

DOMESTIC VIOLENCE REPORT™

LAW • PREVENTION • PROTECTION • ENFORCEMENT • TREATMENT • HEALTH

Vol. 28, No. 4

ISSN 1086-1270

Pages 57 – 76

April/May 2023

Mother's Death Complicates Hague Abduction Case

by Lynn Hecht Schafran

Narkis Aliza Golan, 41 years old, was found dead in her New York City apartment at 8:45 PM on October 18, 2022. Her sudden death was a shock to her family, her friends, and the cadre of lawyers and amicus organizations that had supported her for four years in her case under the Hague Convention on the Civil Aspects of International Child Abduction (Convention or Hague Convention).¹ It also raised the tragic question of what was to become of her son, a six year old boy with severe autism, who was the focus of a landmark case before the U.S. Supreme Court.

Ms. Golan was the survivor of severe domestic violence. She sought to keep her son in the U.S., rather than in Italy where his father was located, to protect the boy from the daily exposure to domestic violence that was so harmful to every aspect of his development. The U.S. Supreme Court decided her case, **Golan v. Saada**² in 2022. Ruling in the mother's favor, it held that trial courts cannot be required to consider "ameliorative measures" (which are often inadequate and enforceable) before granting the Convention's Article 13(b)

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Texas Court's Radical Firearms Decision Jeopardizes Domestic Violence Survivors

by Julia Weber

Introduction

Earlier this year, a federal court in Texas found unconstitutional the prohibition preventing those restrained by qualifying domestic violence orders of protection from having or owning or possessing firearms and ammunition during the time a qualifying civil protective domestic violence order is in place under 18 U.S.C. § 922(g)(8). In striking down the prohibition and vacating the defendant's sentence resulting from a series of violent firearms-related incidents, the court came to a dangerous, extreme, and unnecessary conclusion that puts survivors and communities at risk, and prevents enforcement of this lifesaving domestic violence prevention policy in the three states directly impacted.

In **United States v. Rahimi**, 61 F.4th 443 (5th Cir. March 2, 2023)¹ the Court of Appeals for the Fifth Circuit referred to last year's U.S. Supreme Court decision in **New York State Rifle & Pistol Association, Inc. v. Bruen** (**Bruen**), 142 S. Ct. 2111 (2022). In **Bruen**, the Supreme Court set out a two-part test for firearm regulations: (1) First, determine whether the Second Amendment's plain text covers the conduct and, (2) if so, decide whether the government has demonstrated that the prohibition at issue is consistent with the U.S. historical tradition of firearms regulation.

Id. at 2129-30. After determining that § 922(g)(8) addresses Second Amendment conduct, the **Rahimi** court rejected that the extensive examples provided by the government demonstrated a longstanding history of relevantly similar restrictions on firearm access. Writing for the panel, the Hon. Cory T. Wilson concluded:

Doubtless, 18 U.S.C. § 922(g)(8) embodies salutary policy goals meant to protect vulnerable people in our society. Weighing those policy goals' merits through the sort of means-end scrutiny our prior precedent indulged, we previously concluded that the societal benefits of § 922(g)(8) outweighed its burden on **Rahimi's** Second Amendment rights. But **Bruen** forecloses any such analysis in favor of a historical analogical inquiry into the scope of the allowable burden on the Second Amendment right. Through that lens, we conclude that § 922(g)(8)'s ban on possession of firearms is an "outlier[]" that our ancestors would never have accepted."

United States v. Rahimi, 61 F.4th 443, 461 (5th Cir. March 2, 2023).

The legally problematic ruling in **Rahimi** involved an individual who had committed multiple acts of

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“grave risk” of harm defense and denying a child’s return. The Court’s ruling made that defense much more likely to be successful for other domestic violence survivors, who often invoke 13(b) in Hague Convention cases. Ironically, this ruling did not make the defense successful for Narkis Golan.

Instead of reversing, the Supreme Court ordered a remand, at which point the trial court doubled down and held that it had the discretion to consider ameliorative measures, and that the measures it imposed which led Ms. Golan to appeal to the Supreme Court were sufficient for the child to be returned. At the time of her death, Ms. Golan was preparing a third appeal to the Second Circuit. This article provides background, an update on this famous case, and commentary about its implications.

