

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-12795
Non-Argument Calendar

SARUNAS PLETKUS,

Acting on behalf of infant child, E.P.,

Petitioner-Appellee,

versus

ANA SALETIS,

Respondent-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 2:26-cv-01209-SPC-NPM

Before ROSENBAUM, NEWSOM, and LAGO, Circuit Judges.

PER CURIAM:

Sarunas Pletkus petitioned for his five-year-old daughter E.P.'s return to Lithuania under the Hague Convention on the

Civil Aspects of International Child Abduction, Oct. 25, 1980, T.I.A.S. No. 11670, S. Treaty Doc. No. 99-11, (the “Convention”) and its implementing legislation, the International Child Abduction Remedies Act (“ICARA”), 22 U.S.C. §§ 9001–9011. The Convention is designed “to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence.” *Hanley v. Roy*, 485 F.3d 641, 644 (11th Cir. 2007) (citation omitted). Under the Convention, if a petitioner shows that a child was wrongfully removed from the country of the child’s habitual residence, the court must order the child’s return unless the respondent can establish one of the affirmative defenses provided for under the Convention. See *Baran v. Beaty*, 526 F.3d 1340, 1344 (11th Cir. 2008).

Here, before the district court, Ana Saletis, E.P.’s mother, conceded that she wrongfully removed E.P. to the United States but argued that returning E.P. to Lithuania would subject the child to a grave risk of psychological harm, one of the affirmative defenses provided for under the Convention. Following an evidentiary hearing at which both parents testified, the district court rejected Saletis’s grave risk defense, granted Pletkus’s petition, and ordered the child’s return.

On appeal, Saletis argues that the district court applied the wrong legal standard for assessing whether E.P. would face a grave risk of psychological harm upon returning to Lithuania. After careful review of the record, we affirm the district court’s order.

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I. FACTUAL AND PROCEDURAL BACKGROUND

A. Factual Background¹

Saletis and Pletkus married in Lithuania in December 2020 and divorced in October 2023. Their child, E.P., was two years old at the time. Following the divorce, a Lithuanian court granted Saletis primary custody of E.P. and awarded Pletkus visitation rights.²

Several months after the divorce, Saletis became concerned about changes in E.P.'s behavior. According to Saletis, E.P. began having separation anxiety, nightmares, nighttime screaming, and bedwetting. Saletis also says E.P. became emotionally distressed upon visiting her father. Saletis then approached Pletkus about E.P.'s behavioral changes, asking him if he had inadvertently frightened or injured E.P. Pletkus denied anything unusual happening and attributed Saletis's concerns to her imagination.

Around the winter of 2023 or spring of 2024, Saletis also began observing certain physical changes in E.P., such as redness of E.P.'s genital area and continuous discharge despite maintaining ordinary hygiene habits. Saletis, however, did not take E.P. to a doctor for an examination.

¹ We draw the following facts from the district court's factual findings, which neither party challenges on appeal. See *Pletkus v. Saletis*, No. 2:26-cv-1209, 2026 WL 2274154 (M.D. Fla. Aug. 7, 2026).

² Parts of the Lithuanian documents in the record use the term "communication." Saletis testified that "communication" means "visitation."

As time went on, Saletis became increasingly concerned about various games that E.P. said she played with Pletkus. One game that E.P. described to Saletis involved E.P. and her father removing their clothes, going into a closet, tickling each other, and then showering together. And Saletis became “very scared” after hearing E.P. demonstrate an awareness of Pletkus’s anatomy that a young child should not know about. Another time, E.P. asked Saletis to rub her “just like Daddy does” and pointed toward her genital area.

Although E.P. told these stories on “random occasions,” Saletis attempted to record E.P.’s disclosures. She captured a few short conversations.³

In a March 2024 recording, E.P. was talking about taking her cat to a preschool when Saletis asked E.P. if she “like[d] to be naked.” E.P. told her yes, and E.P. then described a game she played with Pletkus where they tickled each other while naked in a closet.

