

Questionnaire concerning the practical operation of the Convention and views on possible recommendations

Response on behalf of the Central Authority in Denmark

First of all we kindly inform you that the Central Authority in Denmark is the Ministry of Justice, Department of Private Law (4. office).

(1) The role and functioning of Central Authorities

1. In general we find the communication and co-operation between the Central Authorities very efficient and well functioning.

However the Danish Central Authority have experienced that in some instances requested Member States are very slow to start convention proceedings and – when proceedings have been started – neglect to keep us informed, to provide us with court orders or answer our questions.

Also we have experienced some difficulties with a few Member States in achieving legal information of a general character in connection with applications.

Furthermore cases have been delayed when reservations on language are not respected.

Finally we have experienced difficulties in getting help to organise or secure the effective exercise of rights of access. It seems as if there exists different opinions between some Member States on, whether a case should be considered a Hague case or not.

2. So far the Danish Central Authority has not experienced any major problems.

3. In Denmark we normally leave it to the courts to take the necessary measures to secure the voluntary return. The Danish Central Authority sends an abduction case to the relevant enforcement court immediately after receiving the application. The court will try to effect an amicable settlement. In our opinion this does not lead to any delays. The court will normally continue with the enforcement case instantly, if an amicable resolution cannot be reached.

4. In Denmark the court shall automatically assign an attorney at law to a requesting parent who applies for the return of a child. This procedure is prescribed in the Danish Act on International Enforcement of Decisions concerning Custody of Children and Restoration of Children, etc. Fees and reimbursement of expenses incurred in connection with the assigned attorney are covered by the Danish State.

When a parent is applying for access in Denmark, the application shall be lodged with a Local Government Office. The Danish legal aid system does not apply for cases which are dealt with by the administrative authorities. However, The Local Government Office is obliged to offer counselling and information to the parents and to the child.

We have experienced in cases that originate in Denmark that it might be very difficult or even impossible for a requesting parent to get legal aid in some Member States.

5. No, the Danish central Authority does not present the applicant.

6. Until now The Danish Central Authority has only had very little experience with these issues. However, if protection is needed the social authorities in Denmark will be contacted. We will also provide the parties with relevant information if we are competent to do so or refer to another relevant authority that can offer the requested information.

7. The Danish Central Authority immediately sends incoming requests to a Local Government Office, which is the competent authority in Denmark. There are 14 Local Government Offices in Denmark.

The Local Government Office is acting as an impartial authority, and to make decisions in the interest of the child it is obliged to hear both parents and the child if the child has attained an age and a degree of maturity at which it is appropriate to take account of its views. The Local Government Office also offers counselling to the parents and the child.

Complaints against decisions made by the Local Government Office can be filed to a separate division in the Danish Department of Private Law.

Both decisions made by the Local Government Office and Civilretsdirektoratet can be executed by the enforcement court according to the Danish Act on Administration of Justice § 478. Private agreements cannot be executed.

For further information please see section (4).

8. The Danish Central Authority has been able to provide the statistical information requested by the Permanent Bureau. We find the statistics very valuable.

9. The Danish Central Authority can affirm our support to the conclusions.

10. The Danish Central Authority shall welcome suggestions concerning the obligations to organise and secure the effective exercise of rights of access.

Also we will consider suggestions on other matters. Whether Denmark would be able to support a recommendation depends on the actual content.

(2) Judicial proceedings, including appeals and enforcement issues, and questions of interpretation.

1. In Denmark applications for return are dealt with by the county courts. There are 82 county courts in Denmark. A special enforcement division of the county court called the enforcement court deals with the Hague abduction cases in the first instance.

If a decision made by the enforcement court is appealed the High Court will deal with the case. We have two divisions of the High Court in Denmark, a western and an eastern division.

It is possible to apply for permission to get the case tried in the third instance, which is the Supreme Court. We have not had any examples of cases where permission has been granted.

2. No. Please see our answer to question 1.

3.a) Normally there will be an oral hearing in the dealing of the case in the first instance. The applicant will automatically be appointed an attorney (see section (1) question 4). The judge will

hear the appointed attorney and the applicant and the abducting parent if present at the court meeting.

In an appeal case the High Court often deals with the case based on documentary evidence. If a special request is made a hearing might take place.

