

[Home](#) > ... > [Family Matters & Inheritance](#) > [Parental Child Abduction](#) > [Processing Incoming Return Cases By Courts](#) > Hungary

Processing incoming return cases by courts



Content provided by:



European Judicial Network
(in civil and commercial matters)

1 Concentration of jurisdiction

1.1 Which authority is competent to hear requests for return under the 1980 Hague Convention/Article 22 of the Brussels IIb Regulation ("requests for return")?

Requests are assessed by the courts and, exceptionally, if the request is manifestly unfounded, it may also be rejected by the Central Authority.

1.2 Is the jurisdiction to hear requests for return confined to specialist courts? - If yes, to what courts is it restricted? How many judges within the specialist court exercise the jurisdiction? - If no, are the judges hearing return requests specialised?

For the assessment of these requests, the Central District Court of Pest (*Pesti Központi Kerületi Bíróság*) has exclusive nationwide jurisdiction at first instance, and the Budapest-Capital Regional Court (*Fővárosi Törvényszék*) has jurisdiction at second instance. Requests for the review of final decisions are decided by the Curia (*Kúria*).

1.3 By which method are the requests for return allocated to a judge?

Cases are allocated automatically to the next judge, in the order in which requests for return are received.

1.4 What specialist training is provided for the specialist judges? In particular do they have the opportunity to attend multi-national conferences specialising on International Family Law? Is there a regular conference within your jurisdiction to which all judges dealing with requests for return are invited?

There are regular training sessions for judges on child abduction cases. Hungarian judges also regularly participate in international training programmes and conferences.

2 Practice and procedure for requests for return in first instance court

2.1 Are there special rules of practice and procedure for requests for return? If yes, please provide a brief summary of the procedure and if relevant, provide a link

Cases of this type are dealt with expeditiously, in a non-contentious procedure, with a processing deadline of six weeks at both first and second instance. In the procedure at first instance, the hearing must be scheduled within eight days of the court's receipt of the request. The procedure is also expedited by the fact that the court operates with shorter deadlines than the general procedural deadlines, and it is not possible to stay the

procedure.

Act LXII of 2021 provides for a requirement to promote the substantive resolution of cases:

- if the respondent and the child cannot be found at the address specified in the request, the court will suspend the procedure and take immediate steps to have their place of residence ascertained by the authorities,
- if the child has been taken to another State Party, the court will, after terminating the procedure, immediately notify the Central Authority in order to take the necessary measures.

Another special procedural rule is that the court may take provisional measures on contact between the applicant and the child even if the conditions laid down in the general rules are not met.

The Act allows the use of mediation, provided that an appropriate deadline is set for it taking into account the expeditious nature of the procedure.

Another relevant provision is that the Act lays down an obligation to hear the parties and the child concerned (if capable of forming their own views) in person, but further evidence may only be taken within the scope defined by the Hague Convention on Child Abduction and Regulation (EU) 2019/1111. Where evidence needs to be obtained from abroad, the court may request the assistance of the Central Authority.

It is an important procedural rule that private expert opinions may not be used in the procedure; where justified, the court itself will appoint an expert. It should be noted here that this circumstance hinders the expeditious conclusion of procedures due to the shortage of experts and the heavy workload of available experts, as a result of which there may be delays in the submission of expert opinions.

The court of first instance may declare its decision provisionally enforceable and may also take protective measures.

The court is obliged to serve its decision on the parties without delay. The decision may be appealed within eight days, and the opposing party may submit its observations on the appeal within five days of being notified of it.

According to a safeguard provision, these cases may only be handled by a judge, and access to justice is ensured by the fact that the proceedings are free from court fees.

2.2 What steps are taken to meet the 6 weeks target described in Article 24(2) of the Brussels IIb Regulation?

As these cases are handled expeditiously, and the judges have to comply with the six-week deadline, first-instance judges often handle these cases on supplementary days outside their trial days (Hungarian judges have two trial days per week). The second-instance panels take the possible arrival of cases into account in advance when scheduling their cases.