In a May 2024 recording, Saletis asked E.P. to describe the game she was playing after E.P. removed the clothes from a new doll. E.P. told Saletis that the doll was naked just like she was at Pletkus’s house and that she does not like the game.

In a June 2024 recording, E.P. explained that she was licking Saletis because it was a game she played with Pletkus.

³ Saletis made each video in Polish and submitted English translations to the district court.

Finally, in July 2024, Saletis observed E.P. pushing a toy into her genital area while in the car. Saletis then recorded three short videos asking E.P. why she was doing that, and E.P. told her that “it’s nice” and that “dad” says the “game is nice.” E.P. also said that she is naked during the game and that she does not like naked games. Each of the three July 2024 videos, like the videos from the months before, began with a question from Saletis.

Saletis did not immediately report Pletkus to law enforcement, nor did she stop Pletkus from seeing E.P. Instead, she spoke with Pletkus about E.P.’s disclosures. Saletis told Pletkus that she wanted a professional to evaluate E.P., and Pletkus agreed. Saletis therefore sought help from the Children Support Center for Victims of Sexual Abuse at the Uzuoveja Care Home (“Care Home”), a Lithuanian agency that provides support to sexually abused children. A Care Home psychologist interviewed the then-three-year-old E.P. to determine whether she had experienced sexual abuse.

On July 5, 2024, the Care Home psychologist submitted an assessment report to a Lithuanian court. The report explained that, during the assessment, “no specific situations emerged that would allow for an assumption of experienced sexual abuse.” Further, “[n]o sexualized or unusual behaviour on the part of [E.P.] was observed.” But because of “[E.P.’s] age and the fact that she still requires assistance in daily routines,” the report noted that E.P. “has difficulties differentiating between appropriate and inappropriate touch.” Thus, Care Home could neither confirm nor exclude that E.P. had been sexually abused.

In late July 2024, Saletis filed a criminal complaint against Pletkus with the Vilnius Regional Prosecutor’s Office, which prompted the opening of a pre-trial investigation. Saletis also requested a forensic psychological evaluation of E.P., but the evaluation neither confirmed nor excluded that Pletkus had sexually abused E.P.

Around the same time, Saletis also applied to a different Lithuanian organization—In Pace Vilnius Archdiocese Caritas Mediation Center (“In Pace”)—for mediation services to ensure proper and smooth visitation between Pletkus and E.P. Both Saletis and Pletkus voluntarily consented to In Pace’s services, which included specialists observing various meetings between E.P. and her parents.

After the meetings, In Pace’s specialists issued an October 2024 opinion explaining why visitation was not proceeding smoothly. Although both parents were highly committed to E.P.’s upbringing, the specialists noted that Saletis’s “anxiety and fears, the unresolved relationship issues between both parents, and the existing court situation concerning the claims against the father have a significant impact on the smoothness of the father’s communication with his daughter.”

The In Pace specialists also made several observations about Saletis. For example, Saletis tended to “interpret[] certain information contrary to the actual situation.” And because she was “convinced that her parenting methods are correct,” she was “in-

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clined to disagree with . . . [Pletkus's] parenting methods.” Moreover, Saletis had difficulty understanding what information should be provided to a child of E.P.'s age, which “may cause emotional confusion” and “anxiety” for E.P. The specialists observed that Saletis can respond to E.P.'s needs, but they also opined that, “due to [Saletis's] own emotional and psychological state, she experiences difficulties when bringing the child to the father.” Those difficulties, in turn, negatively altered E.P.'s behavior and confused her. The report concluded by recommending that Saletis apply for help due to her psychological and emotional state.

Additionally, the specialists made several observations about Pletkus. After observing his meetings with E.P., the specialists stated that the “bond between them is close” and that Pletkus “is able to respond to the child's . . . physiological . . . and emotional needs.” E.P. felt relaxed around Pletkus, became involved in games, willingly socialized, and was sad when it was time to go. The report concluded that Pletkus had the necessary parenting skills to care for his daughter.