The Hague Convention is an international treaty to which 101 countries, including the U.S and Italy, are signatories. In the U.S. it is implemented

by the International Child Remedies Act (ICARA).³ The Convention provides that, apart from a few narrow exceptions, a child wrongfully removed from his or her country of habitual residence must be promptly returned. Article 13(b), known as the “grave risk” exception, provides that return is not required when “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.”⁴

Ms. Golan’s Hague Convention case began in September 2018, when her husband, Isacco Jacky Saada, petitioned the federal court in the Eastern District of New York for the return to Italy of their child, B.A.S., a then two year old boy with autism. In July 2018, Ms. Golan had traveled to New York with B.A.S., with her husband’s full knowledge, to attend her brother’s wedding. When she learned from her brother that her husband had threatened her life if she returned to Milan, she moved with B.A.S. into a New York domestic violence shelter

and filed a report with the New York Police Department.

First District Court Opinion (E.D.N.Y. March 22, 2019)⁵

In this first **Saada v. Golan** opinion, the trial judge found that Mr. Saada was a perpetrator of domestic violence and that the boy’s return to Italy would expose the child to a “grave risk” of harm. Nonetheless, the trial court, following the existing precedent in the U.S. Court of Appeals for the Second Circuit, ordered return because ameliorative measures could mitigate the risk and protect the child.

The domestic violence was extensive. The district court noted the severity of Mr. Saada’s spousal abuse and the harm to B.A.S. from exposure to that abuse. The judge detailed Mr. Saada’s screaming, cursing, slapping, punching, grabbing, kicking, dragging, hair-pulling, public humiliations, vile name calling, verbal sexual abuse, physical sexual abuse, attacks

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during his wife's pregnancy, ripping of vaginal tissue, "chilling"⁶ recorded phone calls, attempted strangulation, and death threats. The judge acknowledged that B.A.S. was subjected to an environment of relentless toxic stress which both parents' expert witnesses agreed was highly damaging to the child. Dr. Edward Tronick, a leading developmental psychologist, testified:

[E]xposure to domestic violence has immediate effects on young children's cognitive, social, and emotional development and their ability to "regulate stress." It also

ships." Moreover, Mr. Saada was "not very capable to comprehend [sic] that his behavior, even if not directed at the child, has a [sic] negative consequences on [the child's] development."⁹

Mr. Saada's own expert witness, Dr. Alberto Yohanoff, testified that:

Mr. Saada could not control his anger or his behavior or take responsibility for its effect on B.A.S. Dr. Yohanoff believed that Mr. Saada was "motivated in the evaluation to vindicate himself," was not "completely honest," and was "likely underreporting" his abuse of Ms. Golan; Mr. Saada's "impulsive

can reduce whatever risk might otherwise be associated with the child's repatriation."¹²

"Ameliorative measures," also known as "undertakings," are not in the Convention. They are a judge-made invention based on the assumption that the left-behind parent *who by his own behavior created the grave risk* will overnight reform and live by a set of conditions wholly out-of-step with his past behavior. Ameliorative measures were invented by judges who thought it was more important to send children back and keep courts in their habitual residence countries happy than to protect children's interests in their own safety and well-being. This approach ignores the Preamble to the Hague Convention which states that "the interests of children are of paramount importance in matters relating to their custody."¹³ "The interest of the child in not being removed from its habitual residence gives way before the primary interest of any person in not being exposed to physical or psychological danger or being placed in an intolerable situation." **Tsarbopoulos v. Tsarbopoulos**, 176 F. Supp. 2d 1045, 1057 (E.D. Wash. 2001).

Ms. Golan protested that "there are no steps that would protect B.A.S., and no way to ensure that Mr. Saada would comply with them."¹⁴ But ultimately the district court ordered the child's return based on five undertakings to which Mr. Saada agreed: (1) give Ms. Golan \$30,000 for housing in a secret location, financial support, and legal fees until the Italian courts address those issues; (2) stay away from Ms. Golan and only exercise visitation with B.A.S. with her consent until the Italian courts address this issue; (3) seek dismissal of the criminal charges he initiated against her; (4) begin cognitive behavioral therapy; and (5) waive all rights to legal fees or expenses.¹⁵

Ms. Golan appealed, arguing these undertakings were unenforceable.

