



## LAWYERS IN THE PHILIPPINES

This checklist has been carefully prepared to guide you through the essential documents required for your legal process.

By making it available as a free download, we aim to provide immediate value and clarity.

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### **The Hague Convention Filing Checklist: Recovering a Child from the Philippines**

**IMPORTANT:** Under Philippine Supreme Court rules, the Family Court is bound to resolve the case within 90 days of its filing. You must submit **all** evidence at the time of filing. There are generally no second chances to add documents later.

While each case and its evidence vary accordingly, the following can be a helpful, initial guide for the documents your case will need.

Use this checklist to begin gathering your file.

#### **1. Proof of Habitual Residence (Where the child lived)**

The court needs to see that the child was settled in your country before being taken.

- **School/Daycare Records:** Enrollment forms, report cards, or letters from teachers.
- **Medical Records:** Pediatrician visit history, immunization records, or health insurance statements.
- **Extracurricular Activities:** Certificates or membership proof from sports teams, music lessons, or clubs.
- **Lease/Property Records:** Proof that the child had a permanent home in your country.

## 2. Proof of Your Custody Rights

You must prove you had the legal right to decide where the child lives.

- **Birth Certificate:** Listing the parents.
- **Marriage Certificate:** (If applicable).
- **Existing Court Orders:** Any previous custody or visitation orders from your local courts.
- **Affidavit of Law:** A statement (often from a lawyer in your home country) explaining the custody laws that apply to you.

## 3. Evidence of "Wrongful Removal or Retention"

You must prove the child is in the Philippines against your will.

- **Travel Documents:** Flight itineraries or copies of return tickets that were never used, Philippine records showing the child's arrival in the country.
- **Written Communications:** Saved emails, social media or messages, or SMS where you demanded the child's return and the other parent refused.
- **Timeline of Events:** A detailed chronological log of the last day you saw the child and the subsequent events.

## 4. Witness Testimony

- **Affidavits:** Sworn statements from family, friends, or teachers who can testify to your active role in the child's life, the child's habitual residence, and the circumstances of the removal.

## 5. Crucial Formalities (The "Dealbreakers")

The Philippine court is very strict about how foreign documents are presented.

- [ ] **Apostille/Authentication:** All public documents from your home country (Birth certificates, court orders) must be duly authenticated or Apostilled.
- [ ] **Certified Translations:** If any document is not in English or Filipino, it must be translated by an accredited translator.

## A Note on the "One-Year Clock":

If your child has been in the Philippines for more than **one year**, the court may deny the return if the child is "now settled." Do not wait.

### **Need a professional review of your documents or assistance in obtaining them?**

The window to file a Hague Petition is narrow, and the evidentiary requirements are strict.

Contact our office today for a **Case Assessment** to ensure your filing is "court-ready."

<https://lawyerphilippines.org/contact-us/>



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