At some point, Pletkus applied for a writ of execution in a Lithuanian court because Saletis failed to respect his visitation rights. In November 2024, a Lithuanian court ruled in his favor. Among other things, the court observed that Saletis tried to eliminate Pletkus from E.P.'s life by “making unfounded accusations against [him] which have the characteristics of a criminal act.” And after reviewing certain evidence and testimony, the Lithuanian

court concluded that Saletis’s behavior did not comply with required procedures and “raise[d] concerns regarding the behaviour of [Saletis], which, possibly, does not correspond to the general principles of ethics and the interests of the child.” Ultimately, the Lithuanian court enforced Pletkus’s visitation rights, which Saletis unsuccessfully appealed.

On June 27, 2025, Saletis brought E.P. to the United States to visit family. Under the original parenting order between Saletis and Pletkus, the trip could not exceed two weeks without the other parent’s written consent. Despite that prohibition—and without Pletkus’s consent—Saletis remained in the United States because “we were just having such a great time here with my family, and [E.P.] was so happy to see them.”

On July 15 or 16, 2025, the Lithuanian prosecutor’s office terminated the pre-trial investigation into Pletkus. Saletis unsuccessfully appealed that order three times.⁴

Just two weeks after the prosecutor’s office terminated its pre-trial investigation, the Minneapolis Veterans Affairs Health

⁴ Her appeals were rejected by (1) a higher prosecutor, (2) the Vilnius City District Court pre-trial investigation judge, and (3) the Vilnius Regional Court. In rejecting her final appeal, the Vilnius Regional Court found that no objective data existed to confirm the alleged criminal acts. And the court stated that when viewing the totality of the data and the conflicting relations between Saletis and Pletkus, “it can be seen that [Saletis] tends in a way to resolve the family conflict with the help of criminal law.”

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Care System issued Saletis a work restriction: no commercial airline travel until cleared by a doctor.⁵ Saletis says that limitation also caused her to stay in the United States.

B. Procedural Background

In April 2026, Pletkus filed a petition under ICARA seeking E.P.’s return to Lithuania. Saletis answered the petition and asserted a single affirmative defense: E.P. should not be returned because there is a grave risk that doing so “would expose her to physical or psychological harm or otherwise place her in an intolerable situation due to sexual . . . abuse by [Pletkus].”

The district court held a final evidentiary hearing in June 2026. At the hearing, Saletis stipulated that Pletkus had satisfied his *prima facie* burden of establishing E.P.’s wrongful removal.⁶ Thus, the only issue before the district court was whether Saletis proved her grave risk defense.

Both parents testified at the hearing, along with two other witnesses: Greta Vitaite, a Lithuanian social worker who observed

⁵ Saletis testified that she previously injured herself in boot camp while serving in the United States Navy.

⁶ To satisfy his *prima facie* case, Pletkus had to prove by a preponderance of the evidence under 22 U.S.C. § 9003(e)(1) that (1) E.P. was a habitual resident of Lithuania at the time Saletis removed her to the United States; (2) the removal was without Pletkus’s consent and constituted a breach of his custody rights under Lithuanian law; and (3) he was exercising his custody rights at the time of removal. *See Seaman v. Peterson*, 766 F.3d 1252, 1257 (11th Cir. 2014). Saletis stipulated to each element.

Pletkus and E.P. every two weeks from early 2024 to mid-2025, and Dr. Christine Borelli, a licensed psychologist hired by Saletis to examine E.P. before the hearing.

In his testimony, Pletkus denied sexually abusing E.P. In support, he recounted the various investigations by Lithuanian institutions that never found objective evidence supporting Saletis's allegations. And he submitted a June 2025 video of himself and E.P. that he recorded before Saletis brought E.P. to the United States, which showed E.P. appearing happy and relaxed.

