

## Following a Father's Claim for His Daughter's Return, the Court Ordered the Mother to Return Her to United States Immediately

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[The ruling of S.S.B.H. vs. O.B.H.](#)

Family court in Nazareth ordered the return of a minor to United States after being abducted by her mother to Israel, determining that the minor's habitual residence is United States and that no harm will be inflicted upon her if she were to return to the country in which she was born.

Two Israeli partners who resided in United States and came to visit in Israel together with their baby girl, endured a severe dispute following which the mother decided to stay in Israel with the minor, while the father returned to United States. As the father realized that the mother decided to stay in Israel as abovementioned, he filed a claim against her in Family Court, in which he requested that the minor will be returned to United States immediately according to [Hague Convention Act](#).

The mother claimed that the minor's habitual residence is Israel since the parties intended to stay in United States only temporarily. Alternatively she claimed that detaching the one year old daughter from the environment to which she got accustomed over the past six months will inflict upon her with intolerable harm.

[Judge Sary Jayyoussi](#) accepted the claim and ordered the minor's return to United States, after determining that her habitual residence is United States. It was ruled that the minor was born in United States, is an American citizen, health insurance was paid on her behalf and she is registered to nursery school there. It was also ruled that the intent of the parties, which opened a business in United States, maintained social rights and possess real-estate and bank accounts, indicates that they did not intend to return to Israel at some point, at least not in the immediate range.

It was also ruled that although the father's legal status in United States was not settled, the mother has not proven that returning the minor to United States will inflict upon her grave harm. The issue of parents' legal status in the country to which the return is requested, so was determined, is irrelevant as long as the minor's entrance is allowed. [The judge](#) pointed out that the issue of the father's status in United States has begun as the mother cancelled her studies in United States, and as a result the stay visa granted to the husband by force of her student's visa was automatically cancelled. It was determined that this act, intended to make it difficult for the father and maybe even jeopardize his chances in court, faced him with a new, sad and harsh reality, without being able to prepare for it.

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- Respondent's representative: [Attorney Tal Itkin](#)

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