

Mom fighting to bring son from India

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(Photo: family photo, *The Commercial Appeal*)

The two-story house in Collierville is big enough for a whole family, but the mother lives there alone. In her son's first-floor room, bins of toys are arranged along the wall. A rocking horse sits untouched. Everything is neat and tidy because the boy hasn't lived there since 2015.

The boy is Anhad Singh and he's two-and-a-half years old. He's in India, not Collierville, and at the center of a custody fight as his divorcing mother and father trade accusations in courts in two countries.

Both parents are highly educated immigrants from India. The mother contends a U.S. court should rule on the child's custody. She's campaigning for her cause on social media. The father argues an Indian court should decide. He's filed a defamation lawsuit against his estranged wife.

As the legal fight drags, the child stays with his father's parents in the city of Mohali in the northern Indian state of Punjab.

"Every day it's a trauma," said the mother, Siminder Kaur, 33. "It's a nightmare because I'm living in the house

which still has my son's memories."

Her estranged husband, Vaneet Singh, 36, still lives and works in the Memphis area. Reached by phone, he said he could speak little about the case, citing the multiple pending lawsuits.

He did say his wife is going from court to court to get the result she wants, and that an Indian court restrained her from talking to the press. "But, of course, she doesn't have any respect for anything."

The mother says the legal claims she filed in India are criminal complaints, and that the only true custody case is in the U.S. She also said the gag order only applies to her actions in India and that she has the right to free speech. The father and his attorneys didn't provide copies of the gag order.

The case illustrates how transnational migration can complicate lives when marriages fall apart. Another factor complicates matters even more; India has never signed an international treaty called the Hague Convention, governing parental kidnapping cases.

Under the 1980 treaty, signed by the U.S. and many other nations, the country that should decide child custody is the country where the child has been living, said Linda J. Silberman, an expert on the treaty at New York University School of Law.

For instance, if a parent kidnaps a child from the United States to a Hague Convention country such as Japan, the Japanese authorities must deliver the child back to the United States. The child would be placed in some temporary arrangement until a U.S. court decides who should get custody, Silberman said.

In the case of India, which hasn't signed the Hague Convention, a U.S. court order wouldn't necessarily end a child custody dispute. "The real problem is trying to enforce any kind of order that it gave in India," Silberman said.

India has persistently failed to work with the United States to resolve parental abduction cases, the U.S. Department of State wrote in a recent [report](https://travel.state.gov/content/childabduction/en/legal/compliance.html) (<https://travel.state.gov/content/childabduction/en/legal/compliance.html>). As of December 2015, the state department was involved in 83 cases in India.

Siminder Kaur married her husband in March 2008 and moved with him to the Memphis area. Both are legal permanent residents.

She's a software developer, worked for St. Jude Children's Research Hospital, and now for International Paper.

Her husband is a clinical scientist and works for Medtronic, a medical device company.

Their child, Anhad Singh, was born at Methodist LeBonheur Germantown Hospital in the summer of 2014. He's a U.S. citizen.

The couple had marital problems. He alleges she's irresponsible, mentally ill and abuses alcohol. She counters he physically abused her. Both deny the other's accusations.

Some facts are not in dispute. In October 2015, the couple traveled together to India for a wedding.

They left their son in the care of the husband's parents hoping they could better resolve their marital problems if they spent time on their own.

Once back in Collierville, the marriage got worse.

In April, they stopped living together, and the mother flew back to India to pick up the child. She said her husband's family wouldn't let her into their house, and local police didn't help.

The mother spent months in India and filed numerous legal claims there against her husband and in-laws. She eventually received court-ordered visits with her son.

On September 1, a judge in the [High Court of Punjab and Haryana \(http://highcourtchd.gov.in/\)](http://highcourtchd.gov.in/) in the city of Chandigarh rejected the mother's petition for temporary custody. She returned to the U.S. soon thereafter.

On October 6, a Shelby County Chancery Court judge ordered that Anhad be returned to Tennessee. The judge granted temporary custody to the mother.

But the father filed an appeal to the Tennessee Court of Appeals in Jackson, and the local court order was put on hold.

"The court in India has the custody issue squarely before it, and that's the court that has jurisdiction over those issues," said Aubrey Brown, one of the attorneys for the father.

The appeals court heard arguments on January 17, but hasn't issued a ruling. The next hearing before the High Court in India is February 24.

The mother is working with the parents' group [Bring Our Kids Home \(http://bringourkidshome.org/index.html\)](http://bringourkidshome.org/index.html) and lobbying the Indian government to sign the Hague Convention.

And for now, the child's bedroom in Collierville remains empty.

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