Pletkus also called Ms. Vitaite as a witness. She described the two as having a "very strong and close bond." Ms. Vitaite never witnessed E.P. being afraid of Pletkus. Rather, she described E.P. as happy and always relaxed.

In support of her grave risk defense, Saletis testified about the changes she saw in E.P. and the stories E.P. told her, which included the videos she took of E.P.

Saletis also called Dr. Borelli as a witness, the psychologist who examined E.P. before the evidentiary hearing. During Dr. Borelli's evaluation, E.P. displayed distress, avoidance, and dysregulation when the discussion turned to benign questions about her family and Pletkus. Dr. Borelli did not, however, complete the interview because of E.P.'s reactions. Nor did she diagnose E.P. with trauma or PTSD. And like the Lithuanian institutions, she could neither confirm nor deny that Pletkus had sexually abused E.P. Based on the allegations and her observations in the interview, Dr.

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Borelli opined that compelling E.P.’s return would expose her to a grave risk of psychological harm.

On cross-examination, Dr. Borelli explained that her opinion did not depend on a definitive determination that sexual abuse had occurred. Rather, her opinion rested on the allegations, the historical record, and E.P.’s present psychological conditions based on observing E.P.’s response to benign questions about Pletkus.

The district court weighed the evidence and concluded that Saletis did not prove by clear and convincing evidence that E.P. would face a grave risk of psychological harm in Lithuania. In large part, the district court relied on the absence of clear and convincing evidence that Pletkus sexually abused E.P. The district court assigned great weight to the evidence from Lithuania because that evidence was the closest in time to the sexual abuse allegations and the “most unbiased and objective evidence in the record.” That evidence included several Lithuanian court decisions, In Pace’s report, Care Home’s psychological assessment, and a forensic psychological evaluation—nearly all of which addressed the allegations of sexual abuse and could not confirm that such conduct ever occurred.

The district court also found Ms. Vitaite’s testimony about consistently observing the “very strong and close bond” between Pletkus and E.P. credible and unbiased. That testimony was consistent with the reports from Lithuanian authorities and the June 2025 video submitted by Pletkus of himself and E.P. The video showed E.P. in a happy and relaxed demeanor around Pletkus, and

the district court found that the video demonstrated a close bond between the two and a “healthy father/daughter relationship.” Thus, the video undermined other record evidence that E.P. was anxious and afraid of Pletkus. So while the district court afforded Pletkus’s testimony only some weight due to his “clear bias under the circumstances,” it found the contents of Pletkus’s video—and the fact that it was recorded immediately before E.P. was removed to the United States—“highly informative.”

Conversely, the district court assigned only slight weight to Saletis’s testimony. The district court found that several of her actions were inconsistent with a sincere belief of sexual abuse and therefore undermined her credibility, including never taking E.P. to a doctor, not immediately preventing E.P. from having contact with Pletkus upon suspecting sexual abuse, and not immediately reporting Pletkus to the police. And the district court found that portions of Saletis’s testimony “rang false.”

As to the videos recorded by Saletis, the district court found that the videos, while disturbing, did not establish that Pletkus had sexually abused E.P. The district court agreed with other authorities, including the Lithuanian institutions and Dr. Borelli, that E.P. was (and still is) at a highly suggestible age. For example, the Lithuanian forensic examination found the child was highly vulnerable to manipulation and tended to repeat expressions and mirror emotional stress. And as one Lithuanian court found, Saletis’s videos were “assessed as unreliable data in the pre-trial investigation.” Indeed, the videos were created solely in Saletis’s presence and upon

her prompting, and the district court ultimately afforded them little weight.