First Appeal to the Second Circuit (July 19, 2019)¹⁶

In this first appeal, the Second Circuit Court of Appeals held that while district courts must consider ameliorative measures, they should also ensure that they are enforceable.

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The Preamble to the Hague Convention states that "the interests of children are of paramount importance in matters relating to their custody."

has physiologic effects and both immediate and long-term effects on the brain structure and organization... [E]xposure to domestic violence could have particularly severe effects on a child as young as B.A.S. because of the state of brain development at that age. Continued exposure or re-exposure to domestic violence, whether directed at the child or witnessed by the child, has a cumulative effect on the child and increases the likelihood of later effects.⁷

While the district court judge wrote that "there is no significant evidence that Mr. Saada was *intentionally* violent to B.A.S." (*emphasis added*),⁸ she also quoted from the Italian Social Services' report about Mr. Saada's inability to grasp the impact that his abuse of Ms. Golan had on B.A.S. Quoting again from the Italian Social Services report, the district court judge wrote,

The report cites Mr. Saada's "scarce awareness of the consequences of said conflicts on his family unit," and his tendency to "blame" Ms. Golan entirely; "even when recounting serious events, he minimizes the effects that they have on himself and the family relation-

behavior, emotional reactivity, poor tolerance frustration, difficulties thinking through the consequences of his behavior, questionable judgment and a potential for explosive anger when confronted with stressful situations" could have an adverse effect on B.A.S. Dr. Yohanoff acknowledged that inconsistencies between Mr. Saada's trial admissions and his pre-trial interviews meant that his reliability was "down the tube."¹⁰

Given the damning evaluations of Mr. Saada by Italian Social Services and his own expert witness, it is puzzling that the district court put faith in Dr. Yohanoff's assertion that "any risk would be mitigated if Mr. Saada's visits with B.A.S. were supervised and if Mr. Saada got parental coaching and psychoeducational training."¹¹ In fact, Ms. Golan's expert witness, Dr. Stephanie Brandt, testified that there were no ameliorative measures that could mitigate the grave risk. Nonetheless, after finding that return would expose B.A.S. to "grave risk," the trial court judge cited Second Circuit precedent which required her to consider "whether there are 'any ameliorative measures by the parents and by the authorities of [Italy] that

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The first part of this decision was unsurprising, given that since the Second Circuit's first Hague Convention case in 1998, **Blondin v. DuBois**, it has been known for trumpeting ameliorative measures and pressing for return under any circumstances. In the second appeal of **Blondin**, it wrote in 2001:

We reiterate this requirement here: In cases of serious abuse, before a court may deny repatriation on that ground that a grave risk of harm exists under Article 13(b), it *must* examine the full range of options that might make possible the safe return of a child to the home country. (Emphasis added.)¹⁷

While the second part of the Second Circuit's 2019 opinion in **Saada v. Golan** initially appeared to back away from its "full range of options" position, it had a bait-and-switch quality. The Circuit Court first noted that "unenforceable undertakings are generally disfavored, particularly where there is reason to question whether the petitioning parent will comply...."¹⁸ It accepted the district court's findings that "Mr. Saada has to date not demonstrated an ability to change his behavior," has "minimized or tried to excuse his violent conduct" and "could not control his anger or take responsibility for his behaviors."¹⁹ It held that "the district court erred in granting the petition subject to (largely) unenforceable undertakings despite adverse factual findings concerning Mr. Saada's credibility and the absence of other sufficient guarantees of performance."²⁰

But what did the appellate court do next? Instead of acknowledging the "grave risk" Mr. Saada posed and granting the "grave risk" exception outright, the Second Circuit remanded to the district court with a directive to investigate every possible way to create enforceable undertakings and return B.A.S. to Italy.

