

DOSSIER – CONSOLIDATED VERSION 1

Protection of a Child in High-Risk Cross-Border Proceedings

Chronological, Procedural and Documentary Reconstruction

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EXECUTIVE SUMMARY

This dossier reconstructs the case concerning David through an analysis of Maltese judicial documentation, communications with the Italian authorities, international cooperation procedures, and the initiatives undertaken by the Mother between 2023 and 2026.

The reconstruction highlights the progressive transformation of a family dispute into a complex cross-border proceeding characterized by restrictions on the child's freedom of movement, parallel proceedings in multiple jurisdictions, interventions by the Central Authorities, and subsequent disputes concerning international judicial cooperation.

The purpose of this document is to provide a verifiable chronology of the events and decisions that have affected David's life and the relationship between the child and the Mother.

1. FAMILY BACKGROUND

David was born on 14 July 2019. On 8 January 2020, the Mother and the Father were married; the marriage was subsequently registered in the Italian Civil Registry. Prior to the Maltese judicial proceedings, the family maintained stable and continuous ties with Italy. The Mother is an Italian citizen, while the Father resided in Italy under a residence permit issued for family reunification purposes.

According to the available documentation, the family maintained administrative, family, and personal connections with Italy. During 2022, the Mother temporarily relocated to Malta, primarily to allow her eldest daughter to complete her school education. The available documentation indicates this relocation was never intended to constitute a permanent transfer of the family's habitual residence or a permanent settlement in Malta. During this same period, serious family conflicts emerged, giving rise to the subsequent judicial proceedings.

2. INITIATION OF THE PROCEEDINGS IN MALTA

6 January 2023

The Father filed an application before the Civil Court (Family Section) of Malta seeking a Warrant of Prohibitory Injunction intended to prevent David from leaving Maltese territory.

1 February 2023

The Family Court issued Warrant No. 5/2023 AL. The order provided that David could not be taken outside Malta. The authorities designated to receive notification of the order included: the Passport Office, Immigration Police, Malta International Airport, and the Embassy of Italy in Malta.

3. COMMUNICATIONS WITH THE EMBASSY OF ITALY

February 2023

The Mother repeatedly contacted the Embassy of Italy in Malta, requesting assistance and information. The communications highlighted the family's connection with Italy, existing Italian documentation, difficulties arising from the Maltese proceedings, and objections concerning the forced stay in Malta.

March 2023

The Mother requested a meeting with the Embassy. During the meeting, she expressed concerns regarding the initiation of child custody proceedings in the absence of a formally established legal separation.

May 2023

The Mother informed the Embassy of the difficulties encountered during the proceedings and the challenges relating to legal representation.

June 2023

The Mother notified the Embassy that David's passport had been deposited with the Maltese Court, highlighting the impossibility of leaving Malta with David.

4. MALTESE JUDICIAL PROCEEDINGS

Between 2023 and 2025, several proceedings continued before the Maltese Family Court. Throughout these proceedings, decisions were issued concerning the custody of David, his residence, visitation rights, the parental relationships, and financial obligations. During the proceedings, the Mother also raised concerns regarding the documentation used in the case and the proper identification of the parties.

5. CRIMINAL PROCEEDINGS FOR DOMESTIC VIOLENCE

24 April 2025

The Father was convicted in criminal proceedings for acts of domestic violence. A Protection Order with a duration of three years was issued. According to the available documentation, the risk assessment conducted by the competent authorities classified the situation as high risk.

6. TRANSFER OF THE CHILD

29–30 April 2025

Five days after the domestic violence conviction, David was transferred into the Father's care. The separation between the Mother and David produced immediate consequences, and from that moment onward, David began residing permanently with the Father.

7. SUBSEQUENT COURT ORDERS

- **10 September 2025:** Telephone communication between the Mother and David was authorized.
- **9 December 2025:** The Child Advocate's Report was filed.
- **10 December 2025:** The Family Court issued a decree based on the Child Advocate's Report.
- **18 December 2025:** A further order concerning child maintenance was issued.

8. THE MOTHER'S RETURN TO ITALY

January 2026

The Mother returned to Italy. At the same time, she initiated further actions aimed at securing David's return and activating the available mechanisms of international judicial cooperation.

9. PROCEEDINGS UNDER THE HAGUE CONVENTION

12 February 2026

In proceedings No. 205/2023, the Maltese Family Court declared the evidentiary phase concerning the Mother to be concluded.

26 March 2026

The international return procedure under the 1980 Hague Convention on the Civil Aspects of International Child Abduction was formally initiated. The application was transmitted to the Italian Central Authority.

15 April 2026

The Maltese Central Authority communicated its position, characterizing the case as a domestic dispute rather than an international child abduction case.

24 April 2026

The Italian Central Authority communicated the closure of the case file, relying substantially upon the information provided by the Maltese Central Authority.

10. CHALLENGES FOLLOWING THE CLOSURE OF THE CASE

Between April and May 2026, the Mother requested clarifications and the transmission of documentation relating to the international cooperation procedure. The issues raised concerned David's Italian citizenship, previous habitual residence in Italy, identifying information used during the proceedings, passport documentation, the activities of the Central Authorities, and the timing of the international cooperation procedure.

11. LEGAL ASSESSMENT AND TAR LAZIO PROCEEDINGS

- **22 May 2026:** A legal opinion was obtained regarding the possibility of challenging the decision to close the case before the Regional Administrative Court of Lazio (TAR Lazio). Potential grounds identified included inadequate investigation, insufficient reasoning, failure to assess submitted documentation, and possible violations of participatory guarantees.
- **1 June 2026:** A meeting was held with the appointed legal counsel to assess the filing of an administrative appeal.
- **23 June 2026:** Deadline indicated for the possible challenge of the closure decision before the TAR Lazio.

12. CURRENT STATUS

As of the date of this dossier, David continues to reside in Malta, and the cooperation procedure between the Central Authorities remains formally closed. According to the legal opinion obtained, the Italian administrative decision is considered potentially subject to judicial review. Crucial issues concerning international cooperation, David's habitual residence, access to effective remedies, and the protection of the relationship between David and the Mother remain unresolved.