Finally, the district court considered Dr. Borelli's report and testimony. Dr. Borelli based her opinion on the historical records, Saletis's allegations, and her observations that E.P. became distressed when asked benign questions about Pletkus. That distress, in turn, caused Dr. Borelli to terminate the interview to avoid further distress. However, the district court found that certain aspects of Dr. Borelli's analysis undermined her opinion. Specifically, Dr. Borelli had no independent psychological data showing that Pletkus was a danger to E.P.; she never interviewed Pletkus, relatives, or other witnesses whom Saletis said could corroborate the allegations; she could not exclude that caregiver influence—and E.P. living exclusively with Saletis for a year in the United States—could affect her findings; and she conceded that the abuse allegations began with Saletis and her legal filings.

The district court also explained that Dr. Borelli's early termination of the interview with E.P. significantly weakened her opinion. Without such an interview, the district court found that Dr. Borelli's grave risk opinion primarily rested on Saletis's allegations and the historical record—which the district court, the Lithuanian courts and institutions, and Dr. Borelli all regarded as inconclusive concerning sexual abuse. Thus, although the district court described Dr. Borelli's testimony and report as the "strongest evidence of grave risk in the record," it afforded the evidence only some weight.

Based on those findings, the district court concluded that Saletis failed to prove by clear and convincing evidence that E.P. faced a grave risk of psychological harm upon returning to Lithuania. It also affirmatively found that Lithuania can protect E.P. The district court therefore granted Pletkus's petition for return under the Convention and ordered that E.P. be returned on or before August 17, 2026. The district court also denied Saletis's emergency motion to stay the return order, rejecting a similar argument that Saletis now presses on appeal.

On August 14, this Court issued an administrative stay of the district court's order. We lifted the administrative stay the next day when we denied Saletis's emergency motion for a stay pending appeal.

With the stay lifted and the district court's order in effect, E.P. returned to Lithuania on August 20. This is Saletis's appeal.⁷

II. STANDARD OF REVIEW

"We review a district court's findings of fact for clear error and its legal conclusions and applications of the law to the facts *de novo*." *Gomez v. Fuenmayor*, 812 F.3d 1005, 1007 (11th Cir. 2016). "The clearly erroneous standard is highly deferential and requires that we uphold the district court's factual determinations so long as they are plausible in light of the record viewed in its entirety." *Id.* at 1007–08 (quoting *Underwriters at Lloyd's, London v. Osting-*

⁷ E.P.'s return to Lithuania "does not render this case moot." *Chafin v. Chafin*, 568 U.S. 165, 180 (2013).

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Schwinn, 613 F.3d 1079, 1085 (11th Cir. 2010)). “Whether a grave risk of harm to a child exists under the terms of the Hague Convention is a mixed question of law and fact, which we review *de novo*.” *Baran*, 526 F.3d at 1345.

III. DISCUSSION

The sole issue before us is whether the district court erred when it concluded that Saletis did not prove by clear and convincing evidence that E.P. would face a grave risk of psychological harm were she returned to Lithuania. Saletis argues the district court applied the wrong legal standard when analyzing the grave risk exception. We thus begin our analysis by addressing the applicable legal standard for claims brought under the Convention and ICARA.

The Convention “was adopted in 1980 in response to the problem of international child abductions during domestic disputes.” *Golan v. Saada*, 596 U.S. 666, 670 (2022) (quoting *Abbott v. Abbott*, 560 U.S. 1, 8 (2010)). As a signatory, the United States implemented the treaty through ICARA. See 22 U.S.C. §§ 9001–9011.

“The Convention’s core premise is that children’s interests in custody matters are best served when custody decisions are made in the child’s country of habitual residence.” *Silva v. Dos Santos*, 68 F.4th 1247, 1253 (11th Cir. 2023) (internal quotation marks omitted) (quoting *Monasky v. Taglieri*, 589 U.S. 68, 72 (2020)). To effectuate that goal, ICARA “permits a parent . . . seeking relief under the Convention to file a petition for return of a child in state or federal court.” *Golan*, 596 U.S. at 671 (citing 22 U.S.C. §§ 9003(a)–

(b)). If the petitioning parent establishes by a preponderance of the evidence that the child was wrongfully removed, then “the child must be returned ‘forthwith’ unless the respondent establishes one of the affirmative defenses enumerated in the Convention.” *Gomez*, 812 F.3d at 1011 (quoting *Baran*, 526 F.3d at 1344); *see also* 22 U.S.C. § 9001(a)(4) (explaining that a wrongfully removed child should be “promptly returned”).