Second District Court Opinion (E.D.N.Y. May 5, 2020)²¹

The district court did just that. Before drafting this second **Saada v.**

Golan opinion, the judge spent nine months, working with Italian courts and social services, to develop a new set of ameliorative measures. An Italian court entered an order requiring, *inter alia*: (1) Saada not to approach Golan at her work, residence or B.A.S.'s school; (2) the child to be entrusted to Italian Social Services and placed with Golan for residence; (3) Saada to visit B.A.S. only in a neutral space under observation by Italian Social Services; (4) Italian Social Services to evaluate Mr. Saada and initiate psychological counseling for him; and (5) the protective order to run for one year from the date B.A.S. and Ms. Golan arrive in Italy and be renewable. The district court judge wrote, "I am confident that the Italian courts are willing and able to resolve the parties' multiple disputes, address the family's history and ensure B.A.S.'s safety and well-being. I find that B.A.S. must be returned to Italy."²²

In one of the most disturbing aspects of the district court's several opinions, the court refused to admit current evidence about B.A.S.'s autism. In describing B.A.S.'s special needs, the judge wrote that B.A.S. "is now three years old" and that his "most recent diagnosis was 'mild Autism Spectrum Disorder' and 'clinically significant difficulties in executive functioning skills' with 'average non-verbal cognitive abilities.'"²³ B.A.S. was three years old when the evaluation of "mild Autism Spectrum Disorder" was made at the beginning of this litigation. He was six when this opinion was written. The difference between three years and six years in the life of a small child is significant: For a child with autism, who faces new challenges as the years pass, it is essential to have current information. While we cannot know what a diagnosis made in 2020 would have found, we do know that a 2023 assessment of B.A.S. found that he has severe autism and functions in the lowest 1% of his peers.

In addition, the district court judge remarkably and unconvincingly explained why she believes Mr. Saada will comply with the ameliorative measures, despite quoting Mr. Saada as having explicitly stated that "the proposed

measures do not require the [Italian] Court to 'rely on any promises' by him."²⁴

Ameliorative measures require that the batterer change his own behavior and thereby eliminate the grave risk. Under the one-year protective order issued by the Italian courts at the request of the U.S. District Court, it is Mr. Saada who must stay away from Ms. Golan's work, residence, and B.A.S.'s school. It is he who must abide by the requirement for supervised visitation. It is he who must participate in psychological counseling at the direction of Italian social services.

The district court judge also writes that "[t]hat risk [of the child's exposure to the domestic violence] is greatly reduced when the parties are not together."²⁵ It is surprising that there is no mention of post-separation abuse, a constant reality in the lives of many domestic violence victims, especially since Judge Donnelly must be aware of the phenomenon. Before becoming a judge, she was bureau chief of the Family Violence and Child Abuse Bureau in the New York County District Attorney's Office.

Domestic violence is not intermittent episodes of fist-in-the-face violence which end when the parties live apart. This type of thinking ignores the many abusers who are determined to continue controlling their exes' lives and ready to use every possible means of coercive control to do so: physical stalking and cyberstalking, revenge porn, financial abuse, using visitation exchanges as an opportunity to physically attack or rape their ex-partners, having family and friends threaten and attack their exes, litigation abuse, weaponizing children, and more. The caregiver mother and her children are still living in a frightening atmosphere of "intimate terror" in which cortisol levels go up and stay there. Children are still being exposed to domestic violence and this exposure is still profoundly harmful.

Second Appeal to the Second Circuit (October 28, 2020)²⁶

The Second Circuit Court of Appeals quickly affirmed the district court ruling. The appeal was heard by

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a two-judge panel and decided with a rubber-stamped summary order.

Like the district court's second opinion, this second appellate opinion makes the mistake of ignoring post-separation abuse and assuming that all would be well once the parties no longer lived together. "This separation, in turn, protects B.A.S. from any trauma that would result from the abuse that Saada might perpetrate against Golan if they were together, and therefore ameliorates the grave risk of harm to B.A.S."²⁷

U.S. Supreme Court (June 15, 2022)²⁸

In response, Ms. Golan asked the U.S. Supreme Court to hear her case. The district court stayed B.A.S.'s

the Hague Convention." The unanimous opinion stated:

The fact that a court may consider ameliorative measures concurrent with the grave-risk determination . . . does not mean that the Convention imposes a categorical requirement on a court to consider any or all ameliorative measures before denying return once it finds that a grave risk exists.³⁰

Justice Sotomayor remanded to the district court to determine whether "the measures in question are adequate to order return in light of its factual findings concerning the risk to B.A.S., bearing in mind that the Convention sets as a primary goal the safety of the child."³¹ That is, contrary to what the Second Circuit so often stated, the heart of the Hague Convention is children, not comity.