3.b) Witnesses are rarely used in Hague proceedings. However the judge will often hear the applicant, the abducting parent and the child if it has attained an age and a degree of maturity at which it is appropriate to take account of its views. The judge can also order that an examination made by an expert on child behaviour should be made.

3.c) In the Danish Act on International Enforcement of Decisions concerning Custody of Children and Restoration of Children, etc it is prescribed that proceedings relating to return of a child shall be proceeded with as expeditiously as possible.

The courts will ensure ex officio that the cases are proceeded with expeditiously. In practise it is the judge (usually a deputy judge) who will exercise control over the case being proceeded with expeditiously. The judge will also ensure that both parties will deal with the case expeditiously.

3.d) An appeal can be filed to the High Court within two weeks after the decision from the enforcement court was made. There is no limitation on what can be tried in the second instance. Cases are normally dealt with on written basis, and they are dealt with very expeditiously. The decision of the High Court is normally the final decision. However it is possible to apply for the case being dealt with by the Supreme Court as the third instance. Until now the Supreme Court has not dealt with any Hague cases.

4. We kindly refer to the described procedure in section (2) question 3.a-d.

We would like to add that according to the Danish Act on International Enforcement of Decisions concerning Custody of Children and Restoration of Children, etc. § 11, 4, return may be refused if the child objects to being returned and has attained an age and a degree of maturity at which it is appropriate to take account of its views. According to § 16, the enforcement court shall have a talk with the child if the child has attained an age and a degree of maturity at which it is appropriate to take account of its views, before the court gives a decision in proceedings concerning the enforcement of a decision under section 4 or the return of a child under section 10(1).

5. The enforcement court tries to reach a settlement between the parents in all cases. If the parent opposing return raises defences under Article 13 or Article 20, the procedure will still be as described in section (2) question 3.a-d. Normally it does not cause major delays. If however it causes delays because the enforcement court adjourns a case, it is possible to file a complaint against the courts decision, which are dealt with expeditiously.

6. The procedure being used in these cases is based on practice of the enforcement courts, which is determined in the Danish Act on Administration of Justice. The applicant or his attorney has to attend the court meeting. The enforcement court will inform the abducting parent about the court meeting unless it finds it unobjectionable to have the meeting without prior notification of the abducting parent or if it is presumed that the possibility of the child not being returned. If the abducting parent does not appear before the court, the court can decide that the police should take charge of the person until he/she can be brought before the court. Also if the abducting parent does not bring the child to the court meeting the court can use compulsive measures against him/her. Furthermore it is possible for the enforcement court to decide to have a court meeting the

residence of the abducting parent. This will need the presence of two policemen and a social worker from the municipality.

If the enforcement court orders that the child should be returned the court also has to determine, how the actual return of the child should be carried out. This could lead to separate enforcement proceedings.

Execution of a return order should always be effected. If the order made by the enforcement court is appealed to High Court, the enforcement court can decide to give the appeal a delaying effect on the execution of the order, until the High Court has dealt with the appeal. All decisions made by the enforcement court can be appealed to the High Court. Appeals are dealt with expeditiously.

7.a) In Denmark it has been decided that we should not have specialised courts. However it has been considered in Denmark to concentrate our county courts, and it has been suggested to have 25-30 courts instead of the existing 82. This will also lead to more specialised courts, but it will not change the essential principle in Danish court system that judges are not specialized. Also the Danish judges have an independent status and in order to regulate the proceedings it will normally require a amendment of our legislation. This means that our support any of the recommendations concerning the courts will depend on the actual contents of the recommendations.

7.b-g) We do not have any objections against recommendations concerning the Member States' obligation to process return applications expeditiously as far as the orders in question can be executed after national legislation. We do not support any recommendations recommending that the "grave risk" defence under Article 13 should be narrowly construed.

8. We have not discovered any important developments in the interpretation of Convention concepts since 1996.

(3) Issues surrounding the safe and prompt return of the child (and the custodial parent, where relevant)

1. The court usually tries, maybe with the help from the lawyers involved in the case, to get the parties to accept what could be called "confidence-building arrangements". Arrangements like this will be entered in the Records of the Court, because the parties hereby feel more responsible to comply with the arrangements.

2. So far the Danish courts have not been faced with the question. The question must be solved in accordance with Danish legislation's general provisions about enforcement of foreign judicial decisions.