“Return of the child is, however, a general rule, and there are exceptions.” *Golan*, 596 U.S. at 670. Relevant here, Saletis invokes Article 13(b) of the Convention, which provides that return is not required when “[t]here is a grave risk that . . . return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.” *Id.* (alterations in original) (quoting Convention, art. 13(b), S. Treaty Doc. No. 99-11, at 10). “We refer to this as the ‘grave risk’ exception.” *Silva*, 68 F.4th at 1250.

The respondent carries the burden of proving by “clear and convincing evidence” that the grave risk of harm exception applies. *See Baran*, 526 F.3d at 1345; 22 U.S.C. § 9003(e)(2)(A). “The requisite finding for the exception to apply is not that the child has previously been harmed, but rather that return would ‘expose him to a present grave risk of physical or psychological harm, or otherwise place him in an intolerable situation.’” *Gomez*, 812 F.3d at 1013 (quoting *Baran*, 526 F.3d at 1346). But this exception, like others, “should be ‘construed narrowly’ so as ‘to prevent [it] from swal-

lowing the rule and rendering the Convention a dead letter.” *Berenguela-Alvarado v. Castanos*, 950 F.3d 1352, 1358–59 (11th Cir. 2020) (quoting *Gomez*, 812 F.3d at 1011).

Here, Saletis conceded that she wrongfully removed E.P. from Lithuania, and that E.P. must be promptly returned unless Saletis proves by clear and convincing evidence that the grave risk exception applies. On appeal, Saletis does not identify any factual finding of the district court as clearly erroneous. Instead, she attempts to narrowly frame her argument as a legal issue: the district court applied the wrong legal standard by focusing on whether Pletkus sexually abused E.P. rather than the prospective risk of harm E.P. would face upon return.⁸ This argument, however, fails.

The district court recognized and applied our precedent requiring courts to focus on whether returning E.P. “would expose [her] to a present grave risk.” *Gomez*, 812 F.3d at 1013 (citation modified). At the evidentiary hearing, Saletis testified and presented evidence about her allegations that Pletkus sexually abused E.P. “Sexual abuse of a child is one example of an intolerable situation” under Article 13(b). *Golan*, 596 U.S. at 680. To weigh the

⁸ Saletis also argues that the district court improperly required her to prove that Lithuania could not protect E.P. We reject that argument because the district court’s independent finding that Lithuania could protect E.P. was separate from its analysis and rejection of Saletis’s grave risk argument. See *Bindslev v. Silva*, No. 24-11896, 2025 WL 66745, at *2 (11th Cir. Jan. 10, 2025) (concluding that a district court’s independent finding that Danish courts could protect the child after it rejected the grave risk exception was “not a court-imposed ameliorative measure”).

risk of harm from the sexual abuse allegations, the district court considered the veracity of the allegations, the investigations into them by various Lithuanian institutions, and what the Lithuanian findings (and other evidence) meant for E.P.’s future. That was not error. Indeed, several of our grave risk cases involve weighing historical abuse allegations to determine the present or future risk to a child. *See, e.g., Gomez*, 812 F.3d at 1010, 1012–14 (explaining that prior threats and violence directed against a parent can pose a grave risk of harm to the child); *Baran*, 526 F.3d at 1346 (affirming denial of child’s return when prior violence and threats directed against a parent would expose the child to a grave risk of harm); *Seaman*, 766 F.3d at 1259–60 (affirming rejection of grave risk exception when, in part, there was “no evidence that the . . . children had ever been subjected to any improper [sexual] contact or harmful influence of any kind”). *Cf. Silva*, 68 F.4th at 1255–60 (suggesting that a district court may consider allegations of prior abuse directed against other parent when weighing whether a grave risk of harm exists but vacating and remanding for the district court to properly weigh conflicting testimony).⁹

