

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kim William Rowe,

Petitioner,

v.

ORDER

Civil No. 11-1966

Tammie Joan Vargason,

Respondent.

Mary E. Seaworth, Counsel for Petitioner.

Becky R. Thorson, Shira Shapiro and Seth A. Northrup, Robins, Kaplan,
Miller & Ciresi L.L.P., Counsel for Respondent.

Pursuant to the Memorandum Opinion and Order dated September 28, 2011 [Doc. No. 36] this Court granted the Petition for Return of Child, contingent on Petitioner providing to the Court satisfactory documentation that custody proceedings had been commenced in Australia. It appears that Petitioner attempted to commence such custody proceedings in Western Australia, but the proceedings were adjourned, as TJR had not yet been returned. [Doc. No. 48] Further, the Court has learned that Respondent registered the Intervention Order issued in the State of Victoria, in Western Australia. [Doc. No. 43, Ex. 4]. As a

result, if the Court orders the immediate return of TJR to Western Australia, an Intervention Order prevents Petitioner from having contact with TJR.

Respondent now asks the Court for additional time, prior to the entry of a final return order, in which to seek permission from the Minnesota state courts to travel to Australia with both children, as Respondent's daughter is the subject of a protective order entered in Minnesota.

The Court will not grant an unlimited continuance to allow Respondent to seek full custody of her daughter and permission to travel with both children to Australia. The Court will, however, grant a short continuance in order to obtain the assistance of International Social Service USA, or any other social services agency, to assist with TJR's travel back to Australia and to monitor TJR's well-being upon his return and while proceedings are pending to determine TJR's custody status.

IT IS HEREBY ORDERED that this matter is continued to December 2, 2011, at 9:00 a.m. **Further**, Petitioner shall contact International Social Services, USA, or other social services agency, to assist with TJR's return to Australia and to monitor TJR's well-being while custody proceedings are pending. **Further**, Respondent shall immediately contact social services in the State of Minnesota to

monitor TJR until such time as he is returned to Australia. **Further**, Respondent shall request an expedited hearing in Minnesota state court on her request to modify the protective order. **Further**, Respondent shall submit to the Court a weekly status report from the social services agency monitoring TJR in Minnesota.

Date: October 21, 2011

s/ Michael J. Davis _____

Michael J. Davis

Chief Judge

United States District Court