2.3 If mediation is used, what steps are taken to ensure that the referral to mediation does not risk a breach of the 6 weeks target? How does the court examine whether contact should be ensured, in accordance with Article 27(2) of the Brussels IIb Regulation? Does the court examine whether contact should be ensured only on the basis of a request from one of the parties or can do so on its own motion?

The court sets a short deadline for mediation, also taking into account the realistic prospect of reaching an agreement in the case concerned. Although the court of first instance regularly informs the parties of the possibility of mediation, it is not common for the parties to request mediation or to turn to a mediator in child abduction procedures. Mandatory mediation cannot be ordered in these cases.

There have been several cases where the applicant requested provisional measures to regulate contact during the procedure. In such cases, after hearing the parties in person or hearing the child, the court regulates contact between the applicant and the child for the duration of the procedure without delay, by way of a provisional measure.

The court sends the request for permission to maintain contact to the opposing party for comments. However, the court may, of its own motion, take a provisional measure on contact even if its conditions under the general rules are not met: thus, the court of first instance did not violate any procedural rules in a specific case when it did not notify the respondent of the applicant's request for a provisional measure submitted at a personal hearing held in the absence of the respondent, but instead, regulated contact in view of the approaching Christmas holidays. Contact is typically regulated at the request of one of the parties in child abduction cases.

2.4 How is the child given an opportunity to express his or her views in return proceedings? Please describe who hears the child's views and at which stage of the proceedings are their views heard

Children who are capable of forming their own views will be heard by the court: at first instance, this may be done by the court or, if an expert is appointed, by the expert.

It is general practice that, due to the time-consuming nature of expert evidence, children are heard by the court (unless expert evidence is indispensable for some specific reason). The judge hears the child in one of the children's hearing rooms available at the Central District Court of Pest (*Pesti Központi Kerületi Bíróság*), and neither the parties nor their legal representatives can be present during the hearing of the child. The judge hearing the case decides at which stage of the procedure the child is to be heard. The rules for hearing children are laid down in the Code of Civil Procedure (*polgári perrendtartásról szóló törvény*).

The hearing is the responsibility of the court of first instance because the court of second instance decides on the case on the basis of the case file, without holding a hearing.

2.5 Is the number of court hearings for requests for return subject to judicial discretion, or does your legal system establish a minimum/maximum number? If so, please indicate

In all cases, it is the judge who decides how many hearings should be scheduled within the statutory time limit; there is no specific procedural rule on this.

2.6 Is oral evidence admitted at the hearing? If it is, are oral submissions admitted to supplement written argument?

The parties make their submissions in writing. The court hears the parties in person. Since Hungarian judicial practice is based on the principle of immediacy, witnesses must also be heard by the court, and written statements may be taken into consideration only in exceptional and duly justified cases. Whether or not a witness to be summoned is heard by the court is a matter for the judge to decide. If the court rejects a request for evidence to hear a witness, it must give reasons for its decision in its judgment on the merits.

2.7 Is the applicant required to attend the hearing? Are there any procedural consequences if the applicant does not attend the hearing?

According to the Act, the court hears the parties in person. It will not prevent the court from making a decision on the merits if the applicant fails to appear in person; however, if the applicant does not appear in person at the hearing, and the court also cannot hear them by videoconference, the court will give due consideration to this circumstance in the course of its overall assessment of the information available in the procedure and will make its decision based on such information.

2.8 Are the courts equipped with videoconferencing facilities to allow for remote participation through videoconferencing? What is the legal framework for using videoconferencing at the hearing? Is there a specific legal framework for hearings in return proceedings?

The Code of Civil Procedure allows the parties to be heard via telecommunications equipment, and the necessary technical infrastructure is provided for this at the court of first instance.

There is no specific legal framework for hearings conducted during return procedures in this context.

2.9 What type of measures, including provisional or protective measures (safeguards), can be taken to ensure the safe return of the child?

