at the hands of her father," id.

# Summary of Argument

The standard of review to be applied on this appeal should be plenary, as the issues present mixed questions of fact and law, and there is no dispute with regard to the district court's findings of historical and narrative fact. Moreover, appellate clarification not only of the legal standards, but also of their application to the facts, is appropriate. See Point I.A., infra. However, regardless of whether the Court considers the issues to be pure questions of law or mixed questions of fact and law, the result should be reversal of the district court's decision, as it contravenes the purposes of the Hague Convention and the specific direction of this Court. Instead of following this Court's mandate to seek to facilitate return, and in contravention of its own finding that the French authorities could protect the children from future abuse upon their return, the district court adopted testimony to the effect that the children's "best interests" and long-term psychological well-being counseled against their return to the country of France (as distinguished from return to the custody of their father). On that basis, the district court again incorrectly applied Article 13(b) and refused to order the children returned to France. See Point I.B., infra. Moreover, the district court included in its Article 13(b) analysis an erroneous interpretation of the separate Convention provision allowing a court to refuse return based on an explicit objection to return by a child of "appropriate age and maturity." That provision does not make a child's objection part of a "grave risk" analysis, but provides a separate basis to deny return if the requirements of the "objection" provision are met. Those requirements were not met here, as the child did not state an objection to return to France distinct from return to her father's cus