

Parental responsibility in cross-border family conflicts

Family conflicts with an international dimension present complex challenges, affecting parents and children in unique ways. Separations, often stemming from a complex history, frequently hinder successful co-operation between parents regarding parental responsibility. Decisions about the child's residence, parenting model, and rights of access arrangements become points of conflict.

For these families, the cross-border aspect leads to additional complications, which can be very unsettling. Geographical distance can complicate the effective exercise of rights of access, differing legal systems add a layer of complexity – particularly when determining the custody situation (both sole or joint). In many States the court only determines with which parent a child shall live. This often does not include the right to change the residence of the child – especially to leave the country, and hence a separate judicial determination is required. Lastly, cultural and language barriers contribute to the risk of misunderstandings and misinterpretations and may also lead to bias in decision-making (for further information, please see [ISS Equity in Permanency](#)).

Given the complexities mentioned above, cross-border cases may require the involvement of bodies and professionals from another State. In conflict cases, information from abroad – such as assessments and home studies – may be necessary for counsellors and decision-makers to determine the best interests of the children. For professionals, guidance is important to navigate between the different options for action. Parents and children themselves may need specialised professional counselling and support.



Guiding international standards and ISS documents:

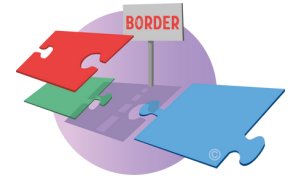
- [Convention on the Rights of the Child \(CRC\)](#)
- [HCCH 1996 Child Protection Convention](#)
- Council Regulation (EU) 2019/1111 ([Brussels IIb Regulation](#)).
- [HCCH 1980 Child Abduction Convention](#)
- ISS Manual
- [ISS International Family Mediation factsheet](#)

ISS in essence:

- Is a professional and specialised **global network** founded in 1924 with 132 members in 125 States;
- Has been serving the needs of children and families **for 100 years**;
- Contributes to **law and policy development and advocacy efforts**;
- Maintains a **long-standing and close co-operation with** the Hague Conference on Private International Law (**HCCH**) and its Central Authorities (**CAs**);
- Hosts the [International Reference Centre for the Rights of Children deprived of their family \(ISS/IRC\)](#), a program of the ISS General Secretariat based in Geneva, with a mission **for more than 30 years** to equip child protection, alternative care, and adoption professionals across the world with up-to-date research, publications, training, and technical assistance projects;
- Is always at the forefront of **implementing international standards and raising awareness about children's rights** through its direct cross-border case management and advocacy efforts.

ISS advocates for:

- Granting a full implementation of the Convention on the Rights of the Child (CRC), the HCCH 1996 Child Protection Convention, and any other relevant standards;
- Considering the best interests of the child as the paramount consideration;
- Recognising a child's right to maintain a relationship with both parents and access to their linguistic and cultural identity;
- Adopting an interdisciplinary approach in casework;
- Adopting arrangements to provide in each State specialised counselling and guidance for parents and professionals;
- Accessing to qualified social workers based in each State concerned;
- Providing a mediation-oriented approach given the likelihood of conflicting interests (for further information, please see: [ISS International Family Mediation factsheet](#));
- Facilitating full co-operation between Central Authorities (CAs) and other expert bodies that can assist in finding solutions.



ISS Casework services may include:

- Facilitation of home studies/social reports for competent authorities to allow for informed custody/access decisions;
- Guidance of parents in understanding the situation they are confronted with and the potential impact on their children;
- Information about psycho-social and legal aspects of cross-border family conflicts;
- Support for parents in weighing options for action and the various models of conflict resolution, including mediation;
- Support for parents in obtaining the recognition of family agreements in various States;
- Aiding experts in understanding information and social reports from abroad.

Technical assistance and advocacy efforts may include:

- Information for professionals about conflict resolution;
- Guidance and support for professionals;
- Active participation in expert consultation groups;
- Co-operation with UN and regional treaty bodies;
- Evaluation missions, law reform and training.