3. We do not have any examples of safe harbour orders or mirror orders in Danish legal usages. Danish courts of enforcement cannot make mirror orders, because they only have jurisdiction to make enforcement orders.

4. There are no current plans of ratifying the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.

5. We have recently had to cases where there were questions as to the right of the abducting Danish parent to re-enter the country from which the child was abducted. The situation was in both cases that the mother abducted the children to Denmark, and an arrest warrant was issued, and she

was imposed a fine. In both cases the Danish enforcement court ordered the return of the children. Afterwards it was not possible for the parent to return because of the arrest order and the fine, and therefore it was not possible for them to attend the following custody case.

6. Please see question 5.

In Denmark it is a criminal offence when a child is wrongfully removed from Denmark by one of its parents.

However in order to ensure the return of the child we have experienced cases where the public prosecutor has accepted to drop the criminal proceedings on condition that the abducting parent returned to Denmark with the child.

7. We have not experienced any examples of this.

8. No.

9. It is possible for the accompanying parent to apply for legal aid. The parent will have to meet the Danish requirement to obtain legal aid, which are cited in chapter 31 the Danish Act on Administration of Justice and the Ministry of Justice executive order about legal aid. To obtain legal aid it is for example a requirement that there is some certainty of winning the case. This requirement is, however, interpreted gentle when it is a matter of legal aid to a custody case. We also have a limit of income, which may not be exceeded:

- a single person: 210,000 DKR
- a person, who is married or living with a partner: 267,000 DKR in all for the couple living together
- both the amounts are raised with 36,000 DKR pr. child, living with this parent or if this parent pays for a great part of the maintenance of the child.

If a parent contacts our Department in order to get information or advise, we provide him or her with information about the international conventions, legislation on legal aid and on custody.

10. Whether a custody order is subject to review depends on what is in the child's best interest the given moment.

11. a) Please see section 4.

b-d) Whether Denmark would be able to support the listed recommendations in 11 b-d depends on the actual content of such recommendations.

(4) Procedures for securing cross-frontier access/contact between parent and child

1. Please notice that in Denmark decisions about access are made by the Local Government Offices ("statsamtterne") and not by the courts. It is also only the Government Offices that may reconsider an access order.

The Government Offices may offer parents and children advice by an expert on child behaviour in order to help the parents to solve their conflict in considering the child's best interests.

From approximately the summer of 2001 the government offices shall be able to offer the parents to participate in mediation.

In dealing with a case about access the Government Office must make sure that all aspects of the case have been examined and that the decision is in the child's best interests. Therefore it is not necessary for the parents to be represented by an attorney. Because of this it is not possible to get legal aid.

2a. According to Danish legislation attempts should be made to maintain the child's relations with both parents by granting a right of access to the parent with whom the child does not reside. The Government Office may only refuse to define access or revoke an agreement or decision in this respect, where this is necessary due to the welfare of the child.

If the parents disagree the Government Office shall decide the extent of access and define the access arrangement and may make the necessary stipulations in this respect. The decision shall be made in light of the child's best interests.

2b. The Government Office may reconsider an agreement or decision on access, where it is in the child's best interests, in particular due to a change of circumstances.

3. Denmark has certain obligations according to some conventions to recognize and enforce foreign access orders. This obligation is of course limited to decisions from states, which are also obliged according to the same conventions. As an example we can mention the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children and the Nordic Convention on Marriage.

In cases not covered by an international convention about recognition and enforcement of foreign access orders it is not possible in Denmark to recognise an foreign access order by a "mirror order". In stead it is necessary to make an access order according to Danish legislation. In making this access order it is possible to take the foreign order in regard.

We also refer to the answer to question 4 in section 3.

4. In cases not covered by an international convention Danish legislation does not have any provisions to ensure that cross-frontier access applications are processed expeditiously. Foreign access applications are treated the same way as domestic access applications.

5. See the answer to question 1.

6. See the answer to question 2

7. If a parent once has abducted the child and there exists a risk that the parent may do this again, the Government Office may refuse to make an access order. If it, in spite of the risk of the child being abducted again, is in the child's best interests to have contact with the abducting parent the Government Office may rule that the access must take place under supervision or that the parent must deposit his or hers passport during the access.

8. No information is available especially for overseas applicants.

9. Our Department's 2. office has little experience as regards co-operation with other jurisdictions in cases about access.

