

IN THE SUPREME COURT OF THE UNITED STATES

No. 18-935

MICHELLE MONASKY, PETITIONER,

v.

DOMENICO TAGLIERI

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MOTION OF THE UNITED STATES
FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT
AS AMICUS CURIAE AND FOR DIVIDED ARGUMENT

Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae in support of neither party and for divided argument, and requests that the United States be allowed ten minutes of argument time. The United States has filed a brief as amicus curiae urging vacatur and remand, but on grounds different from those advanced by petitioner. Respondent has agreed to cede ten minutes of argument time to the United States, and thus consents to this motion.

This case involves the Hague Convention on the Civil Aspects of International Child Abduction, done Oct. 25, 1980, T.I.A.S. No.

11,670, 1343 U.N.T.S. 89. Among the Convention's purposes are "to protect children internationally from the harmful effects of their wrongful removal or retention" and "to ensure their prompt return to the State of their habitual residence." Convention, preamble. Under the International Child Abduction Remedies Act, Pub. L. No. 100-300, 102 Stat. 437, which implements the Convention domestically, a person may file a petition in state or federal court seeking the return of a child wrongfully removed to or retained in the United States from his or her country of habitual residence. See 22 U.S.C. 9003 (Supp. IV 2017). The Convention, however, does not define "habitual residence." This case concerns the standard for determining the location of a child's habitual residence, and the standard for reviewing such a determination on appeal.

The United States has a substantial interest in the resolution of those issues. The United States participated in the negotiation of, and is a party to, the Convention. In addition, the Department of State serves as the Central Authority under the Convention to coordinate with other contracting states and assist in the Convention's implementation in the United States. 22 U.S.C. 9006 (Supp. IV 2017). The United States thus has a

substantial interest in the proper interpretation and application of the Convention in this country.

The United States has participated in oral argument as amicus curiae in previous cases involving the interpretation and application of the Convention. E.g., Lozano v. Montoya Alvarez, 572 U.S. 1 (2014); Chafin v. Chafin, 568 U.S. 165 (2013); Abbott v. Abbott, 560 U.S. 1 (2010). And this Court has acknowledged that the Executive Branch's interpretation of the Convention, like that of treaties generally, is "entitled to great weight." Abbott, 560 U.S. at 15 (citation omitted). The United States' participation in oral argument is therefore likely to be of material assistance to the Court.

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General
Counsel of Record

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