A court may decline to consider imposing ameliorative measures where it is clear that they would not work because the risk is so grave.

return while Ms. Golan's petition for a writ of certiorari was pending, speculating that "it is not likely that the respondent's petition for certiorari will be successful."²⁹

Ms. Golan was challenging the Second Circuit's demand that whenever a district court finds "grave risk," the judge must search out every possible ameliorative measure before denying return. The Supreme Court consulted the State Department and the Solicitor General and both agreed that *Golan v. Saada* was an appropriate opportunity to review the split between the majority of circuit courts of appeals, which do not require an intense search for ameliorative measures after finding grave risk, and the few circuit courts of appeals that do.

The Supreme Court took the case and treated it as a no-brainer. Justice Sotomayor wrote a short, unanimous opinion describing ameliorative measures as "atextual." The Court rejected the Second Circuit's "categorical requirement to consider all ameliorative measures" as "inconsistent with the text and other express requirements of

Among the amicus briefs submitted to the Supreme Court, one came from two U.S. delegates to the drafting and negotiation of the Convention. Their brief stated:

As delegates . . . , *amici* negotiated and drafted the terms of the Convention. They have a clear recollection of the intention of the delegates and the result the drafters aimed to accomplish in negotiating the Convention's terms.

Article 13(b) of the Convention nowhere requires courts to consider ameliorative measures after determining that there is a grave risk that returning a child would expose the child to harm.³²

Unfortunately, as noted earlier, the Court did not simply reverse the ruling below, thereby ending the case there and providing a clear approach to "grave risk" cases for the future. Instead, the Court remanded to the district court, and provided the following guidance:

"**First**, any consideration of ameliorative measures must prioritize the

child's physical and psychological safety. . . . A court may therefore decline to consider imposing ameliorative measures where it is clear that they would not work because the risk is so grave. Sexual abuse of a child is one example of an intolerable situation. Other physical or psychological abuse, serious neglect, and domestic violence in the home may also constitute an obvious grave risk to the child's safety that could not readily be ameliorated. A court may also decline to consider imposing ameliorative measures where it reasonably expects that they will not be followed."³³

"**Second**, consideration of ameliorative measures should abide by the Convention's requirement that courts addressing return petitions do not usurp the role of the court that will adjudicate the underlying custody dispute. . . . Accordingly, a court ordering ameliorative measures in making a return determination should limit those measures in time and scope to conditions that would permit safe return, without purporting to decide subsequent custody matters or weighing in on permanent arrangements."³⁴

"**Third**, any consideration of ameliorative measures must accord with the Convention's requirement that courts 'act expeditiously in proceedings for the return of children.' . . . Consideration of ameliorative measures should not cause undue delay in resolution of return petitions."³⁵

Third District Court Opinion (E.D.N.Y. August 31, 2022)³⁶

The district court judge published her opinion on August 31, 2022, approximately 10 weeks after the Supreme Court's ruling. She decided exactly as she had in her second opinion, returning B.A.S. to Italy with the same ameliorative measures.

At the time of her death, Narkis Golan was working with her lawyers to draft a third appeal to the Second Circuit, arguing *inter alia*, that the district court judge's repeated refusal to admit a current evaluation of B.A.S.'s autism made her assessment of what

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is needed to protect him from “grave risk” inaccurate.

Epilogue: Since Mother’s Death

Narkis Golan died on October 18, 2022. Since her death, the situation has become extraordinarily complex. B.A.S. is being cared for in New York by Ms. Golan’s sister, Morin Golan. But, as between the courts in New York and Milan, B.A.S. has become almost a stateless person. The Italian court closed the case based on a letter from Mr. Saada, without consulting the New York district court before doing so. As noted above, the district court judge had repeatedly written about how confident she was that the Italian courts would enforce the agreed-upon ameliorative measures.

The New York Family Court issued an emergency temporary order directing that B.A.S. remain in his aunt’s care until further court orders, and giving her authority “to make medical and educational decisions for [him].”

