**IN THE SUPREME COURT SITTING AS THE COURT FOR CIVIL MATTERS**

**Civil Appeal 73034-11-25**

Before: The Honorable Judge Yael Vilner

Petitioner: Plonit (anonymous female)

v.

Respondent: Ploni (anonymous male)

Re: Request for leave to appeal on the judgment of the Lod District Court (Judges: Z' Weitzman, Z' Nardstein, Fiqin 1-A' Brandes) in Civil File 56394-10-25 and in Civil File 50373-10-25 dated 19.11.2025, in which the District Court denied the petitioner's appeal of an order (Judge: R' Makyes) in Civil File 66078-07-25 dated 19.10.2025, granting the request to return the minor to Ireland, under the Hague Convention (Child Abduction Convention), 1991-5791 (hereinafter: the Hague Convention or the Law).

On behalf of the Petitioner: Attorney Eithan Lipsker, Adv. Uriah Hann
On behalf of the Respondent: Attorney Edwin Freedman

**DECISION**

1. Before us is a request for leave to appeal on the judgment of the Lod District Court (Judges Zvi Weitzman, Z' Nardstein, Fiqin -A' Brandes) in Civil File 56394-10-25 and in Civil File 50373-10-25, dated 19.11.2025, in which the District Court denied the first petition for an interim family order (Judges: R' Hakim) in Civil File 66078-07-25 dated 19.10.2025, rejecting the request to return the minor to Ireland, pursuant to the Hague Convention (hereinafter: the Hague Convention or the Law).

**Background and Prior Proceedings**

2. The petitioner is a Jewish Israeli citizen, and the respondent is a Catholic from Ireland. In 2017 they married and in 2020 settled in Ireland. In 2020 a daughter was born to the couple (hereinafter: the minor), and the petitioner is her mother. In 2023 relations between the parties deteriorated, and the petitioner, together with the family, moved to England with the intention of staying there with the same quality as in Ireland. In the meantime, the petitioner notified England that she intended to return the minor to Ireland. Consequently, the court in England opened proceedings to establish Ireland’s international jurisdiction in the matter of child custody of the minor (hereinafter: the Hague Convention). In the end, the parties reached an agreement, pursuant to which it was determined that the petitioner should return to Ireland, together with the parties’ agreed-upon arrangements (hereinafter: the arrangements). These arrangements were approved by a court ruling on 8.11.2023 (hereinafter: the English ruling).

3. Following the above, the petitioner returned to Ireland after living there for a while. After returning, she petitioned the Irish court with a request to allow her to emigrate to England with the minor. The Irish court found it difficult to hold a hearing on the request, and found that it lacked the authority to remove the petitioner from the jurisdiction of the State of Ireland.

4. As the parties reached additional agreements, it was possible to submit the request to England as a single family with the parties. The agreement was ratified by the Irish court. On 21.6.2025 a copy of the request was sent to England together with the minor between the parties. On that same day the petitioner, when the ratification was made, took the minor and on 28.6.2025, instead of returning to Ireland on the date they had agreed, she took the minor with her to Israel, with the intention of returning the minor to Ireland.

5. On 24.7.2025, the respondent filed a claim in the family court to return the minor to Ireland according to the Hague Convention, since, in his contention, the respondent violated the Hague Convention. Among the conditions that were upheld in the English ruling (hereinafter: the arrangements), it was also agreed that the request applies to Section 13(b) of the Law, which states there is no obligation to return the child if there is a persistent fear that the child would be psychologically harmed or put in an intolerable situation (hereinafter: the grave risk exception), in order to establish living arrangements in Ireland, so that the Jewish mother could maintain her Jewish way of life without harm to the child.

6. The family court for family matters rejected the petitioner's claims and ruled that she must return the minor to Ireland. Among her contentions, it was found there were no grounds for the exception under the Hague Convention for the matter of the grave risk exception. Furthermore, there is a court in Ireland before which the matter of the Hague Convention can be raised. In addition, it was found that we cannot accept the petitioner's final arguments; in any case, considering all the circumstances because the arrangement could be beneficial to the child, so that their upbringing would not cause her a hard situation as a Jewish child according to Jewish law.

7. On this ruling the petitioner filed a request for leave to appeal to the District Court, which sent the appeal back to the family court for family matters. It was argued that the contentions raised by the parties had no bearing on the matter of the Hague Convention; and that the petition should be referred to them, as it should be, before the court in Ireland.

8. Hence the request for leave to appeal before us, together with a request to stay execution of the District Court's ruling.

**<u>The Parties' Arguments</u>**

9. The petitioner argues, in essence, that in her request she raised a fundamental question regarding the manner in which the Hague Convention should be applied after the parties acted in bad faith. As when the parties reached the above agreement, the English ruling was violated, the English court

revoked the agreement made in the English ruling. She also argued that the Convention's application in Europe has an antisemitic element, given the alarming rise of antisemitism in Europe, which makes it particularly difficult for the Doctrine to be applied to Jews.

10. In contrast, the respondent argues, in essence, that the request is difficult to accept as a decision in the framework of a "third tier" appeal. Moreover, the respondent argues there is no proper basis to consider it in a "third tier" framework. In his view, the minor's habitual residence is Ireland, and therefore she should return there. In the Hague Convention context in Israel, he argues that Section 3 does not apply here, as there is no justification for the grave risk exception; and that the Doctrine from the lower court should be accepted in its entirety.

**Ruling and Decision**

11. We have found that, in a request for leave to appeal in a "third tier" framework, only rare cases will be accepted, those involving fundamental questions, or in order to prevent an injustice: Civil Appeal 69807-08-25 Ploni v. Plonit, File 4 (30.10.2025); Civil Appeal 67514-08-25 Ploni v. Plonit, File 6 (22.10.2025). This ruling too — and so it goes — when considering the matter at hand, both in the decisions concerning the minors — namely the Hague Convention — in our view (see, for example: Civil Appeal 3346/24 Ploni v. Plonit, File 4 (20.6.2024); Civil Appeal 1232/24 Ploni v. Plonit, File 4 (12.2.2024)). The case before us does not fall into that category of cases.

12. This request does not meet the threshold of authenticity of the petitioner, and it does not raise a matter of fundamental legal principle. Within that, it is not possible to accept the petitioner's claim that one of the parties violated the fundamental legal question of the Hague Convention's application when one of the parties acted in bad faith. As stated above, the petition raised this argument and failed. And although the English court revoked the arrangement noted above, the District Court correctly noted that this is a minor legal question to be resolved in accordance with a single provision of the law, and in any case there is no place to rule on the matter in the framework of a ruling of a second court in another country. In conclusion, I find that the request does not raise a matter of legal principle.

13. Therefore, as a request for leave to appeal we find it appropriate according to Regulation 148 of the Regulations, which applies to a request for leave to appeal in family matters pursuant to Regulation 44 of the Family Court Regulations (Rules of Procedure), 5780-2020.

**With that said for the above reasons, we also deny the request to stay execution.**

**The petitioner shall bear the respondent's costs in the amount of 4,000 NIS.**

Given today, 14 Kislev 5786 (04 December 2025).

Yael Vilner
Judge