

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

Antonio Felipe Terra Pinto de Queiroz v. Bruna Pires Schuenck

No. Civ. No. 4:25-cv-40161, United States District Court for the District of Massachusetts (January 12, 2026)

SUMMARY

The United States District Court for the District of Massachusetts considers a petition under the Hague Convention and the International Child Abduction Remedies Act seeking the return of a child to Brazil. The Court finds that Brazil was the child’s country of habitual residence, that the father had and exercised custody rights, and that the mother wrongfully retained the child in Massachusetts. The Court rejects the asserted grave-risk defense and grants the petition for return.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Margaret R. Guzman
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	January 12, 2026
DOCKET	Civ. No. 4:25-cv-40161
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought the return of his minor daughter to Brazil under the Hague Convention on the Civil Aspects of International Child Abduction and the International Child Abduction Remedies Act after Respondent retained the child in Massachusetts beyond the authorized travel period. Following an evidentiary hearing, the court issued findings of fact and conclusions of law and ordered the child's return.
STANDARD OF REVIEW	Petitioner had to establish wrongful retention by a preponderance of the evidence. Respondent had to establish the grave-risk defense by clear and convincing evidence. The court determined the Convention petition based on the evidentiary record without adjudicating the underlying custody dispute or the child's best interests.
PRECEDENTIAL VALUE	unpublished district court decision; persuasive authority only
PARTIES	Antonio Felipe Terra Pinto de Queiroz v. Bruna Pires Schuenck

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Petitioner established that Respondent wrongfully retained the child in the United States under the Hague Convention and ICARA.
2. Whether Petitioner had custody rights immediately before the child's removal and was exercising those rights.
3. Whether Respondent established the Hague Convention article 13(b) grave-risk affirmative defense by clear and convincing evidence.
4. Whether the court's Hague Convention jurisdiction permitted it to decide the parents' underlying custody dispute or the child's best interests.

HOLDINGS

1. Petitioner established by a preponderance of the evidence that Respondent wrongfully retained the child in the United States because Brazil was the child's country of habitual residence, Petitioner had custody rights immediately before the retention, and he was exercising those rights.
2. Respondent failed to establish by clear and convincing evidence that returning the child to Brazil would expose the child to a grave risk of physical or psychological harm or place the child in an intolerable situation.
3. A Hague Convention return proceeding determines the appropriate forum for adjudicating custody and does not resolve the parents' underlying custody dispute or the child's best interests.

KEY QUOTATIONS

“Under the Hague Convention, the Court’s task is limited to determining the “most appropriate forum” for the adjudication of the parent’s custody dispute.” (Introduction)

“Once [a court] determines the parent exercised custody rights in any manner, the court should stop—completely avoiding the question whether the parent exercised the custody rights well or badly.” (Section IV.A.2)

“Based on the findings of fact, conclusions of law, and reasons stated herein, the Court GRANTS Petitioner’s request to order the child’s return to Brazil.” (Section V)

FACTUAL BACKGROUND

The parties are Brazilian citizens and biological parents who share custody under a joint custody agreement approved by a Brazilian court, with the child's residence fixed at the mother's home. The father authorized the mother to take the child to the United States for a limited trip, memorialized by an international travel

authorization that did not permit permanent residence abroad. After arriving in Massachusetts, the mother decided to remain with the child to pursue a master's degree despite the father's objection and demand that the child return to Brazil. The father remained involved in the child's life through regular visitation, financial support, and video calls, and the court found no clear and unequivocal abandonment or grave risk of harm.

PROCEDURAL HISTORY

Petitioner filed the Hague Convention petition on October 8, 2025, and sought interim relief restricting removal of the child from Massachusetts and requiring surrender of the child's passport. The court granted the temporary restraining order in part, held an evidentiary hearing on December 15, 2025, and ruled from the bench that the child had been wrongfully retained and that return would not pose a grave risk of harm. The written findings and conclusions formalized that order and directed return to Brazil.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. The court ordered the child to be returned to Brazil, initially by December 22, 2025; the parties subsequently worked under the court's supervision to effectuate the return after a passport delay.

CASES CITED

- *Monasky v. Taglieri*, 589 U.S. 68, 79 (2020)
- *Golan v. Saada*, 596 U.S. 666, 680-81 (2022)
- *Diaz-Alarcon v. Flandez-Marcel*, 944 F.3d 303, 305 (1st Cir. 2019)
- *da Costa v. de Lima*, 94 F.4th 174, 181 (1st Cir. 2024)
- *Cannon*, [2004] EWCA (Civ) 1330, [2005] 1 W.L.R. 32 (Eng.) ¶ 38
- *Mendez v. May*, 778 F.3d 337, 343 (1st Cir. 2015)
- *Mendez v. May*, 85 F. Supp. 3d 539, 555 (D. Mass. 2015), rev'd on other grounds, 778 F.3d 337 (1st Cir. 2015)
- *Friedrich v. Friedrich*, 78 F.3d 1060, 1065-66 (6th Cir. 1996)
- *Bader v. Kramer*, 484 F.3d 666, 671 (4th Cir. 2007)
- *Danaipour v. McLarey*, 286 F.3d 1, 13-14 (1st Cir. 2002)
- *De Aguiar Dias v. De Souza*, 212 F. Supp. 3d 259, 270 (D. Mass. 2016)
- *Swett v. Bowe*, 733 F. Supp. 3d 225, 242 (S.D.N.Y. 2024), aff'd sub nom. *Urquieta v. Bowe*, 120 F.4th 335 (2d Cir. 2024)
- *United States v. Marino*, 833 F.3d 1, 15 (1st Cir. 2016)
- *Feliciano v. Vila*, No. CIV. 79-4 (PG), 2007 WL 4404730, at *11 n.3 (D.P.R. Dec. 13, 2007)
- *Ngassa v. Mpafe*, 488 F. Supp. 2d 514, 520 (D. Md. 2007)
- *In re D.D.*, 440 F. Supp. 2d 1283, 1297 (M.D. Fla. 2006)

- Alonzo v. Claudino, No. 106-CV-00800, 2007 WL 475340, at *5 (M.D.N.C. Feb. 9, 2007)
- Walsh v. Walsh, 221 F.3d 204, 218 (1st Cir. 2000)
- Moura v. Cunha, 67 F. Supp. 3d 493, 500 (D. Mass. 2014)
- Jaimes v. Tavera, No. 1:25-CV-22551, 2025 WL 3534097, at *8 (S.D. Fla. Dec. 10, 2025)
- da Costa v. de Lima, No. 22-CV-10543-, 2023 WL 4049378, at *1 (D. Mass. June 6, 2023), *aff'd*, 94 F.4th 174 (1st Cir. 2024)

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