Order of the Second Circuit Court of Appeals (2d Cir. Nov. 10, 2022)³⁷

On November 10, 2022, the Second Circuit dismissed Ms. Golan’s appeal as moot, vacated the district court’s order, and remanded to the district court “with confidence that it will expeditiously address the Hague Convention petition in light of changed circumstances.” It directed the district court to “entertain any motions for intervention or substitution of parties.”³⁸

Magistrate Judge’s Recommendation (January 23, 2023)³⁹

District Court Judge Donnelly referred these motions to Magistrate Judge Robert Levy. In the U.S. federal judicial system, a Magistrate Judge is not confirmed by the Senate for a lifetime appointment, but assists federal judges with responsibilities such as hearing motions.

The Magistrate Judge issued his Report and Recommendation on January 23, 2023. Apparently unaware that the Italian court had closed the case, he recommended as follows:

“...I respectfully recommend that the Kings County Family Court

Orders be vacated, that petitioner’s request to transfer B.A.S. to his care during these proceedings be referred to the Italian court, and the petitioner’s motion to amend the petition to add Morin Golan as respondent be granted. I further recommend that Morin Golan’s motion to Intervene be denied and that CLC’s [Children’s Law Center] motion to intervene or to be appointed as guardian *ad litem* be denied.”⁴⁰

needs, given his own volatility. In mid-February 2023, the district court judge ordered in-person supervised visitation in New York City. On February 21, 2023, apparently in response to those sessions, she wrote:

The Court has determined that a full evaluation of B.A.S.’s current condition is necessary to decide this petition. Accordingly, ...the parties are directed to agree on the names of three mental health professionals with expertise in

A court may also decline to consider imposing ameliorative measures where it reasonably expects that they will not be followed.

District Court Judge’s Response

District court Judge Ann Donnelly issued her response to these Recommendations on February 13, 2023. She wrote:

The petitioner’s motion to amend the petition and add Morin Golan as a respondent is granted. The petitioner’s motion to substitute Morin Golan as a respondent, and the motions by the Children’s Law Center and Morin Golan to intervene are denied. The Court defers ruling on the petitioner’s motion to vacate the orders of the Kings County [Brooklyn] Family Court and requesting temporary custody over B.A.S. during the pendency of these proceedings.”⁴¹

It is unclear if this order will be appealed by Morin Golan or the Children’s Law Center. Both the Children’s Law Center and Morin Golan provided detailed submissions that explained why the inquiry into whether the boy’s return would expose B.A.S. to grave risk of harm was far from over. These submissions included peer-reviewed scientific journal articles about the impact of trauma and grief on children with autism and the risk of child abuse by domestic abusers.

These submissions also focused on the need to admit current evidence about B.A.S.’s autism in order to assess whether Mr. Saada has the capacity to parent a child with B.A.S.’s

childhood autism, who have no previous connection to this litigationThe Court will select one of those professionals to do a complete evaluation of B.A.S.”⁴²

Conclusion

The above discussion of the events in this case since Narkis Golan’s death barely begins to describe the situation for her son, a six year old boy with severe autism who is regressing and self-harming as he grieves the death of his mother.

While the fate of B.A.S. hangs in the balance, we must not forget that Ms. Golan’s case is not atypical. She was B.A.S.’s primary caregiver, and research shows that the majority of “abductors” in Hague Convention cases are primary caregiver mothers. The Hague Convention was premised on the erroneous assumption that most abductors would be non-primary caregiver fathers unhappy with the custody decision in the child’s country of habitual residence.

In addition, Ms. Golan was the victim of domestic violence. In 2017, when Lady Brenda Hale was President of the Supreme Court of the United Kingdom, she published an article entitled Taking Flight – Domestic Violence and Child Abduction. She wrote:

[There has been] increasing recognition of domestic violence and

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the harm that it can do, directly and indirectly, to children. When the Convention was drafted [in 1980] this was much less understood. Courts in this country, ... routinely took the view that violence towards the mother was no obstacle to requiring her to let the children see their father. Nowadays, we understand that domestic violence or abuse can take many forms: it is not limited to physical violence, but can extend to psychological, emotional, and financial abuse.... [W]e also understand that domestic violence directed toward a parent can be seriously harmful to the children who witness it or who depend upon the psychological health and strength of their primary carer for their health and well-being.⁴³

Now that we know so much more about domestic violence and the impact of exposure on children, perhaps it is time to amend ICARA, the federal legislation that implements the Hague Convention in the United States, to reflect our new and constantly expanding knowledge. Once grave risk is established, courts should grant the Article 13(b) defense outright without an investigation of the supposed adequacy of ameliorative measures.