As explained above, the court may take a provisional measure on contact.

It is also possible to take protective measures: the court may, at the same time as ordering the return of the child, take a protective measure to protect the child from a serious risk of physical or psychological harm within the meaning of Article 13(b) of the Hague Convention. It may order the following: the deposit of funds into a lawyer's safe custody account to contribute to the maintenance costs of the respondent and the child; the provision of assistance with housing for the respondent and the child, or supervised contact between the applicant and the child.

3 Appeals

3.1 Is there an appeal from the first instance court?

Yes, the decision of the court of first instance is regularly appealed by one of the parties. In such cases, the court of first instance immediately forwards all case files to the court of second instance for determination.

3.2 If there is a right of appeal, is it absolute or is permission to appeal required? Or is it on points of law alone?

The right of appeal is available to both parties without the need for any special permission: an appeal may be lodged against the order of the court of first instance within eight days, as an exception to the general fifteen-day time limit for appeals, and the appeal may challenge the order on both substantive and procedural grounds.

3.3 In the event of an appeal is the return order automatically suspended or may it nevertheless be enforced?

The court of first instance may declare its order provisionally enforceable.

3.4 Is there a second appeal? If yes, is permission required?

A review procedure may be initiated before the Curia against the final order of the court of second instance, in accordance with the rules of the review procedure.

A party may lodge a constitutional complaint with the Constitutional Court (*Alkotmánybíróság*) against the decision of the court of second instance (or the Curia).

3.5 What specialist experience and expertise is there in the appellate courts?

The appellate courts have the necessary specialist expertise.

Appeals are heard by the designated panel and, from 1 October 2025, by two designated panels of the court of second instance.

3.6 What is the time scale for the determination of an appeal and, if applicable, a second appeal? If expedited, is priority given by statute, rules of court or practice?

Appeals and requests for review must be decided by the appellate courts as a matter of priority, within six weeks. Within this timeframe, cases are dealt with on a first come, first served basis.

3.7 In accordance with Article 24(3) of the Brussels IIb Regulation, what are the procedural steps that need to have been taken for the 6-week target to start running for the higher instance court to be able to examine the appeal?

The court of first instance sends the appeal lodged against the first-instance order to the opposing party in order for them to submit any observations they may have. If the conditions for referral are met (all relevant deadlines have passed and all documents have been received), the court of first instance forwards all documents to the

court of second instance as a matter of priority; the case thus prepared is ready for review, and there is no obstacle to meeting the time limit applicable to the court of second instance.

4 Enforcement of the return order delivered by the court

4.1 Which authority is competent for the enforcement of return orders?

Enforcement is governed by the provisions of Act LIII of 1994 on judicial enforcement ('the Judicial Enforcement Act').

Enforcement is ordered by the court that issued the first-instance decision by issuing an enforcement order (enforceable document), and it is carried out by the court with territorial jurisdiction over the place of residence of the obligor or the child.

The transfer of the child is handled by an independent bailiff in the following way: first, the bailiff calls upon the obligor to comply voluntarily, and for this purpose they notify the guardianship authority; if this is unsuccessful, they carry out the enforcement with the involvement of the guardianship authority and the police.

4.2 Are return orders provisionally enforceable? If so, is it decided automatically by the court or does the applicant have to request it? When a return order is challenged, how is the provisional enforceability affected?

As a general rule, the first-instance return order is not provisionally enforceable; the court may decide on this upon request.

4.3 What is the procedure of the enforcement of return orders? Are there any legal measures (for example, some penalties) that may help to ensure the enforcement of the return order?

If the decision sought to be enforced contains a protective measure and can be enforced in Hungary, but the person seeking enforcement has not complied with the protective measure, the court will refuse to issue the enforcement order.

In connection with the transfer of the child, the court calls on the obligor to comply voluntarily by setting an appropriate deadline in the enforceable document, and if the obligor does not comply, it will order the transfer of the child with the assistance of the police. The court sends the bailiff, together with the enforceable document, a copy of the court decision serving as the basis for enforcement.