⁹ Further, weighing abuse allegations when a party invokes the Convention’s grave risk exception is not unusual in federal cases arising under ICARA. *See, e.g., Danaipour v. McLarey*, 286 F.3d 1, 19 (1st Cir. 2002) (“The trial judge should have taken the steps available to him to determine if sexual abuse occurred; only once he had made such a finding could he ask the right questions about whether the children could be returned to the locale of the abuse, where the abuser still resided and where the district court could not guarantee the outcome of future determinations regarding the safety of the children.”); *Simcox v. Simcox*, 511 F.3d 594, 607–08 (6th Cir. 2007) (describing a spectrum of grave

Saletis admits as much in her briefing when she states that “[h]istorical abuse can be relevant evidence of future danger,” yet she challenges the district court’s explanation that the grave risk analysis in this case is “inextricably intertwined with whether [Pletkus] previously sexually abused the child.” In her view, whether Pletkus sexually abused E.P. is distinct from Dr. Borelli’s assessment that E.P. displayed trauma-related symptoms about Pletkus, and Dr. Borelli testified on cross-examination that her grave risk opinion exists regardless of whether prior sexual abuse could be conclusively proven.

Saletis’s argument has some bite because we have explained that the grave risk inquiry “is not whether the child had previously been harmed[,]” but “whether returning the child . . . would expose her to a grave risk of harm going forward.” *Gomez*, 812 F.3d at 1015. The problem for Saletis, however, is that the district court did not simply ignore Dr. Borelli’s prospective opinion. Instead, the district court acknowledged Dr. Borelli’s opinion and made record-supported reasons for assigning the opinion less weight.

risk cases when considering undertakings, including “cases in which the risk of harm is clearly grave, such as where there is *credible evidence of sexual abuse*, other similarly grave physical or psychological abuse, death threats, or serious neglect” (emphasis added)); *Galaviz v. Reyes*, 95 F.4th 246, 262 (5th Cir. 2024) (surveying caselaw to explain the “rigor of the clear and convincing standard in the sexual abuse context” and concluding a district court erred in applying the grave risk exception when “the only evidence of sexual abuse [was] the father’s testimony that he suspected sexual abuse”).

Additionally, the district court expressly acknowledged that Dr. Borelli's opinion "did not depend on a definitive determination that sexual abuse had occurred" but rather a combination of the alleged sexual abuse, historical record, and E.P.'s "present psychological condition [and] trauma-related symptoms [that Dr. Borelli] personally observed." Nevertheless, when considering Dr. Borelli's report and testimony, the district court identified several methodological shortcomings that undermined her opinion. For example, Dr. Borelli had no independent psychological data showing that Pletkus was a danger to E.P. She also did not interview Pletkus, relatives, or other witnesses whom Saletis said could corroborate the allegations. Nor could she exclude the possibility that Saletis's influence over E.P. affected her findings.¹⁰

The district court also explained that Dr. Borelli's early termination of the interview with E.P. significantly weakened her opinion. Specifically, the district court found that "[w]ithout such an interview, Dr. Borelli's opinions about the grave risk of psychological harm rest primarily on [Saletis's] allegations and the historical record." Thus, the district court contemplated Dr. Borelli's prospective opinion, found that it was undermined and significantly weakened, and concluded that the opinion ultimately relied on the historical evidence. And Dr. Borelli—like every Lithuanian

¹⁰ Dr. Borelli's inability to exclude caregiver influence is not an anomaly. As explained by the district court, the Lithuanian forensic examination (and other authorities) found E.P. was highly vulnerable to manipulation and that she tends to repeat expressions and mirror emotional stress.

authority—could neither confirm nor deny that Pletkus had sexually abused E.P.