We must do better at protecting children like B.A.S. Thanks to the extraordinary courage and perseverance of Narkis Golan, in **Golan v. Saada** we have made a beginning in this important effort.

End Notes

1. Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, (hereinafter cited as Hague Convention). Available at <https://www.hcch.net/en/instruments/conventions/full-text/?cid=24>.

2. **Golan v. Saada**, 142 S. Ct. 1880 (U.S. June 15, 2022).

3. International Child Remedies Act (ICARA), 22 U.S.C. §§ 9001-9011.

4. Hague Convention, supra note 1, Article 13(b).

5. **Saada v. Golan**, 2019 U.S. Dist. LEXIS 49369 (E.D.N.Y. March 22, 2019).

6. **Id.** at *48.

7. **Id.** at *31. **See also** Lynn Hecht Schafran (2014). Domestic violence, developing brains and the lifespan: New knowledge from neuroscience. *The Judges' Journal*, 53(3), 32-37.

8. **Saada v. Golan**, supra note 5 at *10.

9. **Id.** at *21.

10. **Id.** at *32.

11. **Id.** at *33.

12. **Id.** at *2-*3.

13. Hague Convention, supra note 1.

14. **Saada v. Golan**, supra note 5 at *51.

15. **Id.** at *52.

16. **Saada v. Golan**, 930 F. 3d 533 (2d Cir. 2019).

17. **Blondin v. DuBois**, 238 F.3d 153, 249 n. 11 (S.D.N.Y. 2001).

18. **Saada v. Golan**, supra note 16 at 542.

19. **Id.** at 538.

20. **Id.** at 543.

21. **Saada v. Golan**, 2020 U.S. Dist. LEXIS 79039 (E.D.N.Y. May 5, 2020).

22. **Id.** at *3.

23. **Id.** at *15.

24. **Id.** at *7.

25. **Id.** at *66.

26. **Saada v. Golan**, 833 Fed. Appx. 829 (2d Cir. 2020).

27. **Id.** at 833.

28. **Golan v. Saada**, supra note 2.

29. **Saada v. Golan**, 2021 U.S. Dist. LEXIS 59295, *17.

30. **Golan v. Saada**, supra note 2 at 1892.

31. **Id.** at 1896.

32. **Golan v. Saada**, Brief of Hague Convention Delegates Jamison Selby Borek & James Hergen as Amici Curiae in Support of Petitioner. Available at <https://tinyurl.com/2g8e75d3> at 8.

33. **Golan v. Saada**, supra note 2 at 1894 (emphasis added).

34. **Id.** (emphasis added).

35. **Id.** at 1894-95 (emphasis added).

36. **Saada v. Golan**, 2022 U.S. Dist. LEXIS 164541 (E.D.N.Y. August 31, 2022).

37. **Saada v. Golan (In re Of B)**, 2022 U.S. App. LEXIS 31804 (2d Cir. Nov. 10, 2022).

38. **Id.** at *2.

39. **Saada v. Golan**, 2023 U.S. Dist. LEXIS 11484 (E.D.N.Y. Jan. 23, 2023).

40. **Id.** at *2.

41. **Saada v. Golan**, 2023 U.S. Dist. LEXIS 24304, *13 (E.D.N.Y. Feb. 13, 2023).

42. **Saada v. Golan**, Judge Ann M. Donnelly, SCHEDULING ORDER for "a full evaluation of B.A.S.'s current condition." No. 18-CV-50292, E.D.N.Y., Docketed Feb. 21, 2023.

43. Brenda Hale (2017). Taking flight – Domestic violence and child abduction. *Current Legal Problem*, (70)(1), 3-16. Available at <https://doi.org/10.1093/clp/cux001>.

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