by lawful decision of a Polish court were removed by the Dutch authorities from the care of their mother. The Polish court has twice forwarded the documents confirming the legality of the adoption, but the Dutch authorities are contesting them and refusing to allow the mother to retain custody of the children. This is in spite of the fact that the biological mothers of the girls have given direct testimony to a Dutch court confirming their consent to the adoption and the legality of the process.

There are no factual or legal grounds for a Dutch court to challenge the lawful decision of a Polish court.

In the light of the above:

1. Does the Commission not consider that the challenging by a Dutch court of a lawful adoption decision taken by a Polish court, and the unwarranted withdrawal of custody from the mother, represent a breach of the Convention on the Rights of the Child and of established practice as regards the recognition of judgements relating to child custody matters?
2. Does it believe there is scope for it to intervene in this question, where the legality and validity of child custody decisions taken by a court in one country are being challenged by a court in another? In the lights of such judgements, should the parents of adopted children be apprehensive about travelling or living abroad?