Those findings were evidentiary determinations, not a misstatement of the governing legal standard. Ultimately, Dr. Borelli’s methodological shortcomings, along with the competing evidence in the record about the strong relationship between Pletkus and his daughter, led the district court to assign less weight to Dr. Borelli’s opinion than Saletis hoped for. But as the fact finder in the proceedings below, the district court was entitled to weigh the evidence in that way. *See Castle v. Sangamo Weston, Inc.*, 837 F.2d 1550, 1559 (11th Cir. 1988) (“Assessing the weight of evidence and credibility of witnesses is reserved for the trier of fact.”). Indeed, it is not for us to “reweigh the evidence and second guess the trial court’s credibility choices.” *Hockett v. United States*, 730 F.2d 709, 714 (11th Cir. 1984).¹¹

¹¹ In a few sentences, Saletis argues that Dr. Borelli’s early termination of the interview “was itself direct clinical evidence bearing on prospective harm.” Perhaps, but that is not how the district court viewed it. Although Saletis briefly takes issue with what the early termination means, she does not adequately challenge the district court’s evidentiary decision as clearly erroneous. She has therefore abandoned her challenge. *Sapuppo v. Allstate Floridian Ins.*, 739 F.3d 678, 681–82 (11th Cir. 2014). Indeed, Saletis repeatedly told us that she was asserting only a legal challenge on appeal, not an evidentiary one. Even so, because the district court’s view of the evidence is plausible, the district court did not clearly err. *See Brnovich v. Democratic Nat’l Comm.*, 594 U.S. 647, 687 (2021) (“If the district court’s view of the evidence is plausible in light of the entire record, an appellate court may not reverse even if it is convinced that it would have weighed the evidence differently in the first instance.”);

For similar reasons, we reject Saletis’s suggestion that the district court was bound to follow Dr. Borelli’s grave risk opinion because she was the only testifying expert and Pletkus “did not provide a competing psychological assessment” of E.P. from 2026. As explained by the district court, Dr. Borelli’s opinion was significantly weakened and undermined, and competing evidence in the record existed as to the relationship between Pletkus and his daughter. Further, the district court, acting as the fact finder, was under no obligation to accept Dr. Borelli’s expert opinion. *Eason v. Weaver*, 484 F.2d 459, 460 (5th Cir. 1973);¹² *Gregg v. U.S. Indus., Inc.*, 887 F.2d 1462, 1470 (11th Cir. 1989).

To be clear, the district court did not doubt that Saletis genuinely believed Pletkus sexually abused E.P., and despite its findings as to Dr. Borelli’s opinion, the district court was deeply concerned about her conclusion. As explained above, the district court assigned great weight to several pieces of evidence that undermined both the historical allegations of sexual abuse and the testimony that E.P. was anxious and afraid of Pletkus. Based on those findings, we conclude that the district court did not err in finding that Saletis failed to satisfy her burden of proving the grave risk exception by clear and convincing evidence. *See generally* *Fults v.*

Gomez, 812 F.3d at 1007–08 (explaining that the clearly erroneous standard is “highly deferential” (citation omitted)).

¹² In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), this Court adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.

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GDCP Warden, 764 F.3d 1311, 1314 (11th Cir. 2014) (“As we have interpreted ‘clear and convincing’ evidence, the standard calls for proof that a claim is ‘high[ly] probab[le].’” (alterations in original) (quoting *United States v. Owens*, 854 F.2d 432, 436 (11th Cir. 1988))). Having rejected the only exception at issue, the district court followed ICARA’s instruction to “promptly return[]” E.P. to Lithuania. *See* 22 U.S.C. § 9001(a)(4).

IV. CONCLUSION

For the reasons discussed above, we affirm the district court’s order granting Pletkus’s petition to return E.P. to Lithuania.

AFFIRMED.