The bailiff will also serve the enforceable document and a copy of the court decision serving as a basis for the enforcement on the guardianship authority and request the authority to conduct an on-site procedure in order to facilitate the obligor's voluntary compliance, to inform the obligor of the consequences of the failure to comply voluntarily and of the importance of preventing the child being transferred by the police, and to notify the bailiff of the outcome of the procedure within 15 days of the service of the enforceable document.

The bailiff carries out the transfer at the obligor's place of residence or, if the child is not there, at the child's place of residence, with the assistance of the guardianship authority and the police. The child must be transferred to the person seeking enforcement or, in the absence of that person, to their authorised representative approved by the guardianship authority or to the guardianship authority.

At the time of the transfer, the obligor must inform the person receiving the child about the child's state of health and about any other circumstances which, if not known, may endanger the child's life or physical integrity.

The obligor must, without causing a delay in the procedure, hand over to the person taking custody the child's personal documents, the items used by the child, all necessary clothing, the equipment essential for the child to continue their regular studies, as well as any medication and medical and technical aids required due to the child's illness or physical disability. Other items may be handed over in a separate procedure.

At the request of the bailiff, the police may remove the obligor or any other person from the place of the child's transfer if their conduct obstructs the enforcement.

If the obligor or the child to be transferred cannot be found at their registered address or place of residence, or at their address known to the authorities, the bailiff will issue a search warrant and, if necessary, an international search warrant.

4.4 Please describe the procedure for requesting suspension and refusal of enforcement of return orders?

If the respondent brings an action for the termination of enforcement, the suspension of enforcement may be requested in accordance with the special rules applicable to the action. A separate appeal may be lodged against the decision on the suspension.

The district court that ordered the enforcement has exclusive jurisdiction to hear the case. The court will act expeditiously in the case. In this procedure, the time limit for setting a hearing date is 1 month.

Otherwise, as a general rule, enforceability is attached to the final (second-instance) order. If a party initiates a review procedure before the Curia against a final order, it may, at the same time, request the suspension of enforcement, on which the Curia will make a decision.

If a party lodges a constitutional complaint, the court of first instance may suspend enforcement until the conclusion of the proceedings before the Constitutional Court. The court of first instance will suspend enforcement if so directed by the Constitutional Court.

5 Enforcement of the privileged decision delivered by a foreign court

5.1 Which authority would be responsible for the enforcement of a foreign so-called overriding decision i.e. return order mentioned in Article 11(8) of the Brussels Ia Regulation or a foreign privileged decision pursuant to Article 29(6) of the Brussels IIb Regulation entailing the return of a child following a refusal in the requested state under Article 13(1)(b) or 13(2) of the 1980 Hague Convention

In accordance with the Judicial Enforcement Act, there is one court in every county that has jurisdiction to order the enforcement of these decisions: this court is the district court operating at the seat of the regional court of the county where the obligor or the child is habitually resident, and in Budapest it is the Central District Court of Buda (*Budai Központi Kerületi Bíróság*).

6 Judicial Liaison

6.1 Has your jurisdiction officially/unofficially nominated a specialist judge to the European Judicial Network in civil and commercial matters (EJN-civil) / International Hague Network of Judges (IHNJ)?

The judicial contact person for the European Judicial Network in civil and commercial matters is a senior judge of the Central District Court of Buda.

The judge delegated to the International Hague Network of Judges is a senior judge of the Central District Court of Pest.

6.2 If yes, is the judge nominated a sitting judge? Was the nomination official or unofficial?

Both nominations are official nominations, and both judges are sitting judges who have been assigned central administrative tasks by the President of the National Office for the Judiciary to perform their duties as contact persons.

 Last update: 04/08/2026

The national language version of this page is maintained by the respective EJM contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority

may not be yet reflected in the translations. Neither the EJV nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.