10. The Government Office may take almost any relevant measure to help guarantee adherence by the parent to access condition. For example a parent with an alcoholic problem may have to prove to be taking antabuse.

However, it is not possible to ask the parent to provide financial guarantees.

11. If the child is not handed over in accordance with the access order the parent may ask the court for help to enforce the order.

Enforcement of an access order may only take place if there exists no risk of seriously damaging the child's mental or physical health.

An access order may be enforced by penalty payments. Access orders may also be enforced by the use of force.

12. Our support to recommendations in respect of the issues concerning access depends on the specific recommendation in question.

(5) Securing State compliance with Convention obligation

1. Please see our answer in section (1), question 1.

2. The Danish Central Authority always contact the Central Authority in the acceding States requesting information about the family law, especially concerning custody. We find it of great importance to receive information the following subjects:

- legal custody of a child born in and out of wedlock. Who shall have custody of a child at the time of its birth?
- the content of the term "custody" according to the national law.
- the cessation of custody, for instance, who is given custody of a child in case of disagreements between the parents, in case of the parents' divorce, or in case of the death of the parents?
- who decides on the above mentioned matters, and on the basis of which considerations is the decision made?

Furthermore, we seek information about rules concerning rights of access to children.

Finally, we request to be supplied with information about the work of the Central Authority in question, how a case concerning child abduction to or from the country in question is dealt with by the Central Authority, and the time prospect of a typical case.

When we receive the requested information we carefully consider if the newly acceding State in our opinion is in a position to comply with the Convention.

3. Yes.

4. At the time being, where we are not facing fundamental problems concerning the Convention, Denmark does not find a need for an increase in number of Special Commissions. However should specific problems with the operation of the Convention occur it would be very fruitful with informal working meetings or seminars.

5.a-c. Please see question 4.

(6) Miscellaneous and general

1. The Danish Central Authority does not have any specific comments or suggestions.

2. See the answer to question 1 just above.

A preparation of a list of potential functions and tasks would be useful.

3. Yes, we find the statistics very informative and useful.

4. It would depend on the actual content of such a recommendation.

5. No.

6. We do not have any bilateral arrangements with non-Hague States.

7. We do not have relocation orders in Denmark. If a person has full custody of a child this person has the right to move to another country without the consent of the other parent, even though the other parent has rights of access. We have been met with the problem, and generally speaking we do not favour restricted approaches to relocation.

Enclosure:

Translation into English of The Act implementing the Convention and the European Convention of 1980 on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children:

Act No. 793 of 27 November 1990

**Act on International Enforcement of Decisions
concerning
Custody of Children and Restoration of Custody of Children, etc.
(International Child Abduction)**

WE MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, do hereby make known:

The Danish Folketing has passed the following Act, which has received Royal Assent:

Part 1

Scope of the Act

1.-(1) This Act shall apply to recognition and enforcement of foreign decisions concerning custody of children, the child's residence and the right of access, cf. Part 3. Further, the Act shall apply to the return of children who have been unlawfully taken to this country or unlawfully retained here, cf. Part 4.

(2) This Act shall apply to children under the age of 16 years.

(3) Recognition and enforcement under Part 3 can take place on the basis of judgments, orders and decisions made by a court or a public authority or on the basis of agreements approved by a public authority.

2.-(1) Sections 3-9, 12-13, 15(1), 16-18 and 20 shall apply in relation to States which have acceded to the European Convention of 1980 on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children.

(2) Sections 3, 10-12 and 14-20 shall apply in relation to States, which have acceded to the Hague Convention of 1980 on the Civil Aspects of International Child Abduction.

(3) This Act shall not apply in relation to Finland, Iceland, Norway or Sweden to the extent other provisions apply.

(4) Based on an agreement, which may contain derogations from the provisions of the European Convention or the Hague Convention, with a State which has not acceded to the European Convention or the Hague Convention, the Minister of Justice may determine that the Act shall also apply with the necessary changes to the relationship between Denmark and that State.

Part 2

Central Authority

3.-(1) The Central Authority shall:

- 1) receive and transmit communications under the Conventions;
- 2) co-operate with the central authorities of the other States which have acceded to the Conventions; and
- 3) discharge the duties which are imposed by the Conventions on the central authority.

(2) The Minister of Justice shall designate the central authority in this country and lay down detailed rules on its function.

