

17 February 2023

Procedures for Foreign Court Order concerning Child in Northern Ireland

Question:

Request for Procedures on how BHSCCT acts on Foreign Court Order in regards to a child resident in Northern Ireland.

This is a FOI request about your procedures when you receive a Foreign Court Order from

- (a.) An individual or
- (b.) A government body such as the Home Office or other official institutions.

Let's assume hypothetically, Belfast Health and Social Care Trust received a Foreign Court Order issued in an Islamic country like IRAN that is not a signatory to the Hague Convention. What are the procedures to be taken by the Belfast Health and Social Care Trust in regards to that Foreign Court Order?

Response:

Where a foreign order originates from a member state of the Hague convention, the below guidance applies.

https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjomc_StZz9AhUUiFwKHU64Bx8QFnoECBAQAQ&url=https%3A%2F%2Fwww.legislation.gov.uk%2Fnsi%2F1995%2F755%2Fcontents%2Fmade&usq=AOvVaw3iVadIKuHAFMU9atrmMK5i

In the event that the Order originates from a country that is not a member state, there are no prescribed procedures and the actions taken will be dependent on the nature of any issues that are identified within the Order or associated documents.

Within the context of this scenario there is no reciprocal agreement between the countries, and no duty to co-operate or comply. However in the event of concerns being indicated in respect of a child's welfare, Belfast Trust's duty to investigate under the Children NI Order 1995 will apply.