

Burns & Levinson Wins Pro Bono International Parental Kidnapping Case

24 March 2020 [Greg Winterton](#)

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Law firm Burns & Levinson won an international parental kidnapping case on March 13 on behalf of pro bono client Nelio Nelson Gomes Da Silva, who sought the return of his 10-year-old daughter to Brazil after the child's Brazilian mother brought her to the U.S. in 2016 without his knowledge or consent. The U.S. Court of Appeals for the First Circuit upheld the district court's ruling in favour of Da Silva, a Brazilian citizen, and affirmed the judgment ordering the child's return to Brazil.

Burns & Levinson filed the action, *Nelio Nelson Gomes Da Silva v. Marcelene De Aredes*, for Da Silva in federal court in Boston in 2018 under the Hague Convention, a treaty that addresses international parental child abductions. The mother raised several defenses available under the Hague Convention — including the child was now "well-settled" in the U.S. and should not be returned and faced a "grave risk of harm" if returned to Brazil – all of which were unsuccessful.

After a four-day trial, the judge found that the mother wrongfully brought the child to the country, and the mother's defenses were not supported by the evidence. The mother filed an appeal to the First Circuit, which backed the lower court's findings regarding the mother's lack of evidence.

The Burns & Levinson team included partner [Susan Stenger](#), who won the appeal, and partner [Elizabeth Crowley](#) and associate [Katie M. Dalton](#), who tried and won the lower court case.

"It has been a long road for our client, but we are thrilled with the First Circuit's decision affirming the District Court of Massachusetts' decision. Our client, the minor

child's father, has waited patiently to be reunited with his beloved daughter," said Crowley.

Burns & Levinson practice areas include U.S. mid-market M&A and private equity.

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