Part 3

*Recognition and enforcement in accordance with the
European Convention*

4.-(1) A decision relating to custody of a child, the child's residence or the right of access given in a State which has acceded to the European Convention shall be recognised in this country.

(2) A decision as mentioned in subsection (1) may be enforced in this country on application if it can provide the basis for enforcement in the State in which the decision was given (the State of origin), cf., however, sections 5-8.

(3) Where, at the time of the removal of a child to another country, there was no enforceable decision given in a Convention State, any subsequent decision, declaring the removal to be unlawful, given in a Convention State shall be treated as equivalent to a decision under subsection (1).

5. A decision under section 4 given in the absence of the defendant can only be recognised or enforced in this country if:

- 1) the defendant was duly served with a writ of summons or received an equivalent document in sufficient time to enable the party to arrange for his defence, or a writ of summons or an equivalent document could not be served on or received by the party because he had concealed his whereabouts from the other party; and
- 2) the competence of the authority giving the decision under section 4 was founded on the habitual residence of the defendant, on the last common habitual residence of the child's parents, at least one parent being still habitually resident there, or on the habitual residence of the child.

6. A decision under section 4 cannot be recognised or enforced if:

- 1) the effects of the decision will be manifestly incompatible with the fundamental Danish principles of the law relating to the family and children;

- 2) by reason of a change in the circumstances the effects of the decision are manifestly no longer in accordance with the welfare of the child;
- 3) at the time when the proceedings were instituted in the State of origin, the child was a national of or habitually resident in this country and no such connection existed with the State of origin;
- 4) at the time when the proceedings were instituted in the State of origin, the child was a national both of the State of origin and of this country and was habitually resident in this country; or
- 5) according to the law of the State of which the child is a national or in which the child is habitually resident, the child is entitled to determine its place of residence.

7.-(1) A decision given under section 4 cannot be recognised or enforced in this country if it is incompatible with a decision given in this country pursuant to proceedings begun before the submission of the application for recognition or enforcement, and if the refusal is in accordance with the welfare of the child.

(2) A decision given in a country other than the State of origin and enforceable here shall be treated as equivalent to a decision given in this country under subsection (1).

8. Proceedings relating to recognition or enforcement under section 4 may be adjourned by an order if:

- 1) an ordinary form of review of the decision has been commenced in the State of origin;
- 2) proceedings relating to the custody of the child or rights of access, commenced before the proceedings in the State of origin were instituted, are pending in this country; or
- 3) another decision concerning the custody of the child is the subject of proceedings for enforcement or of any other proceedings concerning the recognition of the decision.

9. In connection with the enforcement of a decision relating to a right of access under section 4, the enforcement court may make a decision on the extent and exercise of such right of access.

Part 4

Return in accordance with the Hague Convention

10.-(1) Children removed wrongfully to this country or retained here wrongfully shall on application be returned to the person from whom the child is retained if immediately before the removal or retention the child was habitually resident in a State which has acceded to the Hague Convention.

(2) The removal or the retention of a child is wrongful where:

- 1) it is in breach of rights of custody whether attributed to a person, an institution or another body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention; and
- 2) at the time of removal or retention those rights were actually exercised or would have been so exercised but for the wrongful removal or retention.

11. Return under section 10(1) may be refused if:

- 1) at the date of the lodging of an application for return with the enforcement court one year has elapsed since the removal or retention and the child is now settled in its new environment;
- 2) there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation;
- 3) the child objects to being returned and has attained an age and a degree of maturity at which it is appropriate to take account of its views; or
- 4) the return would not be permitted by the fundamental principles of this country relating to the protection of human rights and fundamental freedoms.

Part 5

Procedure

12.-(1) An application for enforcement of a decision relating to custody of a child, the child's place of residence, or rights of access under section 4 or the return of a child under section 10(1) shall be lodged with the enforcement court.

(2) Applications to the enforcement court shall be drawn up in Danish or be accompanied by a translation into Danish. Documents in foreign languages which are enclosed shall be translated into Danish unless the court does not find it necessary.

13.-(1) An application for enforcement of a decision under section 4 shall contain information about the likely whereabouts of the child in this country, and proposals as to how the custody of the child should be restored.

(2) The application shall be accompanied by a certified transcript of the decision, documentary evidence that the conditions for recognition and enforcement under section 5 are satisfied and documentary evidence that the decision can provide the basis for enforcement in the State of origin.

14.-(1) An application for the return of a child under section 10(1) shall contain information about the applicant, the child and the person who is alleged to have removed or retained the child, and the child's date of birth. It shall contain a reason for the demand for return and information about the likely whereabouts of the child in this country.

(2) The application shall be accompanied by the documents relied upon.

(3) During the proceedings relating to return under section 10(1), the enforcement court may order that a decision be obtained from an authority in the State of the habitual residence of the child immediately before the removal or retention that the removal or retention was wrongful. However, this shall only apply if such a decision can be obtained in that State.

15.-(1) Proceedings relating to enforcement of a decision under section 4 and to return under section 10(1) shall be proceeded with as expeditiously as possible.

(2) Where no decision has been reached in proceedings under section 10(1) within six weeks from the date when the application for return was lodged with the enforcement court, the court shall on request state the reasons for the delay.

16. Before the enforcement court gives a decision in proceedings concerning the enforcement of a decision under section 4 or the return of a child under section 10(1), it shall have a talk with the child if the child has attained an age and a degree of maturity at which it is appropriate to take account of its views.

17.-(1) In proceedings under section 4 or section 10(1) the enforcement court may on application determine that during the proceedings the child shall be placed with either of the parents or in a neutral place at the initiative of the social authorities where this is found to be necessary.

(2) The determination, which shall be given by an order, shall apply until the final decision has been given in the proceedings.

18.-(1) Otherwise proceedings shall be subject to the provisions of Parts 45, 46 and 48 of the Danish Administration of Justice Act.

(2) The enforcement court shall assign an attorney-at-law to the party who has lodged the application. Fees and reimbursement of expenses incurred in connection with the assigned attorney-at-law shall be subject to the same rules as in cases where free legal aid is granted, cf. Part 31 of the Danish Administration of Justice Act.

Part 6

Decisions relating to custody

19.-(1) Where an application for the return of a child has been made under section 10(1), no decision can be given in proceedings relating to custody in this country until the application has been considered.

(2) If during custody proceedings in this country the central authority states that the child is staying unlawfully here, cf. section 10(2), without any application for return of the child under section 10(1) having been lodged, the court can give no decision on custody unless there has been reasonable time for making such an application.

20.-(1) If a child who is habitually resident in this country is removed to another country or retained there, the Minister of Justice or any one authorised for the purpose may on the application of the person holding the custody of the child decide that the removal is wrongful.

(2) During proceedings to bring the joint custody of a child to an end, the court may decide on the basis of a claim that the child has wrongfully left the country, cf. section 10 a of the Danish Legal Capacity Act.

(3) If the place of residence of the person that the case concerns is unknown and if no information about the place of residence can be obtained, a decision under subsections (1) and (2)

may be given no matter whether the person concerned has not been served with a writ of summons or any other equivalent document in the proceedings.

Part 7

Commencement etc.

21.-(1) The date of entry into force of this Act shall be fixed by the Minister of Justice. Different dates of entry into force of the provisions on recognition and enforcement in accordance with the European Convention and the provisions on return in accordance with the Hague Convention may be fixed.

(2) Section 10 shall only apply in cases where the wrongful removal or retention took place after the Act entered into force in relation to the State in which the child was habitually resident or staying immediately before the removal or retention.

22. In the Legal Capacity Act, cf. Consolidated Act No. 443 of 3 October 1985, as amended by section 2 of Act No. 209 of 5 April 1989, there shall be inserted after section 10:

"**10 a.** Where the parents fail to agree on who is to have sole custody, both shall give their consent to the child leaving the country."

23.-(1) In the Danish Penal Code, cf. Consolidated Act No. 607 of 6 September 1986 as most recently amended by Act No. 399 of 13 June 1990, there shall be inserted a new subsection in *section 215*:

"(2) Any person who wrongfully takes the child out of the country shall be punished in the same manner."

24.-(1) This Act shall not apply to the Faroe Islands and Greenland.

(2) The Act may by Royal Decree be made effective for the Faroe Islands subject to such deviations as are dictated by the special circumstances of the Faroe Islands.

(3) Sections 1-22 may by Royal Decree be made effective for Greenland subject to such deviations as are dictated by the special circumstances of Greenland.

Given at Amalienborg, 27 November 1990

Under Our Royal Hand and Seal

MARGRETHE R.

/Hans Engell